



IN THE YOORROOK JUSTICE COMMISSION



EVIDENCE 12 OF ROBERT THORPE

bunjilfire@gmail.com



Friday 5 January 2024

1. **Responses** to Express Post Delivery of Evidence 10 on 20 December 2023 to Charles Windsor, Margaret Gardner, Jonathan Burke, Jacinta Allan, Ben Carroll, Natalie Hutchins, Matt Phelan, Jess Lindell, Declan McGonigle, Jeremi Moule, Jason Loos, Ruth Barson, Shen Narayanasamy, David McAuley and Matthew Hocking.
2. **Responses** to Email on 25 December 2023 to solicitors re resourcing the formulation of First Peoples Genocide And Ecocide Claim against **Windsors** (Russel Cohen, Farrer & Co solicitors), **UK** (Susanna McGibbon, Treasury Solicitor), **Victoria** (Matthew Hocking, Victorian Government Solicitor) and **Australia** (Matthew Blunn, Australian Government Solicitor).
3. Response by **Magistrates Court of Victoria Senior Registrar Dalton** on 29 December 2023 to genocide and ecocide prosecution against **Charles Windsor** by Robert Thorpe.
4. Genocide case against Israel in **International Court of Justice** lodged on 29 December 2023 by South Africa with first hearing on **11 and 12 January 2024**.
5. Oral hearing before Royal Commissioner Lovett at 10am on Tuesday 9 January 2024 of genocide and ecocide evidence of Robert Thorpe re ICC, ICJ and foreign national courts.

Delivered 19 pages to enquiries@yoorrook.org.au at 2pm on Monday 8 January 2024.



Submission Number <https://yoorrookjusticecommission.org.au/submissions-library/>

Evidence Number <https://yoorrookjusticecommission.org.au/evidence-library/>

NOTE A copy of this document is now online at the website <https://crimesceneaustralia.com/> in the file named <https://crimesceneaustralia.com/wp-content/uploads/12.-Evidence-12-of-Robert-Thorpe-to-Yoorrook-Justice-Commission-5.1.24.pdf> info@crimesceneaustralia.com

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Friday 5 January 2024

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* Resourcing the first ever big meeting of all First Peoples at Camp Sovereignty (formerly known as Government House) commencing on Friday 26 January 2024;

* Proclaiming the surrender of State of Victoria on 27 April 2023;

* Inviting all First Peoples to the Big Meeting on 26 January 2024; and

* Summoning all other residents to sign Admissions and PayTheRent. page 3

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6. Publication of Written submissions to Royal Commission (Yoorrook Justice Commission) of Evidence of Robert Thorpe each Friday since 20 October 2023— Evidence 1, Evidence 2, Evidence 3, Evidence 4, Evidence 5, Evidence 6, Evidence 7, Evidence 8, Evidence 9, Evidence 10, Evidence 11, Evidence 12.

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**Express post proofs reproduced at pages 4-37,
Evidence 11, Friday 29 December 2023.**

Blank page— i.e. no responses received from any of them!

Do they know how maddening it is to be ignored?

That old colonial trick— ignore them, then divide and rule!

2.

Responses

to Email on 25 December 2023 to solicitors

re resourcing the formulation of First Peoples Genocide And Ecocide Claim against

(i) **Windsors** (Russel Cohen, Farrer & Co solicitors),

(ii) **UK** (Susanna McGibbon, Treasury Solicitor),

(iii) **Victoria** (Matthew Hocking, Victorian Government Solicitor) and

(iv) **Australia** (Matthew Blunn, Australian Government Solicitor).

From: **COHEN, Russell** <Russell.Cohen@farrer.co.uk>

Date: Wed, 27 Dec 2023, 10:21 pm

Subject: Automatic reply: [EXTERNAL] Fwd: Email

To: Robbie Thorpe <bunjilfire@gmail.com>

I am now on holiday, returning 2 January.

I will have occasional access to emails whilst away.

With season's greetings

Russell

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3. Response by **Magistrates Court of Victoria Senior Registrar Matt Dalton** on 29 December 2023 to genocide and ecocide prosecution against **Charles Windsor** by Robert Thorpe.

From: **CSV-MMC-CUSTOMER ASSISTANCE UNIT (CSV)**
<customerassistance@courts.vic.gov.au>

Date: Fri, 29 Dec 2023, 11:59 am

Subject: RE: Application to Chief Magistrate -- and Deputies -- for filing and listing, Thorpe V Windsor 20.10.23

To: Robbie Thorpe <bunjilfire@gmail.com>

Dear Mr Thorpe,

The court has received your documents in the form of a charge- sheet and summons. You have requested that the court issue the proceeding.

The proper source of law has not been particularised and the proposed accused may be misled or otherwise prejudiced by this omission.

In the circumstances the issue of the proceeding would be an abuse of process and therefore the proceeding is returned unissued.

Regards,

Matt Dalton
Senior Registrar
Melbourne Magistrates Court



P: (03) 9628 7777
A: Level 2/233 William St, Melbourne 3000

From: Robbie Thorpe <bunjilfire@gmail.com>
Sent: Friday, 20 October 2023 2:58 PM
To: CSV-MMC-CUSTOMER ASSISTANCE UNIT (CSV) <customerassistance@magistratescourt.vic.gov.au>
Cc: info@crimesceneaustralia.com
Subject: Application to Chief Magistrate -- and Deputies -- for filing and listing, Thorpe V Windsor 20.10.23

Enclosed one [PDF file](#) sent to customerassistance@magistratescourt.vic.gov.au

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4. Genocide case against Israel in International Court of Justice lodged on 29 December 2023 by South Africa with first hearing on **11 and 12 January 2024**.

<https://www.icj-cij.org/sites/default/files/case-related/192/192-20240103-pre-01-00-en.pdf>



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

[Website](#) [X](#) [YouTube](#) [LinkedIn](#)

Press Release

Unofficial

No. 2024/1

3 January 2024

Proceedings instituted by South Africa against Israel on 29 December 2023

Request for the indication of provisional measures

Public hearings to be held on Thursday 11 and Friday 12 January 2024

THE HAGUE, 3 January 2024. On Thursday 11 and Friday 12 January 2024, the International Court of Justice will hold public hearings at the Peace Palace in The Hague, the seat of the Court, in the proceedings instituted by South Africa against Israel on 29 December 2023.

It is recalled that South Africa filed an [Application instituting proceedings](#) against Israel concerning alleged violations by Israel of its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide (the “Genocide Convention”) in relation to Palestinians in the Gaza Strip (see press release [2023/77](#)).

The hearings will be devoted to the [Request for the indication of provisional measures](#) contained in South Africa’s Application. In its Request, South Africa asks the Court to indicate provisional measures in order to “protect against further, severe and irreparable harm to the rights of the Palestinian people under the Genocide Convention” and “to ensure Israel’s compliance with its obligations under the Genocide Convention not to engage in genocide, and to prevent and to punish genocide”.

Schedule for the hearings

Thursday 11 January 2024 10 a.m.-12 noon.: Oral argument (South Africa)

Friday 12 January 2024 10 a.m.-12 noon.: Oral argument (Israel)

<https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf>

APPLICATION INSTITUTING PROCEEDINGS

To the Registrar of the International Court of Justice, the undersigned, being duly authorised by the Government of the Republic of South Africa, state as follows:

In accordance with Articles 36 (1) and 40 of the Statute of the Court and Article 38 of the Rules of Court, I have the honour to submit this Application instituting proceedings in the name of the Republic of South Africa (“South Africa”) against the State of Israel (“Israel”). Pursuant to Article 41 of the Statute, the Application includes a request that the Court indicate provisional measures to protect the rights invoked herein from imminent and irreparable loss.

I. INTRODUCTION

1. This Application concerns acts threatened, adopted, condoned, taken and being taken by the Government and military of the State of Israel against the Palestinian people, a distinct national, racial and ethnic group, in the wake of the attacks in Israel on 7 October 2023. South Africa unequivocally condemns all violations of international law by all parties, including the direct targeting of Israeli civilians and other nationals and hostage-taking by Hamas and other Palestinian armed groups. No armed attack on a State’s territory no matter how serious — even an attack involving atrocity crimes — can, however, provide any possible justification for, or defence to, breaches of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (‘Genocide Convention’ or ‘Convention’),¹ whether as a matter of law or morality. The acts and omissions by Israel complained of by South Africa are genocidal in character because they are intended to bring about the destruction of a substantial part of the Palestinian national, racial and ethnic group, that being the part of the Palestinian group in the Gaza Strip (‘Palestinians in Gaza’). The acts in question include killing Palestinians in Gaza, causing them serious bodily and mental harm, and inflicting on them conditions of life calculated to bring about their physical destruction. The acts are all attributable to Israel, which has failed to prevent genocide and is committing genocide in manifest violation of the Genocide Convention, and which has also violated and is continuing to violate its other fundamental obligations under the Genocide Convention, including by failing to prevent or punish the direct and public incitement to genocide by senior Israeli officials and others.

2. In preparing this Application, South Africa has paid close attention to the provisions of the Genocide Convention, to its interpretation, and to its application in the years following its entry into force on 12 January 1951, as well as to the jurisprudence of this Court and that of other international courts and tribunals, including the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Criminal Court. South Africa is highly cognisant of the fact that acts of genocide are distinct from other violations of international law sanctioned or perpetrated by the Israeli government and military in Gaza — including intentionally directing attacks against the civilian population, civilian objects and buildings dedicated to religion, education, art, science, historic monuments, hospitals, and places where the sick and wounded are collected; torture; the starvation of civilians as a method of warfare; and other war crimes and crimes against humanity — though there is often a close connection between all such acts. South Africa is also aware that acts of genocide inevitably form part of a continuum — as Raphaël Lemkin who coined the

Israel's compliance with its obligations under the Genocide Convention not to engage in genocide, and to prevent and to punish genocide, as well as to uphold and reaffirm the rights and obligations of South Africa to prevent genocide, and to protect Palestinians in Gaza from destruction. The last three provisional measures requested are aimed at protecting the integrity of the proceedings before the Court and South Africa's right to have its claim fairly adjudicated, including by ensuring the preservation of evidence.

146. South Africa respectfully requests that this request for provisional measures be considered urgently, at the Court's earliest possible opportunity, including the scheduling of a hearing in person or remotely by video link in the week of 1 January 2024.

147. South Africa reserves its right to request additional provisional measures to prevent irreparable harm to the rights at issue in this case, and/or to prevent further aggravation of the dispute between the Parties, should they become necessary, during the course of these proceedings.

VII. RESERVATION OF RIGHTS

148. South Africa reserves the right to revise, supplement or amend the terms of this Application, as well as the grounds invoked.

VIII. APPOINTMENT OF AGENT

149. South Africa has designated as its Agent His Excellency Ambassador Vusimuzi Philemon Madonsela, Ambassador Extraordinary and Plenipotentiary of the Republic of South Africa to the Kingdom of the Netherlands.

150. Pursuant to Article 40, paragraph 1, of the Rules of Court, all communications relating to this case should be sent to:

Embassy of the Republic of South Africa
40 Wassenaarseweg
2596 CJ
The Hague
The Netherlands

151. I have the honour to assure the Court of my highest esteem and consideration.

A handwritten signature in black ink, appearing to be 'Vusimuzi Philemon Madonsela', with the date '28/12/2023' written below it.

The Hague,
(Signed)

<https://www.bostonreview.net/articles/false-messiahs/>

How Zionism's dreams of liberation became entangled with colonialism.

Barnett R. Rubin is Distinguished Fellow at the Stimson Center and Non-Resident Senior Fellow at NYU's Center on International Cooperation. His books include *Afghanistan from the Cold War through the War on Terror*.

... Winston Churchill, in his 1937 testimony to the Peel Commission appointed by London to make recommendations on Palestine... "**I do not admit**, for instance, that **a great wrong** has been done to the Red Indians of America, or **the black people of Australia**." ...

This was the moment that Zionism became a partner of British colonialism, even as the partnership inevitably frayed. Neither the British nor the Zionist movement considered the views of the people who lived in Palestine, 96 percent of them Arab. By Herzl's own account in his diary, he did not speak to a single Arab during his 1898 visit to Palestine.

As historian Rashid Khalidi documents in *The Hundred Years' War on Palestine* (2020), Balfour wrote in a 1919 memo to the British cabinet that "in Palestine we do not propose even to go through the form of consulting the wishes of the present inhabitants of the country. . . . Zionism, be it right or wrong, good or bad, is rooted in age-long traditions, in present needs, in future hopes, of far profounder import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land." Winston Churchill, in his 1937 testimony to the Peel Commission appointed by London to make recommendations on Palestine, was more emphatic:

I do not admit that the dog in the manger has the final right to the manger even though he may have lain there for a very long time. I do not admit that right. I do not admit, for instance, that a great wrong has been done to the Red Indians of America, or the black people of Australia. I do not admit that a wrong has been done to those people by the fact that a stronger race, a higher grade race, or, at any rate, a more worldly-wise race, to put it that way, has come in and taken their place.

<https://www.theguardian.com/world/2023/dec/29/south-africa-accuses-israel-of-committing-genocide-in-gaza>

...

Article IX of the Genocide Convention allows any state party to the convention to bring a case against another to the ICJ, even if it doesn't have any direct link to the conflict in question. Last year, the [court ruled that the Gambia](#) could bring a genocide claim against Myanmar. The court also ruled in a case between Croatia and Serbia that depriving a people of food, shelter, medical care and other means of subsistence constitutes genocidal acts.

“Genocidal intent is assumed to be the most difficult element to prove, but Israelis in charge of prosecuting this conflict have made a plethora of statements that easily prove the requisite intent to ‘destroy in whole or in part’ the Palestinian population in Gaza,” said Susan Akram, director of the international human rights clinic at Boston University.

...

“The ICJ’s provisional measures are legally binding but enforceability is always the problem,” Victor Kattan, assistant professor in public international law at the University of Nottingham, said. “Ultimately, enforcement always returns to the political organs of the UN and they are paralysed. But it’s still symbolic and it’s embarrassing, I’d imagine, for Israel to be facing a genocide claim, given its history.”

...

“I think it is fair to say that a lot of states now use appeals to the ICJ as part of their battles to control global narratives around wars and crises,” said Richard Gowan, UN director at the International Crisis Group. “Turning to the court and using the word ‘genocide’ is a powerful way to shape international debates about a conflict. But it is notable that the court has sadly failed to halt violence in Myanmar or Ukraine. There is a risk that the ICJ becomes just another platform for public diplomatic disputes and name-calling similar to the UN general assembly.”

See also ICC arrest warrant for Netanyahu etc <https://www.aljazeera.com/news/2023/11/9/three-rights-groups-file-icc-lawsuit-against-israel-over-gaza-genocide> and case in USA national court against Biden etc for complicity <https://ccrjustice.org/home/what-we-do/our-cases/defense-children-international-palestine-v-biden>

<https://www.theguardian.com/world/2024/jan/04/stakes-high-as-south-africa-brings-claim-of-genocidal-intent-against-israel>

Crack legal teams are being assembled, countries are issuing statements in support of South Africa, and Israel has said it will defend itself in court, reversing a decades-old policy of boycotting the UN's top court and its 15 elected judges.

... First, it should be said that although the South African claim to the ICJ seemed to come out of the blue on 29 December, it is not something its lawyers cobbled together while wrapping up Christmas presents.

It is a substantive, tightly argued 80-page claim, replete with detailed references to senior UN officials and reports, which only rarely strays from its chief necessary purpose of seeking to prove Israel's genocidal intent. The lawyers South Africa is sending to The Hague are its best. Much of South Africa's argument is derived from the ICJ judgment on provisional measures it issued in the *Gambia v Myanmar* case in 2020.

<https://www.canberratimes.com.au/story/8475875/australia-urged-to-support-genocide-case-against-israel/>

... Australia has previously issued a statement of support for Ukraine's case against Russia in the court after its invasion, and the Australia Palestine Advocacy Network wants the federal government to do the same for Gaza...

The Department of Foreign Affairs and Trade said it was aware of the proceedings but that it was not appropriate to comment on matters before the court...

The Genocide Convention outlaws attempts to destroy a people in whole or in part.

While the ICJ is considered the UN's highest court, its rulings are sometimes ignored, including by Russia after it ordered Moscow to immediately halt its military campaign in Ukraine in March 2022.

<https://abcnews.go.com/International/wireStory/south-africas-genocide-case-israel-sets-high-stakes-106055104>

... Israel could challenge the jurisdiction and seek to have the case thrown out before lawyers start arguing. Other countries that have signed the genocide convention could also apply to make submissions.

Two other genocide cases are on the busy court's docket. The case filed by Ukraine shortly after Russia's invasion accuses Moscow of launching the military operation based on trumped-up claims of genocide and accuses Russia of planning acts of genocide in Ukraine.

Another ongoing case involves Gambia — acting on behalf of Muslim nations — accusing Myanmar of genocide against the Rohingya Muslim minority.

In a past case brought by Bosnia, the court in 2007 ruled that Serbia “violated the obligation to prevent genocide ... in respect of the genocide that occurred in Srebrenica in July 1995.” The court declined to order Serbia to pay compensation

5. Oral hearing before Royal Commissioner Lovett at 10am on Tuesday 9 January 2024 of genocide and ecocide evidence of Robert Thorpe re ICC, ICJ and foreign national courts.

[see Statement on behalf of Mr Thorpe submitted by Lotjpa Independent Legal Service on Friday 5 January 2024].

Yoorrook should call those named so far in Evidence 1-12 of Robbie Thorpe to the Commission to justify the jurisdiction claimed by Victoria, Australia, the UK and the King as set out in the material— counsel assisting should put to witnesses that the sole basis for such jurisdiction is genocide and other war crimes of aggression and thus any claims to occupy our lands and usurp our law are null and void.

The integrity bodies should also be called to explain why they continue to minimise and dismiss the claims of corruption and racial discrimination involved in the genocidal theft of our lands and usurpation of our law.

The Chief Magistrate should be called to explain the refusal to prosecute Charles Windsor for genocide even though what they call “genocide” has always been against our law as well as now being against the common law in every jurisdiction.

The Chief Justice of Australia should explain the High Courts refusal to even issue legal proceedings to hear cases based on our genocide and our unceded sovereignty.

Embassies here should explain what action their governments and courts intend to take to prevent the continuing genocidal denial of our sovereignty and the ecocide of country.

Will South Africa or Caribbean nations take Australia to International Court of Justice? Or take the Windsors and Co to the International Criminal Court.

See for example <https://www.theguardian.com/world/2023/dec/26/the-guardian-view-on-the-caribbean-the-island-shaped-arguments-about-historical-injustice>

Why will Premier Allan and associates not even resource the first ever big meeting of all First Peoples in “Victoria” so that we can heal with ceremony and processes to work out together how we can go forward caring for country and each other? Summons each of them for explanations and further probing of answers. Intent to destroy our sovereignty?

Why will the solicitors for the Windsors, the UK , Victoria and Australia not even resource us to get a crack legal team to prepare our claim for genocide and ecocide? Summons them to explain and further probe their explanations. Its part of the genocidal intent?

6. Publication of Written Submissions to Royal Commission (Yoorrook Justice Commission) of Evidence of Robert Thorpe each Friday since 20 October 2023 to 5 January 2024— Evidence 1, Evidence 2, Evidence 3, Evidence 4, Evidence 5, Evidence 6, Evidence 7, Evidence 8, Evidence 9, Evidence 10, Evidence 11, Evidence 12.19

[See lists of contents of each Evidence reproduced at end of Evidence 9, 10 and 11.]