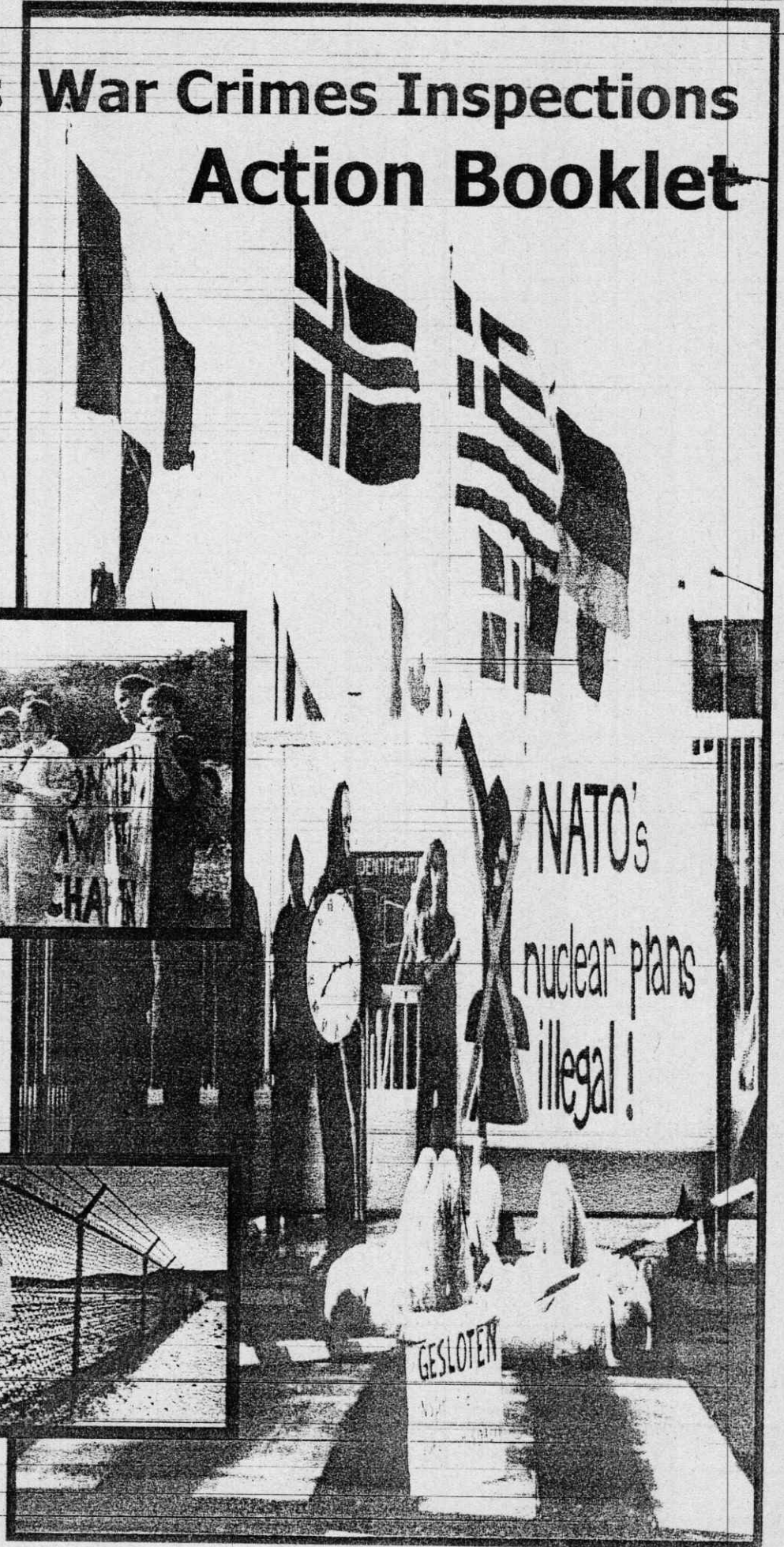
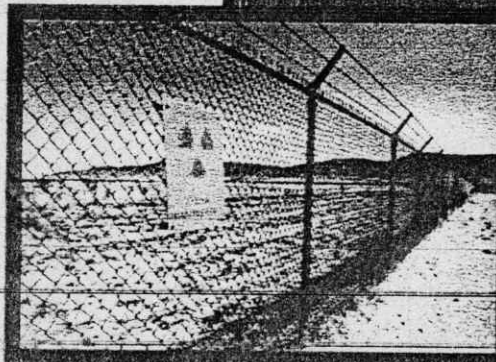


# Citizens War Crimes Inspections Action Booklet

**Nuclear  
Weapons  
Abolition  
Days  
Campaign**



*International  
Action Against  
Nuclear Weapons*



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*Thanks to all who  
 helped to write the  
 booklet, and to the  
 websites and  
 photographers whose  
 photos have been  
 reproduced here.*



## How to use this booklet:

This booklet has been compiled as an advice booklet for anyone who wants to take responsibility for upholding international law against nuclear weapons, and conduct a citizen's war crimes inspection. It contains information from those who have conducted inspections themselves, experienced anti-nuclear campaigners, and those who have studied international law closely in order to present the arguments against nuclear weapons.

- ◆ Use it to prepare your actions...
- ◆ Copy it (or parts of it) to your group...
- ◆ Put bits of it on your website...
- ◆ Contact people on the contact list...
- ◆ Translate it if you can...

...and please, please send us feedback on how useful you find it and what could be improved.

## And remember...

*"If you think you are too small to  
 make a difference, try sleeping  
 with a mosquito." - Dalai Lama*

They are built to turn living things to radioactive dust.

Their ongoing construction is polluting and destroying our environment.

They are here to protect and uphold racist, extreme capitalist agendas of exploitation and domination.

Their existence is in direct contravention of international law, yet nuclear weapons are here.

This is despite numerous UN resolutions calling for nuclear disarmament.

There are no UN teams calling to inspect their dismantlement.

They're not on the map.

They're not on the news.

But they're here.

**Nuclear Weapons:**

**Don't you think it's time the inspector called?**

## What is the Abolition Days Campaign?

**Abolition Days** is a campaign of action against nuclear weapons organised by a loose network of campaign groups all over the globe.

It is called **Abolition Days** because all of the groups and individuals involved are trying to bring about the abolition of nuclear weapons.

**Abolition Days** uses an 'action model' of **Citizens Inspections** as a basis for action.

Abolition Days is specifically about co-ordinating these actions, so that they happen in lots of different countries *at the same time*, allowing us to work together across international boundaries.

**Abolition Days** is a campaign of contradictions and creativity. At its heart lie two principles: nuclear weapons have to go, and we have to make it happen.

**Abolition Days** is about both challenging the law, and invoking [international] law. It's about challenging assumptions about nuclear weapons and their existence, and the hypocrisy of the system that is keeping them here.

Most importantly, **Abolition Days** is about working across international boundaries, about working together in solidarity to create a new future. The campaign is whatever you want to make it, but perhaps the best way to introduce it is to tell you the following tale – The Story So Far...

# The Story So Far...

## July 8 1996

The international Court of Justice (ICJ) publishes its advisory opinion on the (il)legality of 'the threat or use of nuclear weapons' and the 'legal obligation' to move to general and complete nuclear disarmament.

## August 7, 1996

The Group of 21 submit to the Conference of Disarmament in Geneva a proposal for a programme of action for the elimination of nuclear weapons. Note that India and Pakistan are members of the G21.

## December 8 1996

Judge Wolf in Stuttgart acquits seven peace activists who were arrested for civil resistance at EUCOM, a NATO base in Germany. The judge agreed with the defendant's claim that the deployment of nuclear weapons in Europe is in violation with the ICJ opinion. Also in Belgium, England, France, Scotland and the USA activists start to use the ICJ opinion in court to defend their actions of civil disobedience against nuclear weapons.

## December 10 1996

An overwhelming majority in the UNGA (United Nations General Assembly) welcomes the advisory opinion of the ICJ and calls for the start of multilateral negotiations for a Convention banning nuclear weapons (NWC). Most NATO states vote against this resolution, which was introduced by Malaysia.

## March 13 1997

The European Parliament adopts a resolution welcoming the ICJ opinion, and calls upon its member states to start negotiations for a NWC.

## July 8 1997

On the first anniversary of the ICJ opinion an international delegation of the 'Nuclear Weapons Abolition Days' (NWAD) network delivers notarized 'Citizens Summons' to NATO leaders meeting in Madrid. They summon NATO leaders to comply with their legal obligation.

## August 6 1997

The main gate of NATO Headquarters in Brussels is closed for a 'war crimes inspection'. Four citizens enter the HQ and ask to see the list of targets of NATO's nuclear force. This is refused by Mr. Merrill, a director of the private



Above:  
Madrid July 97  
Left and Below:  
NATO 1997

office of NATO's Secretary General Javier Solana.

**August 9 1997**

Citizens Inspect nuclear weapon related sites in Belgium (Kleine Brogel B61-11 weapon depot), England (Menwith Hill, Aldermaston laboratory), France (Cherbourg submarine yard), Germany (Buechel B61-11 depot), Netherlands (Volkel B61-11 depot), Scotland (Faslane Trident base) and USA (Los Alamos laboratory, ELF, Valley Forge, Livermore).



Left: February 1998, Canadian MP Libby Davies at Bangor, USA. Below: Belgian MPs Hugo Van Dienderen and Ludo Sannen enter Kleine Brogel, Belgium



Annan resolves the crisis over these controversial inspections.

**October 27 1997**

NATO Secretary Solana notes in a letter to our network that NATO was considering the ICJ opinion very seriously, but had not yet come to a clear decision on the impact of the court's ruling.

**December 9 1997**

The UNGA adopts a new resolution invoking the ICJ opinion. Once again an overwhelming majority calls for multilateral negotiations banning nuclear weapons to start in 1998. And once again NATO members vote against this disarmament resolution.

**January 18 1998**

Citizens Inspect ELF (USA). A report of the inspection was filed with the ICJ in the Hague. The ICJ replied that they only accept reports from countries.

**February 1998**

Washington and London threaten with a new Gulf War if Saddam Hussain doesn't allow UN inspectors free access to his palaces in Iraq. Saddam is suspected to use these places for hiding and production of weapons of mass destruction. The crisis comes to an end when UN Secretary General Kofi

**February 26 1998**

A Citizens' Weapons Inspection Team has concluded that nuclear weapons of mass destruction are being stockpiled and deployed at the U.S. Trident submarine base at Bangor, Washington State. The inspectors condemn strongly the double standards used by the nuclear weapon states. Soon more citizens are inspired to uphold international law, and Citizen Verifications are concluded at the US embassy in Aotorea/New Zealand, the nuclear weapon laboratory in Aldermaston (UK), Davis Monthan Air Force Base, Livermore and Los Alamos labs, and at Bath Iron Works (USA).

**March 18 1998**

Belgian Members of Parliament Hugo Van Dienderen and Ludo Sannen attempt to inspect the Belgian NATO base at Kleine Brogel 'on suspicion of the presence of US B61 nuclear weapons of mass destruction'. Access is refused. The inspection was inspired by the presence of Canadian MP Libby Davies on February 26 in Bangor.

**April 4 1998**

A first Citizen's Verification Team attempts inspection at the no longer secret Egozi nuclear missile base in Israel. One member of the team measures radiation levels between 1700 - 7,000 on a Geiger counter near the site.



**May 1998**

India conducts five nuclear weapons tests, and Pakistan follow suit. The new nuclear arms race gives a new impetus and urgency to the campaign for a ban on nuclear weapons.



NATO 1998 – the delegation team after a meeting with NATO and (left) a member of the inspection team is arrested.

question the employees about the Nuremberg Principles before being apprehended.

**June 11-12 1998**

As the nuclear planning group of NATO meets at the HQ in Brussels, activists launch the 1998 Abolition Days actions by hanging posters outside which read "Wanted for War Crimes" above pictures of all 16 Defence Ministers at the meeting. They also deliver a copy of a model Nuclear Weapons Convention.

**July – August 1998**

A Peace Walk from the camp in Brussels to Faslane in Scotland (UK) links the Abolition Days campaign with the Trident Ploughshares 2000 initiative. This is a campaign for civilians to openly and accountable

**July 8 and 10 1998**

During a weeklong Abolition Days international camp in Brussels, Belgium, two inspections take place. On the second anniversary of the ICJ opinion, at NATO HQ in Brussels, a delegation from the Abolition Days campaign, (accompanied by two Members of European Parliament and a Belgian MP) are granted a meeting with NATO officials. The officials fail to give the delegation the information about NATO nuclear weapons that they require, and so the meeting is followed by attempts by three inspection teams to enter the HQ. Two days later, nine more inspectors manage to gain access to the HQ and



disarm the UK's Trident nuclear weapons, unless the UK government complies with international law.

**Coming Soon.....**

**October 1 1998**

Citizens are called to uphold the Nuremberg Principles by organising an inspection at nuclear sites where governments prepare crimes against humanity.



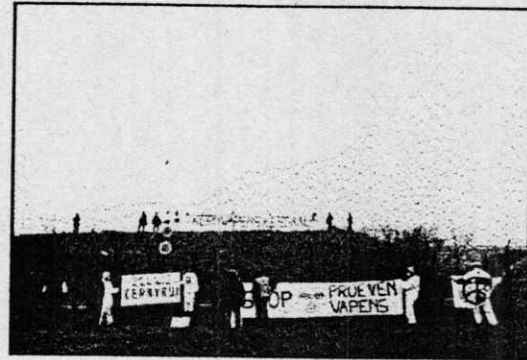
# CITIZENS INSPECTIONS ACTION IDEAS

Many citizens inspections have taken place already – and each one was different. What follows here are short lists of the types of action that you can take as part of your inspection. They are placed in groups to make it easier for you to choose. You might choose three or you might choose only one, but whatever you do please tell the Abolition Days Network of your action and how it goes! (See contact details elsewhere in this booklet).

## Collecting Evidence

Obviously, the most important part of the inspection.

- ❖ Carrying clipboards and making notes
- ❖ Using a Geiger counter to test radiation levels
- ❖ Talking to the personnel, security and the police
- ❖ Measuring the area, the road, the gate
- ❖ Taking photographs (many military sites do not allow this, but it would be a reasonable thing for an inspector to demand to do)



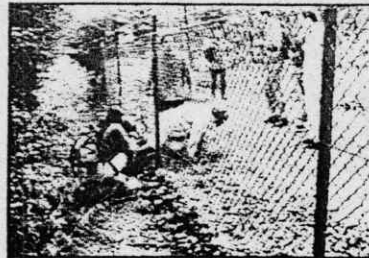
## Interacting with authorities

This can involve challenging authority, or negotiating with those responsible for nuclear crime – or both.

- Sending a letter in advance to request access to the base
- Requesting a meeting with the base commander to discuss nukes, the law and the Nuremberg Principles
- Trying to gain access – often means a ‘discussion’ with the guards on the gate
- Serving notices (see also ‘Marking the Base as Illegal’)
- Using ‘swearing-in’ ceremonies and badges/armbands.

## Gaining Access

- Cutting a fence to get in.
- Climbing over or under fences.
- Walking through the gate when open.
- Using ladders, ropes, platforms, human climbing frames.
- Putting notices around the site.



## Closing the base

- Blockading entrances with bodies sitting down in front of cars
- Blocking gates with people's arms locked-on inside metal or plastic tubes
- Chaining or locking yourselves to gates
- Using tripods
- Highlighting that the area is closed by using 'hazard tape' (red and white striped plastic)
- Putting up signs saying 'Base Closed - Please Turn Around' at the gate and along the access road
- Calling through a megaphone that the base is closed



## Marking the Base as Illegal

It's good to do this after doing an inspection first. It makes sense to be able to act on the information you might have 'gained' on your first inspection.

- ◆ Using notices, wanted posters, stickers, banners.
- ◆ Putting notices alongside roadsides to the base.
- ◆ Use ceremony to tell the base that it now has to close, handing in either a big sign or Citizen's Summons to the highest person in command on the day.

## Prepare Yourself!

Blockading or entering a base without permission (other than your responsibility under international law) may lead to arrests.

It is reasonable to assume that while you conduct your inspection into alleged war crimes, the base ceases from its day-to-day activities or that in order to conduct your inspection into alleged war crimes you must gain access even though the authorities have tried to stop you. However, the authorities might not see it that way!

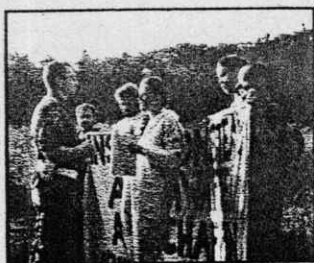
Be prepared for any likely charges - trespass, damaging property, obstruction – and research the risks as much as you can in advance.

Since many methods of forcing a base to close down or gaining access may involve putting yourself in a confrontational situation, please make sure that you read the Non-violent Direct Action Briefing elsewhere in this booklet, and organise training if possible.





## Questioning the personnel and police



There are two purposes to this – one is to attempt to gather information about what is in the base, and the other is to find out whether the personnel are aware of their responsibilities under the Nuremberg Principles. If it turns out that they are not aware, it's a good time to tell them...

- Using a questionnaire
- Handing them a leaflet
- Giving them a letter from the team

## Inviting Celebrities



Politicians and celebrities will be a good way of attracting media and public attention, and will also help you to explain the importance of the issues. Note that they may be unable to get arrested – make sure that you discuss this with them beforehand.

## Using your imagination

- ❖ Street Theatre
- ❖ Costumes – radiation suits, judges costumes, death – or more surreal costumes, like bunny rabbits, ballet dancers... anything you can think of! So long as you take your job as an inspector seriously, it shouldn't matter what you are wearing



## Publicity – or Surprise?

Publicising your action – including writing to the base in advance – can have several advantages. First of all, inviting the public means that there may be more people. Secondly, inviting the media means they can put it in their schedule. And finally, warning the base means that you can show how reasonable you are – you are giving them a chance to voluntarily give you the information you want. (Note that this may be useful in court.)

However, the negative side to this is that it gives the authorities the chance to prepare their security, and to prevent the inspection from being successful. A surprise action can get around this, and may give an inspection team a vital amount of time to gather evidence, but needs some different sorts of preparation.

This should include making sure that there are enough people, informing the media as soon as possible after the event, and additional training to deal with the different ways that the authorities react when they are surprised.

**It might be a good idea to combine both publicised and surprise actions into your campaign.**

- ❖ Imaginative slogan ideas and graphics for banners
- ❖ Themes for different inspection days – for example, musicians, actors, families, lawyers, medics, gardeners (who may find better uses for the military land!) and so on. Show that many different citizens are concerned about nuclear weapons.
- ❖ International inspections – use flags and pictures to show who the good guys and the bad guys are!
- ❖ Painting Hiroshima shadows in chalk or easy-to-remove-paint on the roads and pavements around the base.

## Support Actions

If you can't organise an action – particularly if your group does not live near a base and would prefer to do something local, there are still things that you can do.

- Organise street theatre in your town centre to tell people about the issues – and about actions that might be taking place elsewhere in the country / the world
- Report to your local police station that a crime is being committed – go as a group after holding a press conference with local media, and celebrities / politicians if possible. (Contact the legal group of Abolition Days for more information about this.)
- Link up with other groups who are doing actions at bases elsewhere – if need be, club together to send a representative of your group to the action (and tell the media that they are going!)

"If you go to one demonstration and then go home, that's something, but the people in power can live with that. What they can't live with is sustained pressure that keeps building, organisations that keep doing things, people that keep learning lessons from the last time."

– Noam Chomsky

Every time you  
organise an  
inspection,  
**EVALUATE**  
it afterwards and  
plan next time.

### **REPEAT**

things that are  
effective, but don't  
be afraid to try  
something new. It  
will keep the  
campaign  
interesting and  
exciting.

Apathy, arrests,  
court proceedings  
and antagonistic  
media sometimes  
make campaigning  
hard.

Keeping both our  
**ENERGY** and

our **PRESSURE**  
levels high is  
important if we are  
to ensure that **one**  
**day there will**  
**be no bases for**  
**us to inspect...**



# Non-Violent Direct Action

Some elements of the Citizens Inspection action fall into the category of Non-Violent Direct Action (NVDA), and many of the campaigns against nuclear weapons use NVDA. This briefing is for those less familiar with NVDA as a tactic/philosophy – which might include people who participate in your action. Please use it as a taster, and contact other organisations for more information.

## Why Non-Violent? \*

On the basis of what it sounds like, many people take the word 'nonviolence' to mean just 'not violent' and often interpret it as gentle, passive, harmless, non-confrontational. Nonviolence means slightly different things to different people

For some activists and theorists, nonviolence is a word meaning 'people power', that is social and political movements which use the power of demonstrations, non-cooperation or direct action to change a situation; it is a strategy, not a principled choice. For others, the word has strong links with their religion (Christianity, Quakerism, Buddhism, for example) to do with the ultimate goal of non-violent action and the spirit in which it is carried out. This can include the philosophy that the means of your action should fit the end result that you want to achieve – if you are trying to rid the world of violence, you should not use violence to do it.

## Why Direct Action?

Direct Action is when you have a direct effect on something you want to change. For example: disrupting work by blockading

or trespassing; dismantling equipment so that it no longer works for its original (immoral) purpose. Some other types of action (demonstrating, or writing a letter/petition to parliaments or companies) are sometimes called 'indirect action' since the action you take is to ask another person or people to take action on your behalf. Most campaigns use a combination of indirect and direct action to achieve change.

Sensational direct action is often seen as just a way of getting media attention, but the underlying principles behind choosing it as a tactic are, for many people, much deeper. These include social and personal responsibility; collective action; effective (not just symbolic) resistance, and non-hierarchy. Unsympathetic media or politicians often accuse direct activists of 'ignoring the ballot box' – but for some activists it is the only answer to a system which acts immorally, however democratic it may claim to be. They refuse to accept that any person's participation in society/politics/change should be limited to just the chance to vote every few years.

## The Importance of Preparation and Training

Direct Action, however nonviolent, can very often lead to a confrontational situation – two sides wanting different things brought

together in a small space. For instance, police or security guards might be trying to remove you from a building or compound, and when you insist on staying, they see this as a challenge to their authority and are angered by it. A worker whose office is being occupied is likely to feel upset and angry that their working day has been disrupted.

Thinking about and preparing for these situations, and how to prevent them from becoming violent, is essential for all NVDA actions. You might not always be able to prevent the violence of the state against you. However it is important – for your own safety as well as your empowerment – to at least try and find effective ways of minimising that violence, coping with the after-effects if it happens, and not resorting to violence yourself. Training can include role-plays and discussions, while another element of your preparation can be to form small ‘affinity groups’ within the larger group. These not only enable your action to be less hierarchical and more flexible, but they also enable people to get to know each other and take care of each other on the action.

**ALWAYS MAKE SURE THAT EVERYONE ON THE ACTION RECEIVES A LEGAL BRIEFING**

**Also see the notes on the ‘Action checklist’ about legal observers, ‘guardian angels’ and legal support during the action.**

### Police Powers

PLEASE NOTE that police and security forces are different in different countries, and have different laws to enable them to protect the status quo (and nuclear weapons). If you are preparing to take action which you think will break a law (at least in the police’s eyes), find out as much as possible about what their reaction might be, and what you can do after the action if they have acted wrongly.

### THE METHODS OF ACTIVE NON-VIOLENCE \*

- ◆ **DRAMATISING ACTIONS** – usually symbolic, can be used to reveal the truth of an issue and to draw attention to it. For example, homelessness campaigners in Washington reclaimed the body of a pauper who froze to death and carried it in a coffin to city hall, thus literally laying at the door of those responsible.
- ◆ The **CREATIVE DISORDER** of demonstrations, blockades, marches or invasions attract attention to an issue and can lead to change.
- ◆ **NON-COOPERATION** – strikes, boycotts, stay-aways, refusal to follow orders – and **INTERVENTION** – blockades, sit-ins, direct action – create a crisis and can compel necessary change when opponents are unpersuadable.
- ◆ Creating **ALTERNATIVE INSTITUTIONS** is another way of altering society.

### Finally...

... remember that by taking action you will also be changing their reaction each time, either because you cause them so much inconvenience (they may then either come down harder on you, or ignore you completely!) or because they fear negative media attention. One day, we hope to be congratulated, not arrested, for our actions against nuclear weapons!

### Information about arrests

Please pass on information about your action. Particularly tell the Abolition Days Network Legal Working Group (see contacts list) about any arrests, even if they don’t lead to a prosecution. This helps the network to build up a picture of who is getting prosecuted, who isn’t, and whether the authorities are scared of international law defences.

*\* These sections adapted from a Taster Sheet produced by: Turning the Tide, A Quaker Programme on Nonviolent Social Change, QPS, Friends House, Euston Road, London, NW1 2BJ (UK)*



**THIS FACILITY  
CONTAINS  
ILLEGAL WEAPONS  
OF MASS  
DESTRUCTION**

- Citizens Weapons Inspection Team -



# Checklist for your action

This list is made up of the **MAXIMUM** number of things that you could do as part of your action – don't try and do it all! Adapt these suggestions for your own checklist, reflecting the main aims of your action, and what your resources are.

## BEFORE THE ACTION

- **letter** to the base/government
- **advance press release**, to tell the media that something is happening on that day
- Pre-prepared **press release for the day**, so that the actual details can be added easily
- Prepared **lawyer** and **'homebase'** number
- **Meeting point** and briefing time for all those participating

## FOR THE ACTION

- **Leaflets** for the public walking past
- **Leaflets and questionnaires** for the workers
- **Banners**
- **'Badges'** for the inspectors
- **Signs** for the base fence
- **Tools** that might be needed
- **Legal briefings** (or 'Bustcards') telling people in brief what their arrest rights are and what the legal/homebase number is
- **Chalk/Paint** for Hiroshima shadows

## TIMING

- When your briefings are going to take place
- When and where you are meeting any members of the media
- How long the inspection is going to last – including different scenarios (for example, if permission is not granted, or all of the 'inspectors' have been arrested but people want to continue the demonstration, and so on.)

## PEOPLE – WHO'S DOING WHAT?

Make sure you have all of the essentials (which will be different depending on your action) and 'spare' roles for extra people who might come to the action.

- **Inspectors** – including deciding who is 'arrestable' (willing to do cutting or trespassing) and who is not, and making sure everyone in each team/affinity group knows which is which in their group.
- **Police spokesperson** - make sure it's understood that they are just a go-between and that they have no authority over the group
- **Photographer** or video controller







# Using the Media

Through the years activists have realised that there is effort and skill needed to get your action publicised in the media. These guidelines are to help you to do that.

Publicising your action is not just about attracting attention to yourself or even to the political issue of nuclear weapons. It is also about responsibility. You know that you have responsibilities under the Nuremberg Principles, and by publicising your actions to people, you are making sure that they know about their responsibilities too. Ensuring that the public and the media know about any arrests is also a form of protection for those who have been detained, as extra pressure may be put on for them to be released.

- ◆ First of all realise that members of the press are not our friends, but also not our enemies. They need us as much as we need them.
- ◆ Try to identify a **contact person(s)** at every media outlet, and keep him/her informed. Provide him/her with background papers, and let them know that you are committed to the issue.
- ◆ **Don't be afraid to ask** about the needs of reporters: how they work, deadlines, etc. Please be aware of deadlines! Don't call in middle of radio-news, or five minutes before closing time of the news desk at the TV-station.
- ◆ **Always keep your message short and simple.** Speak slowly. Remember your audience. Be aware that only a few sections of the media will give us the opportunity for a more in depth story, (for example magazines or use the opinion-page in newspapers).
- ◆ **Write a short invitation/news release** with 'The Five Ws' in first paragraph : who, what, why, when and where. Always mention contact the contact details.
- ◆ **Create a 'visual' action.** Brainstorm about the image you want to relay to the general public. Create a photo-opportunity which contains all the elements you want to communicate - five Ws! Think about the image when planning a protest or event. Make clear clean banners (black print on white or yellow)!
- ◆ Remember that television and photos are the most powerful communication tools today. **Include movement and sound** for TV, audio for radio, ... and a good interesting short story.
- ◆ Contact the **wire services** (AP, Reuters, your national agency) first, as they will distribute your story to TV, radio, newspapers and magazines. Wire services provide one of the best ways to insure successful coverage. Don't

forget the national and international TV and photo-agencies if you can guarantee a good story. A good photo-story might be picked up by several newspapers and reach millions of people.

- ◆ If you have an important story, arrange for **your own camera** (Betacam, digital or Hi-8) and photographer. Absent agencies might be interested in your video-footage and photos.
- ◆ Radio news and news agencies cover events as they happen. Their news desks are among the first to **call when your protest has started**. Call them with regular updates if your event takes several hours, and brief them once it has ended.
- ◆ Don't forget to **appoint one activist responsible** for the contacts with the media during the

#### SPECIAL MEDIA TERMS

##### 'Embargo'

give information under 'embargo' if its confidential till a certain time.

##### 'Pool'

release your 'photographs or TV-footage' as a 'pool' so other reporters can also make use of them (not exclusive).

##### 'Off the record'

go 'off the record' if you don't want this information being quoted (but be aware that some journalists might not respect this – so be careful what you tell them).

##### 'Exclusive'

You can give a reporter an 'exclusive' story (one which you don't give to other reporters) if this might help to break the news. You might be able to give it to other reporters afterwards, but it's important to be careful.

event, to give regular briefings, point out spokespeople and photo-opportunities, take note of their names and contacts, deal with press calls on the mobile, etc.

- ◆ **After the action**, send an objective report to your contacts. Mention agencies on your action-report (for example TV footage and photographs through Reuters). This might encourage a local TV station or a newspaper to pick up the story.

#### YOUR RELATIONSHIP

#### WITH THE MEDIA

Be aware that members of the media – like all of us in some way – have their own agendas. You need to be aware that sometimes your words and even your issue may be manipulated, even by sympathetic journalists. In other cases your action may not be reported at all, however much effort you put into getting the media there. The main thing to ensure your action is effective even without the media.

- ◆ **Make sure that the number one aim of your action is not to get media attention. It should always be to get information or to close the base down.**
- ◆ **Spread the word yourself, using your own media – your own newsletters or magazines, or information evenings and video showings.**
- ◆ **Incorporate into the action other ways of informing the public about nuclear weapons and the need to act against them. For example, leafletting or petitioning in your town centre later on the same day.**



# International Law and Nukes

**Nuclear Weapons:**

**We know they're wrong**

**And it would be insane to use them**

**So, for some, it's not surprising that they're illegal in practice.**

**In this briefing you will find quotes from the ICJ ruling, and an analysis of what they mean.**

## Quotes from the Legal Conclusions of the Advisory Opinion of the International Court of Justice

*published on 8 July 1996*

“ A threat or use of force by means of nuclear weapons that is contrary to Article 2, paragraph 4, of the United Nations Charter and that fails to meet all the requirements of Article 51, is unlawful; ”

“ A threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict, particularly those of the principles and rules of international humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons; ”

“ It follows from the above-mentioned requirements that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law;

However, in view of the current state of international law, and of the elements of fact at its disposal, the Court cannot conclude definitively whether the threat or use of nuclear weapons would be lawful or unlawful in an extreme circumstance of self-defence, in which the very survival of a State would be at stake; ”

“ There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. ”

*Of the above quotes, all but the third was voted on unanimously by all fourteen judges. When it came to the third, the judges were split down the middle. Following the publication of the ICJ ruling, official nuclear weapons states used this section to claim that their nuclear stance was within international law. This was despite text in the opinion stating that this section of the judgement should not be used as a 'loophole'!*

**Humanitarian Law** is about people and what you can and cannot do to them in war. It would be illegal to damage neutral countries, or the natural environment, or cause unnecessary suffering.

But how much is unnecessary? How serious is serious?

The trouble is that there's international law about the rights of states as well.

States are like molluscs and hamsters and humans. Their main aim is to survive. Left to themselves they'll do anything to keep going - somehow.

The World Court, or International Court of Justice is in the Hague, Netherlands is the highest possible authority on international law. In 1996 the World Court said that nuclear weapons would almost certainly be against humanitarian law.

Almost certainly.

### **But what if a state was actually threatened with total extinction?**

The Court couldn't decide on that - it wasn't given enough information.

So it might be possible to use nuclear weapons (if you are an "official nuclear weapons state" - like Britain, France, USA, China, Russia).

Basically there is a give and take between Humanitarian Law and Law to protect the rights of states. A state can cause **SOME** more suffering, damage to neutrals, etc if its "very survival is at stake".

But one thing never alters.

Humanitarian law says that you can never use weapons which cannot tell the difference between military and civilian targets. Targeting civilians and civilian needs, such as hospitals, is out. **Always.** Even if a state is on the verge of destruction. Even if the generals say that they didn't mean to kill the hundreds of thousands of civilians living near a military base.

So using nuclear weapons, or threatening to use them, might be legal if:

- they are very tiny

- are used in the middle of a desert
- or under the Arctic
- to protect a state's very life
- produce little long-lasting radiation  
.....in which case they wouldn't be much use anyway.

### **So what about Actual Nuclear Weapons?**

It doesn't look so good for the actual nuclear weapons, at least 30,000 of them, held by just a few countries, and ready for use at a minute's notice.

Take the case of Trident, used by Britain and the USA. Trident missiles are fired from submarines. Most of them have the same explosive power as 100 thousand tons of ordinary high explosive (100 kilotons).

Just one Trident warhead is worth 8 times the Hiroshima bomb which killed 100,000 people in a few seconds in 1945. It burnt people to a crisp with a temperature higher than the sun's. It did not kill many soldiers or destroy many war factories. Most of its victims were civilians, women, young children and babies - and even the doctors who might have been able to give the survivors some help.

And then there was radiation which causes cancers and deformities for generations. People from Hiroshima are still suffering from the effects of radiation to this day.

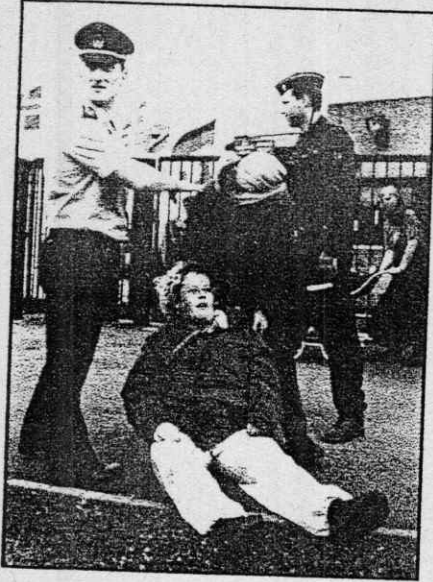
Retaliating against Saddam Hussein, for instance, means revenge on unborn children.

### **So could weapons like this ever tell the difference between civilians and military?**

### **Could they ever be legal?**

**If you try to interfere with nuclear weapons, or just try to find out what is happening at one of the places it is made, stored or made ready, are you breaking the law?**

**Or are you upholding it?**



# The Nuremberg Principles

The Nuremberg principles were drawn up following the famous Nazi War Crime Tribunals following the atrocities of World War II. The ICJ Opinion identified that the Principles would apply to nuclear weapons.

## Quotes from The Nuremberg Principles:

**PRINCIPLE I** Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.

**PRINCIPLE IV** The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility

under international law, provided a moral choice was in fact possible to him.

**PRINCIPLE VI** The crimes hereinafter set out are punishable as crimes under international law:

(a) Crimes against peace:

(i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;

(ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).

(b) War crimes:

Violations of the laws or customs of war which include, but are not limited to, murder, ill treatment or deportation to slave-labour or for any other purpose of civilian population of, or in occupied territory, murder or ill-treatment of prisoners of war, of persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.

(c) Crimes against humanity:

Murder, extermination, enslavement, deportation and other inhumane acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of, or in connection with any crime against peace or any war crime.

The principles outline what to many of us would be common sense. Some actions are plainly wrong, and every one of us has a responsibility to prevent genocide. The principles specify that to act on the orders of your government does not relieve you of this responsibility in the eyes of international law.

It is for these reasons that the Nuremberg Principles are key to Citizen's War Crimes Inspections. In 1998, the date of October 1 was chosen by the Abolition Days Network as an international day of action because it is the anniversary of the end of the Nuremberg Trials.

In various actions so far, activists have sought to educate military personnel on their obligations under the Nuremberg Principles. We have maintained, when stopped by police or security, that we are

acting on a higher authority than theirs - not just our consciences, but international law itself.

### Further reading on international law:

*The (Il)legality of Threat or Use of Nuclear Weapons - A Guide to the Historic Opinion of the International Court of Justice* by John Burroughs. Lit 1997, ISBN 3-8258-3516-2

*The Nuremberg Defence in Courts* by Francis A. Boyle, Edited By Merja Pentikäinen. IPB 1984, ISBN 951-9193-40-5;

**" We have to get it across what they're actually doing. When was it that the Nazis became genocidal? It was when they made the gas and built the chambers. This is the same, but with radiation and missiles. "**

- An Abolition Days activist at NATO, 8 July 1998

**" Stop confusing me with a Nazi! "**

- Exasperated Police Officer on being challenged about the Nuremberg Principles while trying to arrest a citizens inspector, NATO 1998

## Mordechai Vanunu

The judgment at Nuremberg directed that a person's duty to conscience is greater than their duty to the state. Israeli nuclear technician Mordechai Vanunu demonstrated this in September 1986, when he violated a secrecy oath to tell the world what he knew of Israel's secret production of advanced nuclear weapons.

But one week before his story and the photos he took inside the Dimona nuclear complex were published in the London Sunday Times, Vanunu was lured to Rome and kidnapped by Israeli secret police. Drugged and smuggled to Israel for a secret trial, Vanunu was convicted of espionage and treason and sentenced to 18 years in prison. Israel considered Vanunu's act of conscience such a threat to its security that he was ordered held in solitary confinement. For more than 11 years, Vanunu endured the torture of isolation in a 6' by 9' cell.

In the poem "I am Your Spy," written during his first year in prison, Vanunu wrote:

*"I have no choice. I'm a little man, a citizen, one of the people, but I'll do what I have to. I've heard the voice of my conscience and there's nowhere to hide..."*

Vanunu's action has inspired and motivated conscientious objectors, whistleblowers, nuclear resisters and citizen inspectors around the world. The international campaign to Free Vanunu got a boost in late January 1998, when officials declared he was no longer a threat to state security. Two months later, he was released from solitary confinement. Supporters worldwide continue to press for his unconditional release. After serving two-thirds of his sentence, Vanunu's first parole hearing was set for April 22 1998. To celebrate its 50th anniversary Jubilee, the State of Israel planned to release many prisoners, including political prisoners. Thousands of petitions demanding clemency for Vanunu, including hundreds from noted international scientists, academics, religious leaders, artists, entertainers, attorneys, and parliamentarians, were delivered to Israel.

For more information, contact the US Campaign to Free Mordechai Vanunu, 2206 Fox Avenue, Madison, WI 53711 (608)257-4764; or on the Internet at [www.nonviolence.org/vanunu](http://www.nonviolence.org/vanunu)



# Some advice for court cases

So you've decided to uphold the law and inspect a nuclear weapons "Site of Crime". Although you know that by taking action, you are upholding international law, the police will not see it that way. They might arrest you and you might have to defend yourself in court. The section on "Nuclear weapons and International Law" might give you a basic defence which you could argue yourself. But it's a good idea to talk to a lawyer who understands the actual court procedures.

Make sure that you have got your mind round these steps in the argument and prove to the following points to the court.

## **1 THE ICJ OPINION SHOWS THAT THE THREAT OR USE OF NUCLEAR WEAPONS IS ILLEGAL IN ALL IMAGINABLE CIRCUMSTANCES.**

Have copies of the ICJ Opinion for the court. The sections you quote should be highlighted and you should organise the exact order you quote them in beforehand. If judges or magistrates have a highlighted copy they know exactly what you are talking about and they don't go to sleep.

Even if you have an international lawyer to speak then, you should still have a fair idea of the ICJ Defence so that you can answer questions from the prosecutor. Study the highlighted sections of the Opinion and have a careful look at the Model Questions and Answers we can supply you with (see the end of this article).

Be aware of some of the parts of the ICJ opinion that the prosecution may try and use in its favour, and have answers for them. Try not to let the court get distracted from the main issues.

## **2 ACTUAL NUCLEAR WEAPONS WOULD BE ILLEGAL TO USE.**

Have the facts about nuclear weapons at the particular "site of crime" at your fingertips and point out to the Court to what the ICJ said about the effects of nuclear weapons, especially paragraph 92.

The description of possible legal use (under the ice cap, with small yield and minimal radiation, and then only in self-defence) can also be impressive.

## **3 INTERNATIONAL LAW IS PART OF YOUR COUNTRY'S LAW.**

Courts are suspicious about international law. They see it as "foreign" law. Even so, each country has international law built into its own legal system. You should discuss this with a trial lawyer to see how this works in your own country.

#### **4 YOUR AIM IN CARRYING OUT THE INSPECTION WAS TO BRING A HALT TO THE THREAT AND TO PREVENT AN UNLAWFUL ACTION.**

You must explain that you have committed what would normally be a very minor crime in order to prevent a much greater crime or an enormous catastrophe. How this argument works is different in each country, so talk to a trial lawyer about this.

You must convince the Court that you are really trying to prevent an illegal act or a disaster, and are not just carrying out a publicity stunt. You must be sure in your own mind that this is what you are trying to do.

#### **5 YOUR ACTION WOULD ACTUALLY HELP TO PREVENT THE USE OF NUCLEAR WEAPONS.**

Part of showing that you are sincere in upholding the law is to prove that your action was actually meant to do something - to help get rid of nuclear weapons. Is what you did actually more effective than handing out leaflets or holding up a poster? Ask yourself this when you are planning your action. You must make it quite clear that you were not risking arrest just for the sake of it.

The prosecution may try and argue that your only aim was to get publicity. So be sure in your own mind that this was not the case. And remember that when you are trying to publicise your actions, you are doing so to remind other people what the Nuremberg Principles. In other words, you are reminding others that international law says they have a responsibility to prevent genocide.

#### **6 YOU HAVE DONE EVERYTHING POSSIBLE TO ACT THROUGH "OFFICIAL" CHANNELS TO COUNTER THE THREAT AND THE ILLEGAL POLICY.**

If you suspect a crime is being planned, or a disaster could happen, most people would normally tell a policeman. Have written proof that you - or other people - have first informed the Government, the police, the media and the legal authorities and the base commander. As no one else would do anything about it, it was up to you.

We can supply you with a copy of the "Citizens Summons" which gives an account of why NATO's nuclear policy is illegal. As it was notarised and presented formally to the NATO Heads of State at their 1997 conference in Madrid, you can use it as evidence in court.

#### **AVAILABLE ON REQUEST**

Contact the Abolition Days Legal Working Group for copies of the following:

- ◆ Model Questions and Answers in Court
- ◆ Highlighted ICJ Opinion (to go with the above)

*“Every human being has a responsibility to act according to conscience to safeguard [themselves] and others. This should take precedence over any demands of governments which compel him to destroy life. ”*

*- International Confederation for Disarmament and Peace*



# THE CITIZENS SUMMONS

**TO ..... (HEAD OF STATE)**

**REPRESENTING ..... (STATE)**

**AT THE NORTH ATLANTIC TREATY ORGANISATION (NATO)  
MEETING IN MADRID: 8 JULY 1997**

**A CITIZENS' SUMMONS TO NATO LEADERS TO COMPLY WITH  
INTERNATIONAL LAW ON NUCLEAR WEAPONS**

***Whereas on 8 July 1996 the International Court of Justice (ICJ),  
or World Court, drawing on international agreements such as  
The Hague Conventions, Geneva Conventions, and Genocide  
Convention, issued its Advisory Opinion on the legal status of  
the threat or use of nuclear weapons which concluded that:***

- œ the threat or use of nuclear weapons is generally contrary to international humanitarian law;*
- œ no circumstance had been identified in which the use of nuclear weapons would not violate humanitarian law;*
- œ there is no distinction in law between threat and use of nuclear weapons; the limited use of low yield nuclear weapons would tend to escalate to all-out use of high yield nuclear weapons;*
- œ the Nuremberg Charter of 1945 applies to nuclear weapons. Thus it is the duty of citizens to uphold the law relating to nuclear weapons and of military personnel to obey it even if given a contrary order by a superior or by his or her national government;*
- œ there exists an obligation to pursue in good faith and bring to a conclusion (our emphasis) negotiations leading to nuclear disarmament in all its aspects under strict and effective international control;*

***And whereas on 10 December 1996 the United Nations General Assembly, in response to the ICJ Advisory Opinion, called for negotiations in 1997 leading to the early conclusion of a Nuclear Weapons Convention;***

***And whereas NATO is therefore acting illegally by:***

- œ retaining the option to use nuclear weapons first in future conflicts;*





- ☞ *compounding its violation of international law by a stated intention to incorporate new member States into its nuclear alliance;*
- ☞ *issuing orders to its military personnel to prepare for the illegal use of nuclear weapons;*
- ☞ *making conditional plans to use, through its member nuclear weapon States, a stockpile of nuclear weapons which, because of their yield, would necessarily violate international humanitarian law;*
- ☞ *condoning the consistent opposition by its member nuclear weapon States of moves towards the global elimination of nuclear weapons.*

***We, as citizens of a planet under threat of irreparable damage from the illegal threat of nuclear weapons, and acting in accordance with our obligation under the Nuremberg Charter to uphold the law, hereby give you notice that unless you take immediate action to review NATO's illegal nuclear policy we shall use all non-violent means in our power to intervene against all preparations for nuclear war at all the places where they are carried out. This could include organising and taking part in non-violent direct action, or support of such. As NATO, after one year, has given no indication of complying with the ICJ Advisory Opinion, such action will commence after the meeting of the NATO Heads of State in Madrid.***

SIGNED \_\_\_\_\_ (name) \_\_\_\_\_  
(organisation)



The Citizens Summons at the NATO Summit, Madrid 1997



# About the Abolition Days Network

## Members of the network

*(i.e. those who have endorsed the Citizens Summons) so far include:*

### International organisations:

For Mother Earth International (Belgium), International Association of Educators for World Peace (Tanzania), International Network of Engineers and Scientists for Global Responsibility (Germany), International Peace Bureau (Switzerland), Transnational Perspectives (Switzerland), Women's International League for Peace and Freedom (Switzerland)

### National Organisations

Ahupua'a Action alliance (Hawai'i, USA), Article Nine Society Hiroshima (Japan), Australian Anti-Bases Campaign Coalition (Australia), Belais 19 (France), Brandywine Peace Community (USA), Campaign for Nuclear Disarmament (UK), Campaign for Nuclear Disarmament Cymru (Wales), the Ceasefire Campaign (South Africa), Center for Encounter and Active Non-violence (Austria), Center for Energy Research (USA), Center of Research and Action on Peace (Greece), Citizens Awareness Network (USA), Coalition for Peace Action (USA), Committee of 100 (Finland), Council Of Women to End the Nuclear Age (USA), Darmstaeder Friedensforum (Germany), Earth First! (the Netherlands), Environment and Development Association of Ghana (Ghana), EUCommunity (Germany), Finnish Peace Committee (Finland), For Mother Earth France (France), For Mother Earth Romania (Romania), For Mother Earth USA (USA), Forum voor Vredesaktie (Belgium), Gewaltfreie Action Atomwaffen Abshaffen (Germany), **continued →**

◆ The Abolition Days Network is a **working group of Abolition 2000** – a global network of grassroots organisations who came together at the Non-Proliferation Treaty Conference in 1995 to call for a Global Ban on Nuclear Weapons to be negotiated by the year 2000.

◆ The Abolition Days Network is a **mixture of lawyers, lobbyists and direct activists**, all of whom usually use different tactics to achieve change, and many of whom come from very different political perspectives. A unique aspect of the network is that these activists are all finding creative ways of using each other's strengths to achieve change.

◆ Individuals or groups wanting to be part of the network do so by endorsing the "**Citizens' Summons**" (see 'The Story So Far', and the list of endorsers below). See elsewhere in this booklet for a copy of the summons, and to endorse it contact the international office (see the contacts page).

◆ The Network has an **email server list**. To subscribe to it, send a message to [majordomo@motherearth.org](mailto:majordomo@motherearth.org) leaving the subject line empty and including the following text: `subscribe motherearth-a-days <your account>`

◆ If you would like to make **donations** to the international campaign, contact the international office (see contacts list). The postal account number is # 000-1618561-19.

# Contacts

## Abolition Days Co-ordinating Group

\* = Legal Working Group

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Contacts continued →

**Members continued** → Global Anti-Nuclear Alliance (The Netherlands), Global Resource Action Center for the Environment (USA), Golden Bay Peace Group (New Zealand), Groupe de Reserche et l'Action Non-Violente (France), Healing Global Wounds (USA), IANUS (Germany), Information for Peace (Norway), Israeli Council for Israeli - Palestinian Peace (Israel), Jeugdbond voor Natuurstudie en Milieubescherming (Belgium), Kawika Liu (Hawai'i USA), Lawyers Committee on Nuclear Policy (USA), LETS groep Antwerpen-stad (Belgium), Los Alamos Action Network (USA), Manitoba Peace Council (Canada), Mouvement Chr-DAtien pour la Paix (Belgium), Nederlandse Kernstop Coalitie (the Netherlands), Nevada Desert Experience (USA), Norwegian Alliance of Lawyers Against Nuclear Arms (Norway), Norwegian Peace Alliance (Norway), Nuclear Age Peace Foundation (USA), Nuclear Guardianship Project (USA), the Nuclear Resister (USA), Nukewatch (UK), NZ Foundation for Peace Studies (New Zealand), Oxfam Wereldwinkel Gent-centrum (Belgium), Oxfam Wereldwinkel Hasselt (Belgium), Pacific Concerns Resource Centre (Fiji), PAIS (the Netherlands), Pax Christi Sydney Secretary (Australia), Paz Ahora (Spain), Peace Action (USA), Peace Farm (USA), Peace Movement Aotearoa (New Zealand), Peace Union of Finland (Finland), People for Nuclear Disarmament (Australia), People for an End of the Nuclear Cycle (USA), Ploughshares Ottawa (Canada), Plutonium Free Future (USA), Project Peacemakers (Canada), Project Ploughshares (Canada), Proposition One Committee (USA), Quakers of New Zealand (New Zealand), Scottish CND (Scotland), Socialistische Arbeiders Partij (Belgium), Southampton CND (UK), Tribunaal voor de Vrede (the Netherlands), Tri-Valley CAREs (USA), Union of Conscientious Objectors (Finland), Veterans Against Nuclear Arms (USA), War Resisters League (USA), Western States Legal Foundation (USA), Women's International League for Peace and Freedom -US Section (USA), WoMenwith Women's Peace Camp (UK), World Tree Multi- Cultural Community Center for Peace, Justice, and Mother Earth (USA), Youth CND (UK)

### Politicians:

AGALEV (Green Party, Belgium), Labour Action for Peace (UK) representing several Labour Party MPs and MEP's, Angeles Maestro (Izquierda Unida, Spain), Audrey Wise MP (Labour Party, UK), Bill Etherington MP (Labour Party, UK), Cecile Verwimp-Sillis (AGALEV, Belgium), Frans Lozie (AGALEV, Belgium), Hugo van Dieneren (AGALEV, Belgium), Joos Wauters (AGALEV, Belgium), Ken Livingstone MEP (Labour Party, UK), Patricia McKenna MEP (Green Party, Ireland), Eric Grijp (ex-Senator AGALEV, Belgium)

## Europe

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“Act or Perish.”

- Bertrand Russell

“I cannot believe that we are about to start the twenty-first century by having a repeat of the worst mistakes of the twentieth century when we know it is not necessary to peace, to security, to prosperity or to national greatness or personal fulfilment.”

- *US President Clinton, condemning the nuclear crisis between India and Pakistan, May 1998*

“We have to get it across what they're actually doing. When was it that the Nazis became genocidal? It was when they made the gas and built the chambers. This is the same, but with radiation and missiles.”

- *An Abolition Days activist at NATO, 8 July 1998*

“Every human being has a responsibility to act according to conscience to safeguard himself and others. This should take precedence over any demands of governments which compel him to destroy life.”

- *International Confederation for Disarmament and Peace*

**Q: When is a weapon of mass destruction not a weapon of mass destruction?**

**A: When it's one of 'ours'**

They are built to turn living things to dust. Their ongoing construction is polluting and destroying our environment. They are here to protect and uphold racist, capitalist agendas of exploitation and domination.

Their existence is in direct contravention of international law, yet nuclear weapons are here. This is despite numerous UN resolutions calling for nuclear disarmament. There are no UN teams calling to inspect their dismantlement. They're not on the map. They're not on the news. But they're here.

**Nuclear Weapons:  
Don't you think it's time  
the inspectors called?**

**Nuclear Weapons Abolition Days Campaign** *Part of Abolition 2000, a global network to eliminate nuclear weapons* c/o For Mother Earth International,

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