



IN THE YOORROOK JUSTICE COMMISSION



**EVIDENCE OF ROBERT THORPE**



Friday 20 October 2023

**Prosecution of Charles Windsor for genocide and ecocide.**

[info@crimesceneaustralia.com](mailto:info@crimesceneaustralia.com)

<https://crimesceneaustralia.com/>

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*Delivered to [enquiries@yoorrook.org.au](mailto:enquiries@yoorrook.org.au) at 11am on Friday 20 October 2023.*



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

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

IN THE YOORROOK JUSTICE COMMISSION  
AT MELBOURNE

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Robert Thorpe  
Informant

v

Charles Windsor  
Accused

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EVIDENCE OF ROBERT THORPE, Friday 20 October 2023

1. I am Djuran Bunjilinee, Law under Bunjil, Law under Booran

2. I am also the named informant, Robert Thorpe, on the charge sheet and summons filed in the Magistrates Court of Victoria at Melbourne on Friday 20 October 2023.

CHARGE SHEET AND SUMMONS

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3. The charge sheet names **Charles Phillip Arthur George Windsor** and charges him with

**continuing acts of genocide**

including  
attempted genocide,  
incitement to genocide,  
conspiring to commit genocide and  
complicity in genocide

**against First Peoples**

from

28 September 2022 to Friday 20 October 2023

and



ongoing thereafter until such date as he is apprehended and taken into custody

or until such date as he provides a document signed by Kerri Judd KC, Director of Public Prosecutions, and witnessed by Jaclyn Symes, Attorney-General of Victoria, certifying

- (i) that he has ceased any and all conduct the subject of these charges; and further
- (ii) that he has given to the said high office-holders of the State of Victoria a solemn undertaking, witnessed by Margaret Gardner, Governor of Victoria, that upon pain of immediate incarceration he will not further engage in any conduct the subject of these charges.

[Genocide Prosecutions Form 1, Cessation and Undertaking, attached at pages 16 & 31].

4. Mr Windsor is accused in the charge sheet that he, both singly and with his associates, has committed, is continuing to commit and will, unless forcibly restrained (by immediate imprisonment (or their own solemn undertaking, any breach of which will result in immediate imprisonment) continue to commit genocide by

**killing First Peoples**

**causing serious bodily or mental harm** to First Peoples

**deliberately inflicting conditions of life calculated to bring about the physical destruction** of First Peoples **in whole or in part**

**imposing measures intended to prevent births** of First Peoples

**forcibly transferring children** of First Peoples

5. These charges are laid under

- (i) the Laws of Our Lands for over 65,000 years; and
- (ii) the common law of the State of Victoria; and
- (iii) Division 268 of the Criminal Code 1995 of the Commonwealth of Australia.

6. Mr Windsor is further charged with committing two additional crimes:

**cultural genocide**

and

**ecocide**



and these two charges are laid under both the Laws of Our Lands for over 65,000 years and the evolving common law of the State of Victoria.

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[Copy of Charge Sheet and Summons attached at pages 24 through 39].

## THE FACTS

7. In addition to other depositions and documents to be provided in the hand-up brief at the committal hearing, much of the facts and evidence of historic and ongoing genocide against First Peoples since the Undeclared War Of Invasion by the accused's family and associates (committing War Crimes in an attempted occupation of Our Lands and attempted usurpation of Our Laws) will be set out in the reports of this current royal commission.

8. This commission is an independent-ish inquiry of the State of Victoria into historic and ongoing systemic injustice experienced by First Peoples in Victoria since colonisation for the State of Victoria. The Commissions first two reports have been tabled in the Parliament of Victoria:

- (i) Yoorrook with purpose: tabled on 4 July and 2 August, 2022.

<https://yoorrookjusticecommission.org.au/wp-content/uploads/2022/06/Yoorrook-Justice-Commission-Interim-Report.pdf>

- (ii). Yoorrook for Justice: tabled on 4 September and 3 October 2023.  
(Note the section with the title "Past is Present").

<https://new.parliament.vic.gov.au/4a7cfa/globalassets/taled-paper-documents/taled-paper-7455/yoorrook-for-justice-report-into-victorias-child-protection-and-criminal-justice-systems.pdf>

- 9. The Commission has commenced its inquiry into land, sky and waters as the next part of the truth telling process in Victoria. Issues Papers on health, housing and education will be released for public submissions over the next few months. The reports and recommendations will be relied upon by the prosecution and many witnesses will be called.

10. The Commission's Issues Paper released on Monday 16 October inviting individuals and organisations to make submissions relating to land, sky and waters by 17 November 2023 states:

"First Peoples have never ceded their sovereignty to their land. For thousands of generations, sovereign First Peoples governed themselves. They managed traditional lands according to their law and lore, cultural knowledge, practices and customs. These knowledges and practices were passed down through generations and encompassed



holistic and interconnected relationships and obligations between each First People and their country. Colonisation disrupted these connections through violence and the taking of land and destroyed their systems of governance. The attempted destruction of culture, language, and the deliberate and forced removal of people from their own country followed.”

<https://yoorrookjusticecommission.org.au/wp-content/uploads/2023/09/Yoorrook-Issues-Paper-Land-Injustice.pdf>

#### CRIME KINGS HAVE NO IMMUNITY

- 11. Article V off the genocide convention states “Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are **constitutionally responsible rulers**, public officials or private individuals”.

12. See for example “The failure to halt, prevent or punish: the doctrine of command responsibility for war crimes” (2000) by Monash University Law School Professor Dr Andrew Mitchell (Harvard, Cambridge). Excerpt below, paragraph numbered

13. On 27 March 2023 the International Criminal Court Pre-Trial Chamber II issued an arrest warrant for the President of the Russian Federation, Mr V Putin:

<https://www.icc-cpi.int/situations/ukraine>.

14. See also the statement by Prosecutor Karim Khan KC:

- <https://www.icc-cpi.int/news/statement-prosecutor-karim-khan-kc-issuance-arrest-warrants-against-president-vladimir-putin>

15. Heads of State can lawfully be charged with genocide. Mr Windsor purports to be “His Majesty, Charles The Third, By The Grace Of God, Defender Of The Faith, King Of Australia And His Other Realms And Territories, Head of the Commonwealth, currently reigning through an unbroken line of title at all relevant times:

<https://www.royal.uk/kings-and-queens-1066> :

- 1720 George 2
- 1760 George 3
- 1820 George 4
- 1830 William 4
- 1837 Victoria
- 1901 Edward 7
- 1910 George 5
- 1936 Edward 8
- 1936 George 6
- 1952 Elizabeth 2
- 2022 Charles 3
- 20?? William 5

## “INTENT TO DESTROY” SHOWN BY WINDSOR’S DENIAL OF OUR SOVEREIGNTY

16. The elements of the crime of genocide are set out by the International Criminal Court: “Existence of intent and knowledge can be inferred from relevant facts and circumstances.” (paragraph 3, page 1 <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>). Australian courts are routinely familiar with the law on intention, attempt, complicity and conspiracy.

## OUR OWN LAW/LORE OF GENOCIDE AND ECOCIDE

17. Our Laws on Country have always prevented and prohibited and punished (including the punishment of exile) the conduct set out in the paragraph numbered 4 above. This is literally the Law Of The Land— always was, always will be. How could it ever have been otherwise. More than 300 mobs/language-groups being sovereign in their own country and wise, mature, generous, loving and sophisticated enough to develop a culture that observed how all creatures lands and time itself coexisted in brilliant harmony.

18. Our Laws on Country included what is now called “cultural genocide” and “ecocide”.

## COMMON LAW OF GENOCIDE

19. The law reports of the judges of the common law of the Kingdom of England and the Colony of Victoria and the State of Victoria show that those three entities (Kingdom, Colony and State) have always purported (but only “purported”— the reality was very different for First Peoples here) to prevent, prohibit and punish murder in any and all of its grave and grisly forms— be they massacres, poisonings, torture both physical and mental, theft of children, sterilisation, forced abortions, and the general raping, pillaging, desecrating and laying waste countryside and imposing conditions of life that are literally murderous.

20. Just like the twin genocidal lies of terra nulls and sovereignty nullius, some perpetrators have asserted the third and equally bullshit proposition that the acts now known as genocide were not illegal and thus not criminal in earlier colonial times.

21. This is demonstrably untrue and evidence both historical and legal will be adduced at the committal hearing and in the hand-up brief to demolish this evil trio of excuses for what has occurred on country— one of the longest, most sustained brutal inhuman and unforgiving holocausts in the entire history of the whole world.

22. In any event, it is now undeniable that on the 20th day of October in the year 2023 the common law now includes the codification of genocide set out in the Genocide Convention as agreed and approved on 9 December 1948 at the General Assembly of United Nations in Paris and promulgated everywhere ever since.

22. We will ask the Court to revisit earlier cases from around the turn of this century (1990s—2000s) and to hold that, certainly since the Rome Statute of the International

Criminal Court entered into force on 28 June 2002, the genocide convention has been part of the common law of the State of Victoria.

23. We will ask the Court to go back further and hold that at the enactment of specific legislation by the Commonwealth Of Australia in 1949, the Genocide Convention Act, the Convention on the Prevention and Punishment of the Crime of Genocide set out in the Act, became part of the underlying unalterable law within the jurisdiction claimed by the Commonwealth of Australia including and especially the State of Victoria— location of such an unrelenting and continuous genocide of generations of First People.

24. We will also submit that, given the horrors First People had clearly and uncontrovertibly suffered at the hands and guns etc of the the non-Indigenous invaders and given that First Peoples were the only ones who had actually been the victims of genocide, the State had a fiduciary obligation to prevent and punish genocide against First Peoples —whether or not the same protection could be extended to the non-Indigenous invaders at that time (many if not most of whom were busy doing the genociding against First Peoples).

25. But perhaps the Court will hold that it was not until say 5 July 2022 that the common law included the Genocide Convention.

26. July 2022 is a key date in the continuing genocide convention proceedings in the International Court of Justice (ICJ Case Number 182) of Ukraine v Russian Federation. At the invitation of the ICJ, 31 UN Member States intervened— including Australia—to confirm that every nation has a duty to investigate evidence and assess the risk of genocide:

- (i) Australia’s oral submissions 20 September 2023 (verbatim record 2023/15) <https://www.icj-cij.org/sites/default/files/case-related/182/182-20230920-ora-01-00-bi.pdf> and
- (ii) earlier written submissions called “observations” on 5 July 2022 <https://www.icj-cij.org/sites/default/files/case-related/182/182-20230705-wri-19-00-en.pdf>
- (iii) case overview <https://www.icj-cij.org/case/182>

27. If July 2022 be the date, then the history of genocide-like or genocide-identical conduct by the previous monarchs goes to several other matters in the case— for example, the undisputed fact of generations of genocide may make the 2022-3 cohort of First Peoples especially vulnerable to mental harm by Windsor’s actions and inactions (like continuing to deny First Peoples Sovereignty —or, saying it another way, failing to acknowledge and admit that First Peoples Sovereignty has never been ceded).

28. Another example is that Windsor can not seriously maintain that he had no intention to destroy First Peoples in whole or in part when, as a competent King-in-Waiting for years and then finally as competent King, he would have been well aware of the “historic” genocide against First Peoples here and yet did nothing.

29. Windsor neither recognised Our Sovereignty nor declared an end to the long long war on First Peoples since his crime-family’s attempted invasion and attempted occupation of Our Lands and attempted usurpation of Our Laws.



30. Windsor's conduct is what Professor Mitchell describes as "a form of complicity through omission":

## *Failure to Halt, Prevent or Punish: The Doctrine of Command Responsibility for War Crimes*

ANDREW D MITCHELL\*

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### *1. Introduction*

The War Crimes Trials held immediately after the conclusion of World War II marked a clear recognition by the international community that all members of the chain of command who participate or acquiesce in war crimes must bear individual criminal responsibility. A critical aspect of this individual criminal responsibility is the doctrine of criminal culpability under international law, known as command responsibility. Under this doctrine, superiors can incur criminal liability for war crimes committed by their subordinates if they fail to exercise sufficient control over those subordinates.<sup>1</sup> As criminal responsibility under this doctrine arises from a failure to control or punish subordinates, it is a form of complicity through omission.<sup>2</sup>

The purpose of the doctrine of command responsibility is to encourage leaders to control their subordinates and to establish objective standards of diligence.<sup>3</sup> Its significance is that large-scale atrocities during wartime typically involve an organisational hierarchy based on a chain of command. While the superior may be physically distanced from the illegal act of the subordinate, the superior may nevertheless be the most morally culpable for the ultimate atrocities that are committed. This notion becomes more controversial where the superior did not order that criminal acts be committed or even prohibited them from being committed. Despite its significance, the jurisprudence surrounding command responsibility is limited, and important aspects of the doctrine remain unsettled.

This article begins by examining the structure and foundations of the doctrine of command responsibility including its rationale, early origins, and how it is distinguished from the defence of superior orders. The article goes on to consider

## COMMON LAW OF CULTURAL GENOCIDE AND ECOCIDE

31. The idea that there is an area of judge-made law outside of statute law has always been part of the imposed English legal system. The doctrine is that this "common law" is overruled to the extent it is inconsistent with legislation of the Parliament.

32. However since 27 April 2023, the State of Victoria has admitted that First People's Sovereignty was never ceded and thus First Peoples Sovereignty is restored as the true Law Of The Land (as set out in the attached letter to the Governor and Premier at pages 14-15) and has paramountcy over Acts of Parliament where they are inconsistent with Our Law. Pending negotiations of a peace treaty, the interim arrangement is that the status quo continues except where clearly inconsistent with Our Law.

33. As stated above in the paragraph numbered 17, Our Laws on Country included what is now called "cultural genocide" and "ecocide" and the judges of the State of Victoria are bound to recognise this Lore and apply it in Victoria on a case by case basis in the common law tradition of the non-Owners. The court can look to the UN Declaration on the Rights of Indigenous People for a longstanding and internationally agreed set of principles for guidance.



## STATUTORY LAW OF GENOCIDE

34. For the past 20 years Division 268 of the Criminal Code Act of the Commonwealth of Australia has purported to punish genocide by life imprisonment:

- (i) Section 268.3 Genocide by killing.
- (ii) Section 268.4 Genocide by causing serious bodily or mental harm.
- (iii) Section 268.5 Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction.
- (iv) Section 268.6 Genocide by imposing measures intended to prevent births.
- (v) Section 268.7. Genocide by forcibly transferring children.

35. Sounds promising? But unfortunately this legislation has proven completely ineffective in protecting First Peoples against genocide by government officials because proceedings can only be commenced by the Attorney-General of Australia, whose government has at all times denied, and continues to deny, the Sovereignty of First Peoples.

36. If the government were serious about preventing genocide in line with its obligations under the genocide convention, then any person should be able to make a charge of genocide in the nearest local court.

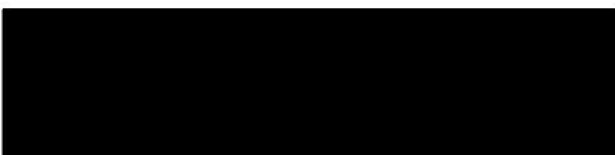
37. As with any criminal charge, there is a whole procedure that is triggered by the filing of a charge. This procedural law includes protections for the accused and management of so-called vexatious proceedings.

38. But as things stand, if the (non-Indigenous) Attorney-General says there is no genocide occurring against First Peoples then there just isn't, ok. Makes it kinda hard for First Peoples to charge the Attorney-General with genocide against First Peoples by denying Our Sovereignty.

39. Unfortunately the High Court of the Commonwealth of Australia has proven as ineffective as the government in using its Constitutional powers as the third arm of government (along with the legislature and the executive) to prevent genocide.

40. As recently as last week, the former Chief Justice (who retired on Monday of this week, 16 October) refused to issue injunction proceedings alleging genocide by the Commonwealth of Australia because such allegations are "vexatious and an abuse of process". That was the very week when the Prime Minister was urging Australians to listen to First Peoples by voting for a Voice to Parliament— what irony that this genocide case couldn't even get a HEARING for First People's evidence and legal arguments in the highest court in the land.

41. Given the shocking genocidal history of "Australia", every allegation of genocide by First Peoples must be taken seriously and at least given a hearing.



## POST-WINDSOR ERA

46. In Victoria, now that our Sovereignty has been officially recognised, acknowledged and admitted by the State for the past 6 months (commencing from 27 April 2023), there is a unique opportunity for Victorian courts to accept for filing and listing for a committal hearing charges under Our Sovereign Law as well as under the common law of the State of Victoria in a post-Windsor era.

47. If Victorian courts do genuinely intend to change as set out in the statement by the Chair of Council of Courts on the day the second Commission report was filed— see declaration of Chief Justice Ferguson on 4 September 2023 <https://www.supremecourt.vic.gov.au/news/statement-from-the-chief-justice-yoorook-for-justice-report#:~:text=We%20acknowledge%20all%20First%20Peoples,important%20process%20of%20truth%20telling.> — then they could start with accepting the Windsor Charge Sheet and Summons and calmly process the case to a committal hearing under the Criminal Procedure Act and the Magistrates Court Act.

47a. Given that the State of Victoria has admitted Our Sovereignty was never ceded, the State may also admit that genocide is “a crime known to the law” in Victoria— known to both Our Sovereign Law and the post-Windsor era common law in Victoria just as murder is.

48. Windsor himself may not challenge whether genocide is a crime in Victoria but instead argue that he can not be inferred to have the “intent to destroy”. Or he may plead guilty at the earliest opportunity. If he also personally admitted that Our Law was the only true Law in this jurisdiction such truth-telling would be taken into account in sentencing.

49. At some point the Attorney-General of the Commonwealth of Australia may decide to “authorise” this prosecution as well— or he may challenge this prosecution by intervening in the Magistrates Court listing or County Court committal or by removing it to the High Court.

50. This would be a case in which the High Court would have to deal with the question of whether you can get jurisdiction by genocide, and whether a jurisdiction stolen by genocide is so tainted that only through Peace Treaties with Sovereign First Peoples can entities like “the Commonwealth of Australia” or “the State of Victoria” have any residual legitimacy.

51. In such a test case, First Peoples would apply to intervene to present evidence and submissions and the truth about the non-Indigenous conspiracy to steal our Lands and Laws so long excluded from the injustice system.

52. Perhaps the ICC Prosecutor might apply to intervene.

53. Perhaps UN Member States might apply to intervene on the basis that they intend to commence proceedings against Australia in the ICJ.

54. This would be a timely and useful legal journey for non-Indigenous Australians.

55. We who have been silenced for so long by the Courts might finally be heard and more than heard, might be vindicated at last. And the noisy tricksters, the I'm-not-racists, might fall silent at last.

#### REQUEST FOR ASSISTANCE FROM YOORROOK

56. We will continue to provide weekly updates to this Royal Commission on developments in the genocide prosecution of Mr Windsor in the Magistrates Court (which may give rise to related legal proceedings in the Supreme Court of Victoria and eventually the High Court of Australia).

57. We ask the Commissioners to note that this case is demonstrating "continuing systemic injustice experienced by First Peoples in Victoria" in real time right before our eyes.

58. We ask the Commissioners to consider this process part of our ongoing Evidence and Submission to this Royal Commission.

59. We ask for the following assistance in preparing and making this ongoing Submission and in presenting our Evidence:

- (i) Assistance with free independent legal advice and representation. We have already sent emails to the Clerks of Doughty Chambers in London last week seeking to retain a legal team of barristers with particular experience of genocide, the Australian government and international courts.
- (ii) Assistance in establishing us as the specialist Anti-Genocide Network to stop, prevent and punish First Peoples genocide: an experienced skilled and focused investigation/prosecution unit to complement the general legal assistance provided by Lotjpa and the current conventional "Counsel Assisting the Commission" unit (which currently retains several barristers and a top-tier commercial law firm).

60. The reckoning for First Peoples has finally arrived and We First Peoples say to Victorians, Australians and the world: We. Will. Not. Go. Away.

ROBERT THORPE

Friday 20 October 2023

Witnessed by

ALMA THORPE, Elder

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Note: This document appears at pages 4 through 12 of Evidence Of Robert Thorpe, 20 October 2023, submitted to the current Royal Commission into historic and ongoing systemic injustice experienced by First Peoples in Victoria since colonisation— and online <https://crimesceneaustralia.com/> [info@crimesceneaustralia.com](mailto:info@crimesceneaustralia.com)

IN THE YOORROOK JUSTICE COMMISSION

AT MELBOURNE

Robert Thorpe  
Informant

v

Charles Windsor  
Accused

EVIDENCE OF ROBERT THORPE, Friday 20 October 2023

**ATTACHMENTS**

LETTER TO PREMIER AND GOVERNOR, 20 October 2023	page 14
UNDERTAKING BY MR C P A G WINDSOR, undated, unsigned	page 17
LETTER TO COURTS COUNCIL OF VICTORIA, 20 October 2023	page 18
LETTER TO CHIEF MAGISTRATE AND TWO DEPUTIES, 20 October 2023	page 20
DRAFT LETTER TO PROSECUTOR, INTERNATIONAL CRIMINAL COURT	page 22
CHARGE SHEET AND SUMMONS, 20.10.23, ACCUSED: WINDSOR, C P A G	page 25
AFFIDAVIT OF ROBERT THORPE, INFORMANT, affirmed 20.10.23	page 40

LETTER TO GOVERNOR OF VICTORIA AND TO PREMIER OF VICTORIA

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DATE: 20 October 2023

TO: Margaret Gardner, Governor of Victoria via info@govhouse.vic.gov.au

AND TO: Jacinta Allen, Premier of Victoria via jacinta.allan@parliament.vic.gov.au

**RE: Declaration of End of Hostilities against First People**

1. Six months ago on 27 April 2023 at a public hearing of the Royal Commission inquiring into historic and ongoing systemic injustice experienced by First Peoples in Victoria since colonisation, the senior legal representative of the State of Victoria admitted and acknowledged on behalf of the State of Victoria to the Commissioners that First Peoples Sovereignty has never been ceded.
2. This admission quietly brings to an ignominious end the ongoing multi-generational genocidal war against First Peoples by the foreign crime family of Charles Windsor and associates and predecessors in title of the family firm known as “the royal family” and “the kings and queens of England”.
3. This admission also restores Our Laws and Our Lands and marks the passing of the foreign pretender and usurper of Our Sovereignty.
4. This simple admission also acknowledges and accepts what everyone everywhere has always known and understood – that you can’t get title and ownership and dominion by invading other peoples country and committing continuing acts of genocide and ecocide against them.
5. We ask that you now jointly declare that the war is over and that the jurisdiction claimed by the entity known as “the State of Victoria” has dissolved and vanished except to the extent set out in the several Peace Treaties (if any) you are able to negotiate with each of the several and divers First Peoples of these lands on terms (if any) offered to you.
6. First Peoples have allowed the status quo to continue pending your acceptance of the terms of any Peace Treaties that set out any residual arrangements authorising the entity known as “the State of Victoria” to continue to conduct some governance and administrative roles and duties.

7. You are obliged forthwith to provide the resources for the first ever Big Meeting of all the First Peoples here without preconditions and without any involvement, engagement or meddling whatsoever by “the State of Victoria” , to meet among themselves for as long as it takes— and it may well be a neverending meeting given the extent of the cleanup needed after your generations of destruction Our Peoples, Our Lands and Our Laws.
8. You are obliged forthwith to provide the resources for observers from the United Nations, the International Court of Justice and the International Criminal Court to set up camp here to provide an independent monitor of the end of the genocide here.
9. Please note the first charge sheet and summons for genocide on First Peoples lands— this one for the former Head of State, Mr C P A G Windsor of 1 Government House Drive, Melbourne VIC 3004. Please use your best endeavours to persuade him to sign the attached solemn undertaking to avoid immediate incarceration.

[REDACTED]

Robbie Thorpe, Informant in Thorpe v Windsor

info@crimesceneaustralia.com

Note: please also cc to [REDACTED] to doubly ensure receipt of email.

Witnessed by

[REDACTED]

Alma Thorpe, Elder

Genocide Prosecutions Form 1, Cessation and Undertaking

SOLEMN UNDERTAKING BY MR C WINDSOR

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TO: Kerri Judd, Director of Public Prosecutions info@opp.vic.gov.au

AND TO: Jaclyn Symes, Attorney-General of Victoria jaclyn.symes@parliament.vic.gov.au

I, Charles Phillip Arthur George Windsor,

admit/deny [strike out one—see Note 1 below]

all allegations of genocide and ecocide against me as set out in the Charge Sheet And Summons filed on 20 October 2023 by Robbie Thorpe at the Magistrates' Court of Victoria at Melbourne;

and do hereby solemnly undertake to Margaret Gardner, Governor of Victoria, and Jacinta Allen, Premier of Victoria, that I will henceforth

cease/not engage in [strike out one]

any and all such conduct the subject of the charges as alleged upon pain of immediate incarceration.

.....

DATED:

WITNESSED: Margaret Gardner, Governor of Victoria

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Note 1: An early guilty plea must be taken into account by the court when sentencing.

Note: This document appears at pages 16 and 30 of Evidence Of Robert Thorpe, 20 October 2023, submitted to the current Royal Commission into historic and ongoing systemic injustice experienced by First Peoples in Victoria since colonisation— and online <https://crimesceneaustralia.com/> info@crimesceneaustralia.com

## LETTER TO COURTS COUNCIL VICTORIA

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DATE: 20 October 2023

TO: Anne Ferguson, Chief Justice of Victoria  
Chair, Courts Council of Victoria  
info@supremecourt.vic.gov.au.

SUBJECT: Help!

1. On 4 September 2023 on behalf of the Victorian courts you admitted publicly “the ongoing and intergenerational trauma inflicted upon First Peoples because of colonisation and dispossession” ... but the Victorian courts have not yet admitted that said “colonisation” was in truth a genocidal invasion nor that said “dispossession” was in truth a straight-out theft of Our Lands on a genocidal scale.
2. Victorian courts all also admitted through you that “harm has occurred for First People in our courts” and that First Peoples have not experienced Victorian courts as “trusted institutions offering justice” ... but Victorian courts have not yet truthfully admitted the central role they played in the thieving occupation of Our stolen Lands (“terra nullius”, anyone?) and the attempted usurpation of the true Laws of the Land.
3. You say Victorian courts will henceforth get “a far deeper understanding of First People’s experience of the justice system” and look at “what is within our power to change”.
4. You admit that “judicial officers and court administrators” are obliged to “listen and learn”. And you predict “better outcomes in the future”.
5. In July 2021 you said First Peoples “unique shared and lived experiences ... can bring enormous value to our justice system and restore agency to people who come into contact with it.”



6. Fine words— as far as they go— and fine sentiments but the truth is all judges and many senior court staff make a lot more money than nearly everyone of Us First Peoples and you go home to your houses, hobby farms, beach houses, wineries etc all on stolen land under a genocidal system with an imposter Sovereign to conveniently give spurious validity to this theft.

7. Truthfully, you are all beneficiaries of our genocide and don't bother denying it. How's that for "truth-telling"? And what action have any of you taken to undo all that?

8. Will the Victorian courts once again dismiss Our claims of Sovereignty and Genocide and Theft as "scandalous", "vexatious", "an abuse of process", "contempt of court" etc etc— or will you finally at last "take this opportunity to listen and learn"?

9. I refer to the attached letter to the Governor and Premier dated 20 October 2023 and the attached unsigned undated undertaking of Mr C Windsor.

10. I also refer to the attached letter to the Chief Magistrate Lisa Hannan and Deputy Chief Magistrates Susan Wakeling and Timothy Bourke.

11. I attach a copy of Evidence submitted today, 20 October 2023, to the current Royal Commission into historic and ongoing systemic injustice experienced by First Peoples in Victoria since colonisation which includes copies of the above documents.

12. And I refer to a draft letter (undated, unsigned) to Prosecutor Khan at the International Criminal Court

Robbie Thorpe, Informant in Thorpe v Windsor

info@crimesceneaustralia.com

Note: please also cc to [REDACTED] to doubly ensure receipt of email

Witnessed by

[REDACTED]  
Alma Thorpe, Elder

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Note: This document appears at pages 17 and 18 of Evidence Of Robert Thorpe, 20 October 2023, submitted to the current Royal Commission into historic and ongoing systemic injustice experienced by First Peoples in Victoria since colonisation— and online <https://crimesceneaustralia.com/> [info@crimesceneaustralia.com](mailto:info@crimesceneaustralia.com)

LETTER TO CHIEF MAGISTRATE AND THE TWO DEPUTY MAGISTRATES

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DATE: 20 October 2023

TO:

MAGISTRATES COURT OF VICTORIA [customerassistance@magistratescourt.vic.gov.au](mailto:customerassistance@magistratescourt.vic.gov.au)

Chief Magistrate Lisa Hannan

Deputy Magistrates Susan Wakeling and Timothy Bourke

SUBJECT: Exclusion of self-represented parties from the implementation of eDocs.

1. The eDocs procedure has been implemented for some time now to “file documents to initiate cases” <https://www.edocsportal.courts.vic.gov.au/>

2. Up until now “self-represented parties are not included in the implementation of eDocs” <https://www.mcv.vic.gov.au/lawyers/edocs-portal>.

3. In light of the provisions of the Racial Discrimination Act and the Equal Opportunity Act 2010 and the best practices of this Court regarding inclusion and access, I request an appointment with you to seek leave to file documents to initiate cases through the eDocs portal and to be provided with login access to the edocsportal.

4. Pending such a hearing before you, I request that the attached Charge Sheet be forwarded to a Registrar for processing in exactly the same way as if the Registrar had received it through the eDocs portal from a police officer, a legal practitioner and others Victorians (if any).

5. It appears that a Magistrate may exercise the powers of a Registrar so perhaps it would make sense in all the circumstances for you qua Registrar to receive the attached Charge Sheet instead of a Registrar and arrange for it to be filed and listed for a committal hearing.

6. In this context I refer to:

(ii) [Burra Lotjpa Dunguludja, the Victorian Aboriginal Justice Agreement \(AJA\) online at https://www.aboriginaljustice.vic.gov.au/the-agreement/the-victorian-aboriginal-justice-agreement](https://www.aboriginaljustice.vic.gov.au/the-agreement/the-victorian-aboriginal-justice-agreement)

(ii) Yaanadhan Manamith Yirramboi — Striving for a Better Tomorrow, the Court Services Victoria Self-determination Plan 2021-2025, launched in July 2021 by Chief Justice Anne Ferguson and accessible online at <https://courts.vic.gov.au/dhumba-murmuk-djerring/self-determination-plan>.

(iii) Yoorook for Justice Statement made on Monday 4 September 2023, by the Chief Justice of the Supreme Court of Victoria and Chair of Courts Council, Anne Ferguson, on behalf of the Victorian courts and the Victorian Civil and Administrative Tribunal (VCAT) on Monday 4 September 2023 following the tabling of the Yoorook for Justice report the same day and accessible online via <https://www.judicialcollege.vic.edu.au/node/44195> and at <https://www.supremecourt.vic.gov.au/news/statement-from-the-chief-justice-yoorook-for-justice-report#:~:text=We%20acknowledge%20all%20First%20Peoples,important%20process%20of%20truth%20telling>.

6. I also refer to the attached two letters today, 20 October 2023 to

- (i) the said Chair of Courts Council, Chief Justice Anne Ferguson; and to
- (ii) the Governor of Victoria, Margaret Gardner, and the Premier of Victoria, Jacinta Allen.

7. I also refer to the attached document, Evidence of Robert Thorpe, submitted today to the Royal Commission into historic and ongoing systemic injustice experienced by First Peoples in Victoria since colonisation.

8. Please note the draft letter at pages 21-3 to the Prosecutor of the International Criminal Court.

  
Robbie Thorpe, Informant in Thorpe v Windsor

[info@crimesceneaustralia.com](mailto:info@crimesceneaustralia.com)

Note: please also cc to  to doubly ensure receipt of email

Witnessed by

  
Alma Thorpe, Elder

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Note: This document appears at pages 19-20 of Evidence Of Robert Thorpe, 20 October 2023, submitted to the current Royal Commission into historic and ongoing systemic injustice experienced by First Peoples in Victoria since colonisation— and online <https://crimesceneaustralia.com/> [info@crimesceneaustralia.com](mailto:info@crimesceneaustralia.com)

## DRAFT LETTER TO THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT

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DATE:

TO: Mr Mr Karim A.A. Khan KC Office of the Prosecutor International Criminal Court

Oude Waalsdorperweg 10,

2597 AK, Den Haag, Netherlands

\* via OTPLink <https://otplink.icc-cpi.int/>

Initial Communication to Information and Evidence Unit-

Not related to a Listed Situation or Preliminary Examination

## COMMUNICATION

Mr Khan,

Many First Peoples here believe there is a reasonable basis to initiate an investigation of

**Windsor**, C, of Government House Drive, Melbourne VIC 3004 amongst many locations.

aka

"KING CHARLES THE THIRD, by the Grace of God, King of Australia and his other  
Realms and Territories, Head of the Commonwealth" \*

\* This is the form of words that appears on the current form 20, Writ of summons, in the  
High Court of Australia at <https://www.hcourt.gov.au/assets/registry/Forms2023/>  
\* Form-20-2022.pdf

- 1. I am Djuran Bunjilene, land under Booran and land under Bunjil, my totems are the Pelican (Booran) and the Eagle (Bunil); and I have family connections to many mobs across this island continent now known as "Australia".
  
- 2. I am also known as Robert Alan "Robbie" Thorpe, of Bunjil's Fire, Radio 3CR, 21 Smith St, Fitzroy VIC 3065, community radio host.
  
- 3. We submit there is a reasonable basis for commencing an investigation and requesting the indictment of Australia's Head of State, the King of Australia, for genocide (including complicity in a conspiracy to commit genocide by denying First Peoples Sovereignty). Acts of genocide include causing serious mental harm to a group with intent to destroy the group in whole or in part.
  
- 4. It also appears to us that Australia has always been unwilling and unable to investigate and prosecute, well, themselves basically, despite First Peoples attempting to do so for years. See for example the First Peoples genocide cases listed in the attached list of Australian cases.
  
- 5. We hope that there is now a sufficient confluence of factors here (such as the admission by the State of Victoria that our Sovereignty has never been ceded, together with treaty and truth-telling beginning at the State and Territory level) as well as internationally (such as the Putin arrest warrant by the International Criminal Court and the intervenors submissions in Ukraine v Russia in the International Court of Justice) that perhaps Australia will finally realise it can not get away with this behaviour any longer.
  
- 6. On Friday 20 October 2023 I lodged a Charge Sheet and Summons with the Magistrates Court of Victoria naming Mr C Windsor and laying charges for genocide and ecocide.
  
- [brief description of events thereafter]
  
- 7. These proceedings are being monitored by the Yoorrook Justice Commission, a royal commission of the State of Victoria conducting an inquiry into historic and ongoing systemic injustice experienced by First Peoples in Victoria since colonisation.
  
- 8. Would your office please monitor these proceedings, either with a team dispatched from Den Haag or by retaining counsel here in Melbourne, to evaluate if the State of Victoria is in good faith willing and able to prosecute this accused for genocide.
  
- Robbie Thorpe, Informant in Thorpe v Windsor    info@crimesceneaustralia.com

Note: please also cc to [REDACTED] to doubly ensure receipt of email

Witnessed by Alma Thorpe, Elder

23

To: The Ambassador of . . . UN MEMBER STATE Embassy of .....

Canberra (or other city as applicable).

- Please convey this letter and attachments to your Head of State.....TITLE AND NAME

Dear . . . HEAD OF STATE

Greetings!

1. I am Djuran Bunjilene, land under Booran and land under Bunjil, my totems are the Pelican (Booran) and the Eagle (Bunjil); and I have family connections to many mobs across this island continent now known as "Australia"

2 I am also known as Robert Alan "Robbie" Thorpe, of Bunjil's Fire, Radio 3CR, 21 Smith St Fitzroy VIC 3065, Australia, community radio host.

- 3. On Friday 20 October 2023 I lodged a Charge Sheet and Summons with the Magistrates Court of Victoria naming Mr C Windsor and laying charges for genocide and ecocide.

[brief description of events thereafter]

We First Peoples are writing to you and Heads of all UN Member States asking each State to

(a) commence or join a case against Australia in the International Court of Justice; and

(a) start an independent investigation and assessment of the evidence of genocide or risk of genocide here against us First Peoples.

- You may not know that we are about the only First Peoples without a Treaty.

We look forward to having a yarn about this matter.

In the meantime we will keep you updated on how this State in Australia deals with our Court case and we invite you to send an observer to these legal proceedings perhaps by retaining local counsel to attend and report.

Thankyou! Diuran

Robbie Thorpe, Informant in Thorpe v Windsor info@crimesceneaustralia.com Note: please also cc to bunjilfire@gmail.com to doubly ensure receipt of email

- Witnessed by Alma Thorpe, Elder

CHARGE SHEET AND SUMMONS TO WINDSOR, C — 20.10.23

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Magistrates' Court Criminal Procedure Rules 2019  
S.R. No. 143/2019 52  
Form 3—Charge-sheet and summons

## Form 3—Charge-sheet and summons

Rule 13(c)

### CHARGE-SHEET AND SUMMONS

#### Details of accused

Name: Windsor, Charles Phillip Arthur George

Gender: Male

Date of birth: 14 November 1948

Mobile phone number: not known, landline 03 9650 9050

Email address: info@govhouse.vic.gov.au

Registration number of vehicle: — State registered: —

Driver licence number: — State issued: —

#### To the accused:

You have been charged with an offence.

Read these pages to see what you must do.

#### Details of the charge against you

1. What is the charge?

*[Description of offence]*

#### Refer to attached document A. — DESCRIPTION OF OFFENCE(S)

Under what law?

#### Refer to attached document B. — LAWS AND FACTUAL DETAILS OF OFFENCE(S)

(i) Genocide—First Peoples Sovereign Laws

(ii) Genocide— common law of State of Victoria

State  Act Regulation No. (Full Ref.)  Other— specify — common law of Victoria

(iii)  Commonwealth  Regulation  Other— specify: Criminal Code Act 1995 s 268



Is this an infringement offence?  Yes—see below  No

Enforcement review  Enforcement review—special  
circumstances

Infringements  
Act 2006  
section 40  Other—specify

Date of service by the Director, Fines Victoria

---



Magistrates' Court Criminal Procedure Rules 2019  
S.R. No. 143/2019 52  
Form 3—Charge-sheet and summons

Are there more charges  No  Yes— see "Continuation of Charges" attached

**Refer to attached document A. — DESCRIPTION OF OFFENCE(S)**

**Refer to attached document B. — LAWS AND FACTUAL DETAILS OF OFFENCE(S)**

Type of offence  Summary offence  Indictable offence

Request for committal proceeding  No  Yes

Who filed the charge-sheet(s)? Robert Thorpe

Name of informant: Robert Thorpe  
Agency and address: 21 Smith St, Fitzroy VIC 3065

Telephone: 9419 8377

Email: [REDACTED]

Agency Ref.:

Signature of informant [REDACTED]

Date: 20 October 2023

Filed at: Melbourne

Date: 20.10.23

Where will the case be heard?

The Magistrates' Court at Melbourne

Address 233 William St, Melbourne Telephone 9628 7728

When Time Day Month Year

Details about this summons

Issued at:

Date:

Registrar: Magistrate: Police officer: Prescribed person

[REDACTED]

**A— DESCRIPTION OF OFFENCE(S)**

attachment to Charge Sheet and Summons 20.10.23

(also "Continuation of Charges" referred to on page 28)

---

IN THE MAGISTRATES COURT OF VICTORIA

AT MELBOURNE

---

Robert Thorpe  
Informant

v

Charles Windsor  
Accused

---

**DESCRIPTION OF OFFENCE**

The accused is charged with

**continuing acts of genocide**

including

- attempted genocide,
- incitement to genocide,
- conspiring to commit genocide and
- complicity in genocide

**against First Peoples**

from

28 September 2022 to Friday 20 October 2023

and

ongoing thereafter until such date as he is apprehended and taken into custody

or

until such date as he provides a document signed by Kerri Judd KC, Director of Public Prosecutions, and witnessed by Jaclyn Symes, Attorney-General of Victoria, certifying  
(i) that he has ceased any and all conduct the subject of these charges; and further

- (ii) that he has given to the said high office-holders of the State of Victoria a solemn undertaking, witnessed by Margaret Gardner, Governor of Victoria, that upon pain of immediate incarceration he will not further engage in any conduct the subject of these charges.

[Genocide Prosecutions Form 1, Cessation and Undertaking, is attached to next page].

The accused, both singly and with his associates, has committed, is continuing to commit and will, unless forcibly restrained (by immediate imprisonment (or their own solemn undertaking, any breach of which will result in immediate imprisonment) continue to commit genocide by

**killing** First Peoples

**causing serious bodily or mental harm** to First Peoples

**deliberately inflicting conditions of life calculated to bring about the physical destruction** of First Peoples **in whole or in part**

**imposing measures intended to prevent births** of First Peoples

**forcibly transferring children** of First Peoples

These charges are laid under

- (i) the Laws of Our Lands for over 65,000 years; and
- (ii) the common law of the State of Victoria; and
- (iii) Division 268 of the Criminal Code 1995 of the Commonwealth of Australia.

The accused is further charged with committing two additional crimes:

**cultural genocide**

and

**ecocide**

and these two charges are laid under both the Laws of Our Lands for over 65,000 years and the evolving common law of the State of Victoria.

Genocide Prosecutions Form 1, Cessation and Undertaking

SOLEMN UNDERTAKING BY MR C WINDSOR

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TO: Kerri Judd, Director of Public Prosecutions [info@opp.vic.gov.au](mailto:info@opp.vic.gov.au)

AND TO: Jaclyn Symes, Attorney-General of Victoria [jaclyn.symes@parliament.vic.gov.au](mailto:jaclyn.symes@parliament.vic.gov.au)

I, Charles Phillip Arthur George Windsor,

admit/deny [strike out one—see Note 1 below]

all allegations of genocide and ecocide against me as set out in the Charge Sheet And Summons filed on 20 October 2023 by Robbie Thorpe at the Magistrates' Court of Victoria at Melbourne;

and do hereby solemnly undertake to Margaret Gardner, Governor of Victoria, and Jacinta Allen, Premier of Victoria, that I will henceforth

cease/not engage in [strike out one]

any and all such conduct the subject of the charges as alleged upon pain of immediate incarceration.

.....

DATED:

WITNESSED: Margaret Gardner, Governor of Victoria

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Note 1: An early guilty plea must be taken into account by the court when sentencing.

Note: This document appears at pages 16 and 30 of Evidence Of Robert Thorpe, 20 October 2023, submitted to the current Royal Commission into historic and ongoing systemic injustice experienced by First Peoples in Victoria since colonisation— and online <https://crimesceneaustralia.com/> [info@crimesceneaustralia.com](mailto:info@crimesceneaustralia.com)

**B. — LAWS AND FACTUAL DETAILS OF OFFENCE(S)**

attachment to Charge Sheet and Summons 20.10.23

(also "Continuation of Charges" referred to on page 28)

---

IN THE MAGISTRATES COURT OF VICTORIA

AT MELBOURNE

---

Robert Thorpe  
Informant

v

Charles Windsor  
Accused

---

**LAWS AND FACTUAL DETAILS OF OFFENCE(S)****THE FACTS**

[Note: Paragraph numbering starts from 7.— see explanatory note at foot of last page.]

7. In addition to other depositions and documents to be provided in the hand-up brief at the committal hearing, much of the facts and evidence of historic and ongoing genocide against First Peoples since the Undeclared War Of Invasion by the accused's family and associates (committing War Crimes in an attempted occupation of Our Lands and attempted usurpation of Our Laws) will be set out in the reports of this current royal commission.

- 8. This commission is an independent-ish inquiry of the State of Victoria into historic and ongoing systemic injustice experienced by First Peoples in Victoria since colonisation for the State of Victoria. The Commissions first two reports have been tabled in the Parliament of Victoria:

(i) Yoorrook with purpose: tabled on 4 July and 2 August, 2022.

<https://yoorrookjusticecommission.org.au/wp-content/uploads/2022/06/Yoorrook-Justice-Commission-Interim-Report.pdf>

(ii). Yoorrook for Justice: tabled on 4 September and 3 October 2023.

(Note the section with the title “Past is Present”).

<https://new.parliament.vic.gov.au/4a7cfa/globalassets/tables-paper-documents/tables-paper-7455/yoorook-for-justice-report-into-victorias-child-protection-and-criminal-justice-systems.pdf>

9. The Commission has commenced its inquiry into land, sky and waters as the next part of the truth telling process in Victoria. Issues Papers on health, housing and education will be released for public submissions over the next few months. The reports and recommendations will be relied upon by the prosecution and many witnesses will be called.

10. The Commission’s Issues Paper released on Monday 16 October inviting individuals and organisations to make submissions relating to land, sky and waters by 17 November 2023 states:

“First Peoples have never ceded their sovereignty to their land. For thousands of generations, sovereign First Peoples governed themselves. They managed traditional lands according to their law and lore, cultural knowledge, practices and customs. These knowledges and practices were passed down through generations and encompassed holistic and interconnected relationships and obligations between each First People and their country. Colonisation disrupted these connections through violence and the taking of land and destroyed their systems of governance. The attempted destruction of culture, language, and the deliberate and forced removal of people from their own country followed.”

<https://yoorookjusticecommission.org.au/wp-content/uploads/2023/09/Yoorook-Issues-Paper-Land-Injustice.pdf>

## CRIME KINGS HAVE NO IMMUNITY

11. Article V off the genocide convention states “Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are **constitutionally responsible rulers**, public officials or private individuals”.

12. See for example “The failure to halt, prevent or punish: the doctrine of command responsibility for war crimes” (2000) by Monash University Law School Professor Dr Andrew Mitchell (Harvard, Cambridge). Excerpt below, paragraph numbered

13. On 27 March 2023 the International Criminal Court Pre-Trial Chamber II issued an arrest warrant for the President of the Russian Federation, Mr V Putin:

<https://www.icc-cpi.int/situations/ukraine>.

14. See also the statement by Prosecutor Karim Khan KC:

<https://www.icc-cpi.int/news/statement-prosecutor-karim-khan-kc-issuance-arrest-warrants-against-president-vladimir-putin>

- 15. Heads of State can lawfully be charged with genocide. Mr Windsor purports to be “His Majesty, Charles The Third, By The Grace Of God, Defender Of The Faith, King Of Australia And His Other Realms And Territories, Head of the Commonwealth, currently reigning through an unbroken line of title at all relevant times:

<https://www.royal.uk/kings-and-queens-1066> :

1720 George 2  
 1760 George 3  
 1820 George 4  
 1830 William 4  
 1837 Victoria  
 1901 Edward 7  
 1910 George 5  
 1936 Edward 8  
 1936 George 6  
 1952 Elizabeth 2  
 2022 Charles 3  
 20?? William 5

#### “INTENT TO DESTROY” SHOWN BY WINDSOR’S DENIAL OF OUR SOVEREIGNTY

16. The elements of the crime of genocide are set out by the International Criminal Court: “Existence of intent and knowledge can be inferred from relevant facts and circumstances.” (paragraph 3, page 1 <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>). Australian courts are routinely familiar with the law on intention, attempt, complicity and conspiracy.

#### OUR OWN LAW/LORE OF GENOCIDE AND ECOCIDE

17. Our Laws on Country have always prevented and prohibited and punished (including the punishment of exile) the conduct set out in the paragraph numbered 4 above. This is literally the Law Of The Land— always was, always will be. How could it ever have been otherwise. More than 300 mobs/language-groups being sovereign in their own country and wise, mature, generous, loving and sophisticated enough to develop a culture that observed how all creatures lands and time itself coexisted in brilliant harmony.

18. Our Laws on Country included what is now called “cultural genocide” and “ecocide”.

#### COMMON LAW OF GENOCIDE

- 19. The law reports of the judges of the common law of the Kingdom of England and the Colony of Victoria and the State of Victoria show that those three entities (Kingdom, Colony and State) have always purported (but only “purported”— the reality was very different for First Peoples here) to prevent, prohibit and punish murder in any and all of its



grave and grisly forms— be they massacres, poisonings, torture both physical and mental, theft of children, sterilisation, forced abortions, and the general raping, pillaging, desecrating and laying waste countryside and imposing conditions of life that are literally murderous.

20. Just like the twin genocidal lies of terra nulls and sovereignty nullius, some perpetrators have asserted the third and equally bullshit proposition that the acts now known as genocide were not illegal and thus not criminal in earlier colonial times.

21. This is demonstrably untrue and evidence both historical and legal will be adduced at the committal hearing and in the hand-up brief to demolish this evil trio of excuses for what has occurred on country— one of the longest, most sustained brutal inhuman and unforgiving holocausts in the entire history of the whole world.

22. In any event, it is now undeniable that on the 20th day of October in the year 2023 the common law now includes the codification of genocide set out in the Genocide Convention as agreed and approved on 9 December 1948 at the General Assembly of United Nations in Paris and promulgated everywhere ever since.

22. We will ask the Court to revisit earlier cases from around the turn of this century (1990s—2000s) and to hold that, certainly since the Rome Statute of the International Criminal Court entered into force on 28 June 2002, the genocide convention has been part of the common law of the State of Victoria.

23. We will ask the Court to go back further and hold that at the enactment of specific legislation by the Commonwealth Of Australia in 1949, the Genocide Convention Act, the Convention on the Prevention and Punishment of the Crime of Genocide set out in the Act, became part of the underlying unalterable law within the jurisdiction claimed by the Commonwealth of Australia including and especially the State of Victoria— location of such an unrelenting and continuous genocide of generations of First People.

24. We will also submit that, given the horrors First People had clearly and uncontrovertibly suffered at the hands and guns etc of the the non-Indigenous invaders and given that First Peoples were the only ones who had actually been the victims of genocide, the State had a fiduciary obligation to prevent and punish genocide against First Peoples —whether or not the same protection could be extended to the non-Indigenous invaders at that time (many if not most of whom were busy doing the genociding against First Peoples).

25. But perhaps the Court will hold that it was not until say 5 July 2022 that the common law included the Genocide Convention.

26. July 2022 is a key date in the continuing genocide convention proceedings in the International Court of Justice (ICJ Case Number 182) of Ukraine v Russian Federation. At the invitation of the ICJ, 31 UN Member States intervened— including Australia—to confirm that every nation has a duty to investigate evidence and assess the risk of genocide:

(i) Australia's oral submissions 20 September 2023 (verbatim record 2023/15) <https://www.icj-cij.org/sites/default/files/case-related/182/182-20230920-ora-01-00-bi.pdf> and

(ii) earlier written submissions called “observations” on 5 July 2022 <https://www.icj-cij.org/sites/default/files/case-related/182/182-20230705-wri-19-00-en.pdf>

(iii) case overview <https://www.icj-cij.org/case/182>

27. If July 2022 be the date, then the history of genocide-like or genocide-identical conduct by the previous monarchs goes to several other matters in the case— for example, the undisputed fact of generations of genocide may make the 2022-3 cohort of First Peoples especially vulnerable to mental harm by Windsor’s actions and inactions (like continuing to deny First Peoples Sovereignty —or, saying it another way, failing to acknowledge and admit that First Peoples Sovereignty has never been ceded).

28. Another example is that Windsor can not seriously maintain that he had no intention to destroy First Peoples in whole or in part when, as a competent King-in-Waiting for years and then finally as competent King, he would have been well aware of the “historic” genocide against First Peoples here and yet did nothing.

29. Windsor neither recognised Our Sovereignty nor declared an end to the long long war on First Peoples since his crime-family’s attempted invasion and attempted occupation of Our Lands and attempted usurpation of Our Laws.

30. Windsor’s conduct is what Professor Mitchell describes as “a form of complicity through omission”:

## *Failure to Halt, Prevent or Punish: The Doctrine of Command Responsibility for War Crimes*

ANDREW D MITCHELL\*

### *1. Introduction*

The War Crimes Trials held immediately after the conclusion of World War II marked a clear recognition by the international community that all members of the chain of command who participate or acquiesce in war crimes must bear individual criminal responsibility. A critical aspect of this individual criminal responsibility is the doctrine of criminal culpability under international law, known as command responsibility. Under this doctrine, superiors can incur criminal liability for war crimes committed by their subordinates if they fail to exercise sufficient control over those subordinates.<sup>1</sup> As criminal responsibility under this doctrine arises from a failure to control or punish subordinates, it is a form of complicity through omission.<sup>2</sup>

The purpose of the doctrine of command responsibility is to encourage leaders to control their subordinates and to establish objective standards of diligence.<sup>3</sup> Its significance is that large-scale atrocities during wartime typically involve an organisational hierarchy based on a chain of command. While the superior may be physically distanced from the illegal act of the subordinate, the superior may nevertheless be the most morally culpable for the ultimate atrocities that are committed. This notion becomes more controversial where the superior did not order that criminal acts be committed or even prohibited them from being committed. Despite its significance, the jurisprudence surrounding command responsibility is limited, and important aspects of the doctrine remain unsettled.

This article begins by examining the structure and foundations of the doctrine of command responsibility including its rationale, early origins, and how it is distinguished from the defence of superior orders. The article goes on to consider

## COMMON LAW OF CULTURAL GENOCIDE AND ECOCIDE

31. The idea that there is an area of judge-made law outside of statute law has always been part of the imposed English legal system. The doctrine is that this “common law” is overruled to the extent it is inconsistent with legislation of the Parliament.

32. However since 27 April 2023, the State of Victoria has admitted that First People’s Sovereignty was never ceded and thus First Peoples Sovereignty is restored as the true Law Of The Land (as set out in the attached letter to the Governor and Premier at pages 14-15) and has paramountcy over Acts of Parliament where they are inconsistent with Our Law. Pending negotiations of a peace treaty, the interim arrangement is that the status quo continues except where clearly inconsistent with Our Law.

33. As stated above in the paragraph numbered 17, Our Laws on Country included what is now called “cultural genocide” and “ecocide” and the judges of the State of Victoria are bound to recognise this Lore and apply it in Victoria on a case by case basis in the common law tradition of the non-Owners. The court can look to the UN Declaration on the Rights of Indigenous People for a longstanding and internationally agreed set of principles for guidance.

## STATUTORY LAW OF GENOCIDE

34. For the past 20 years Division 268 of the Criminal Code Act of the Commonwealth of Australia has purported to punish genocide by life imprisonment:

- (i) Section 268.3 Genocide by killing.
- (ii) Section 268.4 Genocide by causing serious bodily or mental harm.
- (iii) Section 268.5 Genocide by deliberately inflicting conditions of life calculated to bring about physical destruction.
- (iv) Section 268.6 Genocide by imposing measures intended to prevent births.
- (v) Section 268.7. Genocide by forcibly transferring children.

35. Sounds promising? But unfortunately this legislation has proven completely ineffective in protecting First Peoples against genocide by government officials because proceedings can only be commenced by the Attorney-General of Australia, whose government has at all times denied, and continues to deny, the Sovereignty of First Peoples.

36. If the government were serious about preventing genocide in line with its obligations under the genocide convention, then any person should be able to make a charge of genocide in the nearest local court.

37. As with any criminal charge, there is a whole procedure that is triggered by the filing of a charge. This procedural law includes protections for the accused and management of so-called vexatious proceedings.

38. But as things stand, if the (non-Indigenous) Attorney-General says there is no genocide occurring against First Peoples then there just isn't, ok. Makes it kinda hard for First Peoples to charge the Attorney-General with genocide against First Peoples by denying Our Sovereignty.

39. Unfortunately the High Court of the Commonwealth of Australia has proven as ineffective as the government in using its Constitutional powers as the third arm of government (along with the legislature and the executive) to prevent genocide.

40. As recently as last week, the former Chief Justice (who retired on Monday of this week, 16 October) refused to issue injunction proceedings alleging genocide by the Commonwealth of Australia because such allegations are "vexatious and an abuse of process". That was the very week when the Prime Minister was urging Australians to listen to First Peoples by voting for a Voice to Parliament— what irony that this genocide case couldn't even get a HEARING for First People's evidence and legal arguments in the highest court in the land.

41. Given the shocking genocidal history of "Australia", every allegation of genocide by First Peoples must be taken seriously and at least given a hearing.

42. Each year the Attorney-Generals Department Annual Report is obliged by its own laws to report on the International Criminal Court (ICC). Each year the report states: "Under the Rome Statute a case will be inadmissible before the ICC if the relevant conduct is being investigated or prosecuted by a State with jurisdiction, unless the State is unwilling or genuinely unable to carry out the investigation or prosecution. Australian authorities can therefore investigate and prosecute crimes within the ICC's jurisdiction, allowing Australia to retain primary jurisdiction over such crimes alleged to have been committed in Australian territory or by Australian citizens."

43. And each year the Report continues to note that "the operations of the ICC had no discernible impact of Australia's legal system". Surely the reason for that is obvious. How different it would be if the Attorney-General did not have the authority to prevent genocide charges being filed by First Peoples.

44. It is really striking to an outsider to see what lengths the Commonwealth of Australia goes to muffle and silence any voices questioning the basis for the jurisdiction claimed by Commonwealth of Australia. Especially when it is obvious that this entity has no basis other than the genocide of First Peoples. From this perspective, the whole shebang starts to look like a criminal conspiracy in which non-Indigenous "Australians" are deeply complicit. But to say the Emperor has no clothes here might well be held to be contempt of court. And to point to the genocidal elephant in the courtroom is a guarantee your legal proceedings will be rejected as scandalous, vexatious and an abuse of process. This is not a legal problem anymore— its a psychological problem: White Denial.

45. It is clear to First Peoples that the Commonwealth of Australia is “unwilling and unable” to investigate or prosecute genocide against First Peoples and thus under its own legislation it cedes jurisdiction to the International Criminal Court. The ICC Prosecutor can start his own investigation.
46. The Commission could consider inviting the Office of the Prosecutor to ask him to send an investigating team to appear and give evidence at the Commission and ask them to assess the historic here and ongoing genocide against First Peoples here. Or perhaps the ICC could brief a team of local land international lawyers to meet with the Commission and investigate and assess on behalf of the Prosecutor and report to the Prosecutor.
47. Given its independence from the State of Victoria, could the Commission invite the Ambassadors of every UN State to appear at the Commission and consider commencing or joining a case against Australia in the International Court of Justice for failing to prevent genocide of First Peoples and failing to investigate and assess the evidence of genocide against First Peoples under the usual prosecutorial principles. Does the Commission have the power in some way to invite UN Member States to Victoria to conduct their own investigations and assessments? It may be possible for UN Member states to brief local lawyers to conduct such an assessment using international standards and report back to UN Member States. And this Commission. [See draft letter to Heads of State at page 23].

#### POST-WINDSOR ERA

46. In Victoria, now that our Sovereignty has been officially recognised, acknowledged and admitted by the State for the past 6 months (commencing from 27 April 2023), there is a unique opportunity for Victorian courts to accept for filing and listing for a committal hearing charges under Our Sovereign Law as well as under the common law of the State of Victoria in a post-Windsor era.
47. If Victorian courts do genuinely intend to change as set out in the statement by the Chair of Council of Courts on the day the second Commission report was filed— see declaration of Chief Justice Ferguson on 4 September 2023 <https://www.supremecourt.vic.gov.au/news/statement-from-the-chief-justice-yoorrook-for-justice-report#:~:text=We%20acknowledge%20all%20First%20Peoples,important%20process%20of%20truth%20telling.> — then they could start with accepting the Windsor Charge Sheet and Summons and calmly process the case to a committal hearing under the Criminal Procedure Act and the Magistrates Court Act.
- 47a. Given that the State of Victoria has admitted Our Sovereignty was never ceded, the State may also admit that genocide is “a crime known to the law” in Victoria— known to both Our Sovereign Law and the post-Windsor era common law in Victoria just as murder is.
48. Windsor himself may not challenge whether genocide is a crime in Victoria but instead argue that he can not be inferred to have the “intent to destroy”. Or he may plead guilty at the earliest opportunity. If he also personally admitted that Our Law was the only true Law in this jurisdiction such truth-telling would be taken into account in sentencing.

49. At some point the Attorney-General of the Commonwealth of Australia may decide to “authorise” this prosecution as well— or he may challenge this prosecution by intervening in the Magistrates Court listing or County Court committal or by removing it to the High Court.

50. This would be a case in which the High Court would have to deal with the question of whether you can get jurisdiction by genocide, and whether a jurisdiction stolen by genocide is so tainted that only through Peace Treaties with Sovereign First Peoples can entities like “the Commonwealth of Australia” or “the State of Victoria” have any residual legitimacy.

51. In such a test case, First Peoples would apply to intervene to present evidence and submissions and the truth about the non-Indigenous conspiracy to steal our Lands and Laws so long excluded from the injustice system.

52. Perhaps the ICC Prosecutor might apply to intervene.

53. Perhaps UN Member States might apply to intervene on the basis that they intend to commence proceedings against Australia in the ICJ.

54. This would be a timely and useful legal journey for non-Indigenous Australians.

55. We who have been silenced for so long by the Courts might finally be heard and more than heard, might be vindicated at last. And the noisy tricksters, the I’m-not-racists, might fall silent at last.

...

60. The reckoning for First Peoples has finally arrived and We First Peoples say to Victorians, Australians and the world: We. Will. Not. Go. Away.

  
ROBERT THORPE

Friday 20 October 2023

Witnessed by 

• ALMA THORPE, Elder

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Note: This document appears at pages 4 through 11 of Evidence Of Robert Thorpe, 20 October 2023, submitted to the current Royal Commission into historic and ongoing systemic injustice experienced by First Peoples in Victoria since colonisation— online at <https://crimesceneaustralia.com/> [info@crimesceneaustralia.com](mailto:info@crimesceneaustralia.com)

AFFIDAVIT OF ROBERT THORPE, 20 October 2023

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IN THE MAGISTRATES COURT OF VICTORIA

AT MELBOURNE

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Robert Thorpe  
Informant

v

Charles Windsor  
Accused

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AFFIDAVIT OF ROBERT ALAN THORPE, affirmed 20 October 2023

1. I am Djuran Bunjilene, land under Booran and land under Bunjil, my totems are the Pelican Booran) and the Eagle (Bunjil); and I have family connections to many mobs across this island continent now known as "Australia"
2. I am also known as Robert Alan "Robbie" Thorpe, of Bunjil's Fire, Radio 3CR, 21 Smith St Fitzroy VIC 3065, community radio host.
3. On Friday 20 October 2023 I attempted to lodge at the Magistrates Court of Victoria a Charge Sheet and Summons naming Mr C Windsor and laying charges for genocide and ecocide.

4. I delivered the said Charge Sheet by emailing a pdf file to

customerassistance@magistratescourt.vic.gov.au

"subject: application to Chief Magistrate for filing/listing"

with the following documents:

- (i) Covering letter to Chief Magistrate Hannan and Deputy Magistrates Wakeling and Bourke, 20 October 2023
- (ii) Charge Sheet and Summons with Attachments A and B;

- (iii) Affidavit of Robert Alan Thorpe, affirmed 20 October 2023;
- (iv) Copy of Email Letter to Chair, Council of Courts— Chief Justice Ferguson;
- (v) Copy of Email Letter dated 20.10.23 to Governor Gardner and Premier Allen;
- (vi) Draft letter to Prosecutor Khan of the International Criminal Court;
- (vii) Evidence Of Robert Thorpe, Yoorrook Justice Commission, 20.10.23.

5. I also delivered a letter to Chief Justice Ferguson, Chair, Council of Courts by emailing a pdf file to

[info@supremecourt.vic.gov.au](mailto:info@supremecourt.vic.gov.au).

“subject: First Peoples ‘ongoing intergenerational trauma’” from theft and war crimes”

with the following documents

- (i) Email Letter to Chair, Council of Courts— Chief Justice Ferguson, 20 October 2023
- (ii) Evidence Of Robert Thorpe, Yoorrook Justice Commission, 20.10.23 which contains all the documents listed in the paragraph numbered 4 above.

6. I also delivered a letter to Governor Gardner and Premier Allen by emailing a pdf file to

[info@govhouse.vic.gov.au](mailto:info@govhouse.vic.gov.au) for Governor Gardner

“subject: Declaration of End of Hostilities against First Peoples”

• and

[jacinta.allen@parliament.vic.gov.au](mailto:jacinta.allen@parliament.vic.gov.au) for Premier Allen

“subject: Declaration of End of Hostilities against First Peoples”



with the following documents

- (i) Email Letter to Governor Gardner and Premier Allen, 20 October 2023
- (ii) Evidence Of Robert Thorpe, Yoorrook Justice Commission, 20.10.23 which contains all the documents listed in the paragraph numbered 4 above.

7. I also delivered to Yoorrook Justice Commission a pdf file to

enquiries@yoorrook.org.au

“subject: Evidence of Robbie Thorpe, submission 20.10.23”

with the following document:

- (i) Evidence Of Robert Thorpe, Yoorrook Justice Commission, 20.10.23 which contains all the documents listed in the paragraph numbered 4 above.

8. For each of the deliveries described in paragraphs numbered 4, 5, 6 and 7 above I

sent from [info@crimesceneaustralia.com](mailto:info@crimesceneaustralia.com) and [bunjilfire.com](http://bunjilfire.com) and ccd  
[info@crimesceneaustralia.com](mailto:info@crimesceneaustralia.com) to have a record of receipt.

AFFIRMED by the deponent



at Melbourne in the State of Victoria on ~~Monday~~ <sup>FRIDAY 28<sup>th</sup></sup> October 2023.

Before me:



**Slade Pharmacy**

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 East Melbourne VIC 3002  
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[sladeVicPde@slade.net.au](mailto:sladeVicPde@slade.net.au)

Note: This document appears at pages 40 through 42 of Evidence Of Robert Thorpe, 20 October 2023, submitted to the current Royal Commission into historic and ongoing systemic injustice experienced by First Peoples in Victoria since colonisation— and online <https://crimesceneaustralia.com/> [info@crimesceneaustralia.com](mailto:info@crimesceneaustralia.com)