IN THE HIGH COURT OF JUSTICE
DIVISIONAL COURT OF THE ADMINISTRATIVE COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 31st July 2017

Before:

THE LORD CHIEF JUSTICE OF ENGLAND AND WALES
and
MR JUSTICE OUSLEY

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Between:

Regina (on the application of General Abdul Waheed Shannan Al Rabbat)	**Claimant**
-v-	
Westminster Magistrates Court	**Defendant**
and	
(1) The Rt Hon Tony Blair	**Interested Parties**
(2) The Rt Hon Jack Straw	
(3) The Rt Hon The Lord Goldsmith	**Intervenor**
and	
HM Attorney-General	

Hearing date: 5 July 2017

PRESS SUMMARY

NOTE: This summary is provided to help in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document. Judgments are public documents and are available at: www.bailii.org.uk

Lord Thomas of Cwmgiedd, CJ:

The application on behalf of General Abdel Waheed Shannan al Rabbat, is for permission to bring proceedings for judicial review of the decision of District Judge Snow at the City of Westminster Magistrates Court on 24 November 2016. His decision was a refusal to issue a summons for a private prosecution of the the Rt Hon Tony Blair, the Rt Hon Jack Straw and the Rt Hon The Lord Goldsmith in respect of what is contended to be the crime of aggression under the law of England and Wales. That crime is said to have been committed by the three through their participation in the decision made in 2003 to invade Iraq and overthrow the regime of President Saddam Hussein.

On 29 March 2006 the House of Lords unanimously decided in *R v Jones (Margaret)* [2007] in the context of the invasion of Iraq that although there was a crime of aggression under customary international law, there was no such crime as the crime of aggression under the law of England and Wales. This court is bound by that decision.

It is contended on behalf of the claimant that the House of Lords was in error and that there is a crime of aggression under the law of England and Wales. Although it is accepted that we are bound by that decision, it is contended we should grant permission so that the Supreme Court can review the decision in *Jones* and depart from it.

HM Attorney General, who was allowed to intervene, contended we should refuse permission as the claim was “hopeless”; the crime of aggression was unknown to the law of England and Wales; there was no arguable basis for supposing that the Supreme Court would depart from the decision in *Jones*

The Interested Parties have taken no part in this application.

In our opinion there is no prospect of the Supreme Court holding that the decision in Jones was wrong or the reasoning no longer applicable

We have concluded that there is no prospect of the Supreme Court departing from the decision in *Jones.*

Having formed the view that there is no prospect of the Supreme Court overturning the decision in *Jones,* it is our duty to refuse permission to bring the proceedings for judicial review.