

AT ..... CROWN COURT

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INDICTMENT

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**THE QUEEN -v- THERESA MARY MAY and MICHAEL CATHEL FALLON  
and THE OFFICES OF SECRETARY OF STATE FOR THE DEFENCE AND  
PRIME MINISTER are**

**charged as follows:**

Count 1

STATEMENT OF OFFENCE

Conspiracy to commit a war crime, contrary to section 51(1) of the International Criminal Court Act 2001 and section 1 of the Criminal Law Act 1977.

PARTICULARS OF OFFENCE

THERESA MARY MAY and MICHAEL CATHEL FALLON and other persons between the 15<sup>th</sup> day of July 2014 and February 2017 conspired together and with other persons to commit the war crime of excessive incidental death, injury, or damage by continuing and/or agreeing a policy to maintain the capability to launch a nuclear attack on targets in and around Moscow (the 'Moscow Criterion') and an agreement to launch such an attack under certain conditions, knowing that such an attack would cause incidental death or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment and that such death, injury or damage would be of such an extent as to be clearly excessive in relation to the concrete and direct overall military advantage anticipated.

Count 2

## STATEMENT OF OFFENCE

Conspiracy to commit a war crime, contrary to section 51(1) of the International Criminal Court Act 2001 and section 1 of the Criminal Law Act 1977.

## PARTICULARS OF OFFENCE

The Secretary of State for the Defence and the Prime Minister and other persons between 1993 and February 2017 conspired together and with other persons to commit the war crime of excessive incidental death, injury, or damage by continuing and/or agreeing a policy to maintain the capability to launch a nuclear attack on targets in and around Moscow (the 'Moscow Criterion') and an agreement to launch such an attack under certain conditions, knowing that such an attack would cause incidental death or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment and that such death, injury or damage would be of such an extent as to be clearly excessive in relation to the concrete and direct overall military advantage anticipated.