

CO/3028/2003

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
ADMINISTRATIVE COURT

Royal Courts of Justice  
Strand  
London WC2

IN THE MATTER OF  
AN APPLICATION FOR  
A JUDICIAL REVIEW

Wednesday, 15 October 2003

BEFORE:

LORD JUSTICE BROOKE

MR JUSTICE SILBER

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**REGINA**

on the application of

ROBERT LEWIS MANSON  
**(CLAIMANT)**

**- versus -**

**THE BOW STREET MAGISTRATES' COURT**

( The Judgement of Judge Timothy WORKMAN - being the Senior District Judge  
(Chief Magistrate) for the Court ).

**( FIRST DEFENDANT )**

and

**CARMARTHEN JUSTICES**  
**( SECOND DEFENDANT )**

**THE PRIME MINISTER & FIRST LORD OF THE TREASURY  
and THE RIGHT HON MR TONY BLAIR MP**

**HM Principal Secretary of State for FOREIGN &  
COMMONWEALTH AFFAIRS  
and THE RIGHT HON MR JACK STRAW MP**

**The Secretary of State for DEFENCE  
and THE RIGHT HON MR GEOFF HOON MP**

**( INTERESTED PARTIES )**

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(Official Shorthand Writers to the Court)  
as subsequently amended and corrected by the Claimant in Person

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**THE CLAIMANT APPEARED IN PERSON**

**THE DEFENDANT DID NOT APPEAR AND WAS NOT REPRESENTED**

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# JUDGEMENT

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## Judgement

1. **MR. JUSTICE SILBER** : Mr Robert Lewis Manson seeks permission to challenge the refusal of Mr Timothy Workman, the Senior District Judge, sitting at the Bow Street Magistrates' Court, to issue summonses against the Prime Minister, the Secretary of State for Foreign Affairs and the Secretary of State for Defence for the commission of "crimes against peace under the common law and against the peace of the Realm." He had originally also sought permission to challenge the refusal of the Carmarthen Magistrates to issue a summons, but in the course of his oral submissions before us, he withdrew that application. This is a renewed application because the initial permission application was refused on paper by Sullivan J.

2. The background to this application is the war that was waged by the United Kingdom in Iraq earlier this year. The thrust of the case for the Claimant is that the District Judge made errors of law in reaching his decision.

3. The summonses that the Claimant sought to issue stated that the alleged offence was

that of commissioning a crime against peace under common law and against the peace of the Realm. It was explained to us by the Claimant that these acts consisted of planning for war, preparing for war, initiating and waging war. So far as the claim in respect of waging war is concerned, the first issue that has to be considered is whether the English courts have any jurisdiction. English criminal jurisdiction is territorial so that the function of the English courts is to maintain the Queen's Peace within Her Realms. Therefore, with the exception of statutory offences, the court is not concerned with conduct abroad. Indeed, the whole body of the criminal aspects of the common law of England deals with acts committed in the United Kingdom. It therefore follows that in so far as the claims made in respect of waging war outside England and Wales are concerned, there is no basis for criticising the decision of the District Judge to refuse to issue a summons.

4. I turn now to the allegations that the Defendants were committing an offence by planning, preparing and initiating war. The Claimant has made a number of interesting legal submissions and has supplied us with much written material. The Claimant has made a number of interesting legal submissions and has supplied us with much written material. His claim raises the question of whether the offences of planning, preparing and initiating war abroad amount to crimes recognised in English law. The Claimant says that carrying on an aggressive war is recognised as being against customary international law and that this has been incorporated into the criminal law of this country. Even if there was an international crime of planning, preparing and initiating a war of aggression, which is a matter on which I do not express a final opinion, I am unable to accept the proposition that such an offence has been incorporated in any way into English criminal law. It follows, therefore, that the English courts were correct not to issue summonses relating to the Claimant's complaints.

5. Thus, it follows that the learned District Judge was correct. For my part, I conclude that, notwithstanding the clear, concise and detailed submissions of the Claimant, this application must be dismissed.

**6. LORD JUSTICE BROOKE :** I agree.