Retroactive Preemption by Public Sector Officials and their Sycophants

Rome Statute of the International Criminal Court
Article 33: Superior Orders and Prescription of Law

The Nuremberg Defense refers to a legal strategy employed by defendants at the Nuremberg war crimes trials which sought to convict Nazi perpetrators of war crimes and crimes against humanity committed during the Second World War. At that time, superior officers demanded absolute obedience from subordinates as public sector officials presently act in bureaucracies. When charged with criminal offences, the subordinates claimed that they “only followed orders”.

Nuremberg defenses have now become a political and psychological même. The “only followed orders” phrase now applies to attempts to deny personal responsibility for FOIA/EIR/DPA crimes onto Christopher S Graham, Information Commissioner (IC) (at his own instigation) so that he can use his corporation sole status and implied impunity to block due process of law.

Adolf Eichmann, one of the most prominent Nazis to use a Nuremberg defense (at his trial held in Israel in 1961) claimed:

I cannot recognize the verdict of guilty. . . .

It was my misfortune to become entangled in these atrocities. But these misdeeds did not happen according to my wishes. It was not my wish to slay people. . . .

Once again I would stress that I am guilty of having been obedient, having subordinated myself to my official duties and the obligations of war service and my oath of allegiance and my oath of office, and in addition, once the war started, there was also martial law. . . .

I did not persecute Jews with avidity and passion. That is what the government did. . . .

UK bureaucratic sycophants have developed a pattern or practice of pathological lying. Then, they try to cover up their misconduct in public office by using anonymity and act as gatekeepers under the false assumption that they too have corporation sole impunity. Graham has led them to believe that by psychopathic displacement of their FOIA/EIR/DPA wrongdoing onto him (which he openly encourages), they can knowingly perform illegal acts then transfer blame to him to evade prosecution: a false premise and an argument inadmissible any criminal court.

That practice shows without question that the inmates have taken over the ICO asylum and that public sector employees rank as no more than programmed gatekeepers pandering to a psychopathic commissioner; however, in law, they must take personal responsibility for their
alleged criminal activity. They cannot claim impunity by using a Nuremberg defense or the corporation sole held by Graham to evade prosecution under the Rome Statute of the International Criminal Court signed as a state party by UK (30 Nov 98), ratified (04 Oct 01) and enforced (01 Jul 02). One hundred and twenty-two states now rank as parties to that Statute of the Court.

*Rome Statute of the International Criminal Court:*

**Article 33: Superior Orders and Prescription of Law**

1. The fact that a crime within the jurisdiction of the Court has been committed by a person pursuant to an order of a Government or of a superior, whether military or civilian, shall not relieve that person of criminal responsibility unless:

   (a) The person was under a legal obligation to obey orders of the Government or the superior in question;

   (b) The person did not know that the order was unlawful; and

   (c) The order was not manifestly unlawful.

2. For the purposes of article 33, orders to commit genocide or crimes against humanity are manifestly unlawful.

Principle IV, one of many applied in the run up to the Nuremberg trials, states:

The fact that a person acted pursuant to order of his Government or of a superior does not relieve him/her from responsibility under international law, provided a moral choice was in fact available to him/her.

Any malicious breach of Health and Safety Executive (HSE) or Homes and Communities Agency (HCA) regulations ranks as a criminal offense especially when a reasonable person considers the age and health of the Journalist whom HSE and HCA officials continue to harass and abuse. They have withheld vital services and obstructed due process of law using perceived impunity which Graham continues to support by either withholding ICO decision notices using blackmail and extortion or forging them to try to obtain an illegal waiver of journalism rights for more than three years.

Those notices would allow a court to issue an order for immediate remediation of neglect to comply with HSE gas servicing regulations and HCA landlord responsibilities at the leased premises. Furthermore, neglect by HSE/HCA officials and staff members of their duty of care, whether imposed and accepted willingly or by coercion, makes them jointly and severally liable in court proceedings. However, in criminal complaints accused staff members must stand alone.

Public sector officials and their staff members cannot use a Nuremberg defense that they only followed orders. The fact that staff members act as proxies for executive directors and managers does not relieve them of their moral and legal responsibility for complicity in crimes that breach
their duty of care. Nuremberg decisions insure that unqualified staff members cannot argue that they have a right to judgment at a lower standard than a qualified person. Therefore a lack of skill or education will not affect a defense of negligent conduct especially if the evidence establishes malice.

An objective test applies if a staff member has particular skills and knowledge that a supervisor does not have. Background checks show that several staff members have extensive international experience as executives and personal assistants for large corporations and in embassy appointments; consequently, they have no excuse when they claim that they only acted as ICO bimbos.

The ordinary law of negligence applies to the complaints in that those with an established duty of care have not acted as a "reasonable person would do in their position". Their involvement as public sector information officials or staff member stands in light of their skills and knowledge which probably makes them more responsible for negligence than their line managers.

Christopher S Graham’s curriculum vitae shows that he has done very little except soak the public purse, sing soprano for the Archbishop of Canterbury and misconstrue the reporting of his father David M Graham (1911-99). His father served as a broadcaster with the BBC External Services (1939-71) reporting on the liberation of the Nazi death camps and Indian independence and, subsequently, specialised in covering Eastern Europe. He must roll over in his grave at his son’s anarchistic arbitrage.

[Anarchistic Arbitrage]