

To U.N. Security Council

President of the UN Security Council

Attn. French Ambassador
Permanent Representative of France to the United Nations
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New York, N.Y. 10017,
Telephone: (212) 308-5700
Telefax: (212) 421-6889

27/1/2003

Dear Sir/Madam,

Today U.N. weapons inspectors are expected to deliver a crucial report to the U.N. Security Council on Iraq's program of Weapons of Mass Destruction.

Today we –an International Team of Citizen's inspectors- wish to deliver a startling report on the presence of Weapons of Mass Destruction in the Netherlands. We hope you will take the time to read this report produced by an international group of volunteers.

This report illustrates painfully the use of double standards by the UN Security Council regarding the production and/or possession of Weapons of Mass destruction.

We believe the credibility of the U.N. is at stake.

For the complete report of the inspection on WMD in The Netherlands check <http://www.motherearth.org/nuke/info/volkelreport.doc>

Please do not hesitate to contact us for more information.

Sincerely,

Koen Janssens

Pol D'Huyvetter

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**CITIZENS' WEAPONS INSPECTION OF VOLKEL NATO
AIRBASE
NETHERLANDS – 18TH JANUARY 2003**

Ghent, Belgium, January 27th 2003 - An international team of weapons inspectors has been denied access to the NATO airforce base at Volkel in the Netherlands, thought to harbor a stockpile of illegal nuclear Weapons of Mass Destruction (WMD). The 104 citizen inspectors who persisted in searching for evidence of the presence of these weapons were arrested.

This report has been prepared by a group of citizen inspectors based in Ghent, Belgium, who are part of For Mother Earth. We hope to provide all the members of the UN Security Council with overwhelming evidence that U.S. B-61 tactical nuclear bombs are deployed at this Dutch air base. We also report on the non-cooperation of the Dutch authorities regarding this inspection.

While the UN continues to search for weapons in Iraq, we feel obliged to carry out inspections of other secret stockpiles of weapons of mass destruction, as a first step to their disarmament.

John Axiak (Malta), Sergei Bykov (Russia), Cory Campbell (US), Magali Fontanel (France), David Heller (UK), Pol D'Huyvetter (Belgium), Koen Janssens (Belgium), Hanna Jarvinen (Finland), Jussi Hermaja (Finland), Liesje Ulburghs (Belgium), Kalina Vardoms kaya (Belarus), Ak Malten (Netherlands).

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1.1 Citizens' Weapons Inspection Team and International law

On Saturday 18th Jan 2003, a group of concerned citizens from different countries, social backgrounds and ages, acted to uphold international law by carrying out a "citizens' inspection" of Volkel air base.

The citizens' inspection held on that day took place primarily because of the threat of genocide posed by the nuclear weapons stored at Volkel.

The International Court of Justice advisory opinion, July 8th 1996 on the use or threat of nuclear weapons identified that the Nuremberg Principles would apply to nuclear weapons.

According to the Nuremberg Principals, citizens have not only the right, but also the duty to stop nuclear weapons from being used, in order to avoid "Complicity in the commission of a crime against peace, a war crime, or a crime against humanity....." which "..... is a crime under international law" (Nuremberg PRINCIPLE VII).

The citizens' inspection, which aims to confirm the presence of nuclear weapons in the base, gives citizens and members of the armed forces the information needed to make an informed choice about halting the use of nuclear weapons.

1.2 Citizens' Inspection Team and the Non-Proliferation Treaty (NPT)

The presence of nuclear weapons on Volkel air base breaches Articles I and II of the NPT. Article I prohibits the transfer of nuclear weapons from a Nuclear Weapon State (NWS), such as the United States, to a Non Nuclear Weapon State, such as the Netherlands. Article II prohibits the Netherlands from accepting these weapons.

Pilots at Volkel are provided with specific training in the use of nuclear weapons. The air force units to which these pilots and aircraft belong have the capability to play a part in NATO nuclear planning, including assigning a target, selecting the yield of the warhead for the target, and planning a specific mission for the use of the bombs. This is also a breach of NPT Article I and II.

NATO nuclear sharing was described in 1964 by one member of the U.S. National Security Council as meaning that "the non-nuclear NATO-partners in effect become nuclear powers in time of war." (Charles E. Johnson, *U.S. Policies on Nuclear Weapons*, Washington, December 12th 1964, partially declassified in 1991, Lyndon B. Johnson Library). The concern is that, at the moment the aircraft loaded with the bomb is on the runway ready to start, the control of the weapon is transferred from the U.S., a nuclear weapon state, to non-nuclear weapon states. The control over this weapon is, at that moment, with the pilot from the non-nuclear weapon state in both the physical and legal sense. Control remains with the United States until that point. This is in violation of Articles I and II of the NPT.

The Dutch and American governments also have an obligation under the agreement reached at the 2000 Review Conference of the Non-Proliferation Treaty to undertake detailed reporting of nuclear weapons in their possession or on their territory. This is a step towards the complete elimination of nuclear weapons, called for in the NPT treaty. So far, both countries have

failed to comply with this measure in any serious manner, and it is therefore necessary for citizens to take the initiative to obtain information about these weapons of mass destruction.

2. Some Previous Citizens' Inspections at Volkel

On the **9th August 1997** the first citizen inspection on the base was attempted. Inspectors were refused entry.

During the unannounced inspection at Volkel on the **27th November 1999**, some citizen inspectors managed to get into one of the buildings and retrieve some documents, together with maps of the base. These documents give concrete evidence of the existence of weapons of mass destruction in Volkel airbase. These documents included details of how nuclear weapons should be loaded onto aircraft, maintained, transported and defended.
<http://www.contrast.org/onkruit/index.html>

One of the documents taken by citizen inspectors in Volkel “717 MUNSS NUCLEAR SURETY WEAPONS SAFETY LESSON PLAN”, revealed detailed information of the procedures that teach personnel how to mount nuclear weapons on an aircraft, run test flights, and use the weapons if the command has been issued.
<http://www.contrast.org/onkruit/lessons.html>

Another section of the document specifies exactly the procedures for Logistical Movements, detailing how these nuclear weapons should be transported. In the concluding part of the document are described two incidents that happened at Volkel that could have led to large-scale accidents. In one case, an armed weapon dropped from a plane standing on the runway, because it was incorrectly hung. While nuclear weapons remain at Volkel, accidents like these could happen at any time.

Two years later, on **9th April 1999**, a delegation of inspectors where again refused entry into the base and decided to inspect the base without permission. Five were arrested. The next day a group started to tunnel into the base towards the underground storage of the B61 Nuclear Weapons, and was also arrested.

On **1st October 2000** another citizens' inspection took place. Inspectors were refused entry.

3.1 Report of the inspection, Saturday January 18th – Volkel(NL)

On the 18th January 2003, citizens' inspectors attempted again to enter Volkel air base and inspect for weapons of mass destruction. The inspection was carried out by the 'Platform tegen de Nieuwe Oorlog' (Platform against the new war), including the group from For Mother Earth.

At around 1.30 p.m. inspectors from the platform gathered outside the base, but police vehicles were blocking the main gate. They refused entry to the inspectors. A visual inspection of the hangars under which WS3 (weapon safety, security and survivability) bunkers are built was conducted from outside the base.

When the police and military personnel were questioned as to whether weapons of mass destruction existed on the base, most of them refused to talk about this issue. Others claimed that they sincerely didn't know if weapons of mass destruction are being stored or not. This lack of clarity makes the role of citizens inspectors in finding and spreading information about the presence of these weapons even more vital.

John Axiak from Malta: "While filling out my declaration I held an argument with the police officer Rudy Mass from Police Uden who was writing down what I thought about the citizen inspection. When asking him if there are weapons that can lead to genocide he said "I believe that nuclear weapons exist in this base - still access to them is prohibited". Later on he said that in order to enter into the part of the base where the nuclear weapons could be stored a U.S. visa must be obtained. When telling Rudy Mass about my legal rights as a citizen to search for weapons that can be used in genocide and stop them (Nuremberg Mandate) he told me that he had no power to give me access to inspect the base. On asking him to see his senior official who had the power to give me permission to inspect the base, he denied my request."

3.2 Non-cooperation

Police on horses patrolled the fences of the base and arrested anyone who came within five meters of the military fence. The police and military responded that the inspection constituted a trespassing of military property. Any explanation of the right to inspect the base for weapons of mass destruction was met with police responding that they had no power to allow citizens' inspection teams to enter the base. On requesting to meet with their supervisors, the request was denied.

The inspectors, understanding that the police would not allow the inspectors access to the base, and in light of their obligations under international law, decided to enter the base without permission. Dutch soldiers arrested them as soon as they entered the base. The inspectors were taken to a large hangar where they were detained for six hours. They were not given any food. After the arrest the inspectors were handled as cattle in a freezing warehouse inside the NATO base being searched, photographed and stripped of pens, notepads, portables, food, etc. "We are being treated as criminals" declared Pol D'Huyvetter, one of the inspectors. "A similar attitude towards the UN inspectors in Iraq would immediately generate massive bombings by the US and the UK."

4. Conclusions

Inspectors have found evidence that nuclear weapons exist at Volkel airbase. The very existence of these weapons is a threat to life on earth, and if used they would cause widespread death, destruction and suffering. Therefore these weapons should be removed from Volkel and dismantled to prevent any intended or unintended use of these weapons.

Amongst the countries who admit that they have nuclear weapons, the U.S., U.K., China, France and Russia, also have permanent seats in the United Nations Security Council. The United States is the only country of these five that stores nuclear weapons outside its own territory, including those at Volkel Airbase. The United States and Dutch governments have never admitted the presence of these weapons.

The United Nations has been conducting inspections for weapons of mass destruction in Iraq which, to date, have found no evidence of weapons of mass destruction. International inspections for weapons of mass destruction, as the first step to their disarmament, are a positive action, yet the UN has never conducted inspections of US nuclear weapons, or those belonging to any of the other permanent members of the Security Council.

The United States and the other permanent members of the Security Council show double standards in dealing with Iraq. The UN is being used as a tool of the United States to work against countries that oppose the economic interests of the United States and her allies. Without serious reform of the United Nations and the Security Council, the credibility of the UN will suffer.

Appendix

- A. Discussion Paper by The World Court Project
- B. Documents, maps
- C Supporting websites
- D. Declaration of a citizen inspector (official report by Dutch police)

A. Discussion Paper by The World Court Project.

".....In deciding that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, the ICJ confirmed that the principals of the Law of War (jus in bello) apply to nuclear weapons (Main Opinion on UNGA question, paragraphs 85-86.) These principles are drawn from international treaties and agreements such as the Hague Conventions, Geneva Conventions and Genocide Convention. These prohibit the use, even in self-defence, of weapons which:

- fail to discriminate between military and civilian personnel (Principle of Discrimination)
- cause harm disproportionate to their preceding provocation's and/or to legitimate objectives (Principles of Proportionality and Necessity)
- cause unnecessary or superfluous suffering (Principle of Humanity)
- affect neutral States (Principal of Neutrality)
- cause widespread, long-lasting and severe damage to the environment (Principle of Environmental Security)
- use asphyxiating, poisonous or other gases, and all analogous liquids, materials or substances (Principal of Toxicity) (Curiously however (Ibid paragraphs 55-56), the Court rejected the argument that the use of nuclear weapons can be regarded as specifically prohibited by the 1925 Geneva Gas Protocol.) "

B. Documents, maps

Documents found on November 27th 1999 at airforce base Volkel, Netherlands. (Mainly Dutch documents.)

<http://www.contrast.org/onkruit/>

E. Supporting websites

Presence of nuclear weapons in Europe:

<http://www.motherearth.org/nuke/info.php>

WS3 bunker maintenance program:

<http://www.motherearth.org/nuke/info/WS3report.pdf>

Parliamentary debate on nuclear weapons in the Netherlands:

[http://www.basicint.org/nuclear/NATO/1-NATO_nuclear_series_May01.htm#No. 3](http://www.basicint.org/nuclear/NATO/1-NATO_nuclear_series_May01.htm#No.3)

Nuclear weapons in the Netherlands:

<http://www.vredessite.nl/kernwapens/factsheet.html>

<http://www.vredessite.nl/kernwapens/factsheet-beleid.html>

D. Declarations by citizen inspectors (official report by Dutch police)

PROCES-VERBAAL VAN VERHOOR
Regiopolitie Brabant-Noord/Uden
Mutatiernr: PL2130/03-109159

Dossier-paragraaf: _____

Op zaterdag 18-JAN-03, omstreeks 16:29 uur,
hoorde ik
KLOMP, DORRIS JOHANNA CORNELIA,
hoofdagente van politie regio Brabant Noord, district 3,
in een ingerichte loods vliegbasis Volke
als verdachte een vrouw die opgaf te zijn:

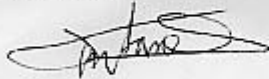
FONTANEL, MAGALI NAIRA
geboren op 28-SEP-1978 te PARIJS
adres LANGE STEENSTRAAT 16 D
te 0000 GENT

Nadat de verdachte meegedeeld werd waarvan zij werd verdacht en
dat zij niet tot antwoorden verplicht was, verklaarde zij:

"I understand that I do not have to tell anything.
Today I was on this base as a civilian, to inspect the base
for nuclear weapons. Regarding the International law it's
illegal to have nuclear weapons. The military people did
not let us into the base to inspect. It's my civilian duty
to cross the fence, to attract the attention to people and
politicians on this problem. I think it's not right that
civilian people can not see all American massive
destruction-weapons on this base, while United States want
to make war with Irak because they do not want to show
their weapons."

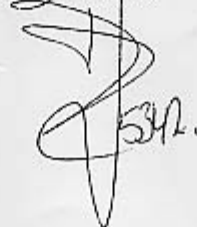
Na duidelijke voorlezing volhardde verdachte
bij deze verklaring en ondertekende deze.

(verdachte)



Waarvan door mij
KLOMP, DORRIS JOHANNA CORNELIA, op ambtsbelofte
is opgemaakt, dit proces-verbaal, dat ik sloot en tekende
te VOLKEL op 18-JAN-03.

(verbalisant)



PL2130/03-109159- 1 *

Op zaterdag 18-JAN-03, omstreeks 16:44 uur,
hoorde ik,
VOORN, CORNELIS PETRUS ANTONIUS,
brigadier van politie regio Brabant Noord, district 3,
op de vliegbasis te Volkel
als verdachte een man die opgaf te zijn:

DHUYVETTER, PAUL FREDDY HELENE
geboren op 13-FEB-1962 te OUDENAARDE
adres LANGE STEENSTRAAT 16 D
te 9000 GENT
telefoonnummer: 0032495280259

Nadat de verdachte meegedeeld werd waarvan hij werd verdacht en
dat hij niet tot antwoorden verplicht was, verklaarde hij:

"Wij komen hier voor een wapen inspectie om een ieder
informatie te verschaffen omtrent de massavernietigings
wapens die vermoedelijk hier zouden liggen. Om die
inspectie uit te voeren ben ik bewust over het hek van de
vliegbasis Volkel geklommen nadat ons de toegang geweigerd
was aan de hoofdingang.

Het gebruik van de dubbele standaard met betrekking
tot aanmaak en het bezit van kernwapens (oa Irak,
Israël, VS, Nederland etc) door de VS en hun bondgenoten
is totaal onaanvaardbaar.

Ik verwijs verder naar een door mij en mijn
mede- demonstranten opgestelde verklaring die ik u ter
beschikking stel en voeg bij deze verklaring.

Ik heb van u begrepen dat u mij ook niks kunt vertellen
over de aanwezigheid van massavernietigingswapens op
Volkel.

De houding en behandeling van de wapeninspecteurs, waar
ik mezelf ook onder schaar, door de nederlandse regering
zou in Irak direct tot een bombardement leiden door de VS
en Groot Brittanie."

Na duidelijke voorlezing volhardde verdachte
bij deze verklaring en ondertekende deze.

(verdachte)

Waarvan door mij,
VOORN, CORNELIS PETRUS ANTONIUS, op ambtseed
is opgemaakt, dit proces-verbaal, dat ik sloot en tekende
te UDEN op 18-JAN-03.

PL2130/03-109170- 1