

Submission of Angie Zelter at Reading Magistrates Court on 9th March 2009

Charged with Wilfully obstructing a highway on 27/10/08 with a non-motor vehicle contrary to sct 137(1) of the Highways Act 1980.

- **Concern** about nuclear weapons for over 30 years since I first heard about them. Continued **reading and research** including visits to Hiroshima and Nagasaki.
- **Inability to just accept them** or forget them.
- **Knowledge of horrendous risks** and associated **lack of transparency** by governments and military on war plans, accidents, and health and environmental impacts.

Risks of the accidental or purposeful use of nuclear weapons has not diminished. The refusal of the nuclear weapons states has encouraged nuclear proliferation and **there are now 9 states that have nuclear weapons**.¹ We must not forget that we have been within a hair's breadth, time and again, of a global nuclear confrontation – the Cuban Missile crisis of 1962 is the most famous but there have been many other incidents where humanity was on the verge of a nuclear catastrophe. Tomorrow's nuclear war will not be an attack upon a sitting duck type of target (like Hiroshima) with no power of retaliation. It will be part of a nuclear exchange which could produce a nuclear winter which could destroy the food chain and wipe out all living things. The current carnage and devastation in Iraq and Sudan and Gaza would be as nothing comparatively.

In addition, **accidents** have occurred time and again. Launch on Warning systems have more than once readied themselves to launch a missile and have been held back, providentially, with only seconds to go.

There have also been more than 130 serious submarine accidents since 1956. The most recent incident, in February this year involved the undersea collision of British and French nuclear armed and powered submarines.²

There are **92 known cases of nuclear bombs lost at sea**.³ In the year 2000 the loss of the Russian nuclear submarine Kursk in the Barents Sea was the **6th nuclear submarine 'lost' at sea**, four of them Russian, two American⁴. We also know of at least 19 nuclear reactors from nuclear-powered vessels other than those lost at sea that have been deliberately dumped at sea (18 Soviet and 1 U.S.).⁵ The radioactive materials leaking out of these dumped and lost submarines, reactors and bombs are adding to the already huge quantities of **radioactive contamination** from the mining and manufacture of fissile materials for both the military and civil nuclear programmes and the long-lasting contamination from the atmospheric testing of nuclear weapons that continued right

¹ http://en.wikipedia.org/wiki/List_of_states_with_nuclear_weapons - the United States, Russia (successor state to the Soviet Union), the United Kingdom, France, China, Israel, India, Pakistan and North Korea.

² 17Feb09 News that a [British Trident and a French nuclear armed Triomphant submarine had collided in the mid-Atlantic](#) was broken by the *Sun*, following a leak. With questions mounting about what the submarines were doing when they had their "million-to-one" accident, [the Scotsman](#) speculates that they may have been undertaking Cold War-style activities such as "stalking each other under the sea" and "practising being able to kill the other guy's submarine before he could launch a missile."

³ <http://news.bbc.co.uk/2/hi/europe/884799.stm>

⁴ 1963: USS Thresher sinks off the coast of New England
1968: USS Scorpion lost in the mid-Atlantic
1970: Soviet November class sub sinks 480km north-west of Spain
1986: Soviet sub sinks 960km north-east of Bermuda
1989 : Soviet sub Komsomolets sinks off northern Norway
2000 : Russian Oscar class sub Kursk sinks in the Barents sea

⁵ <http://query.nytimes.com/gst/fullpage.html?res=9E0CE0DC133CF937A15752C1A964958260>

into the 1980's ⁶

There is also the problem of the disposal of radioactive waste from nuclear subs. Take the recent controversy over the large amounts of radioactive metal from the reactors of nuclear-powered submarines being cut-up in the Devonport dockyard, which sits at the heart of Plymouth, home to 250,000 people. There are now seven decommissioned subs awaiting disposal, each with more than 160 tonnes of radioactive waste on board ⁷.

- My action was done in the **knowledge** that the preparations for the next generation of nuclear weapons at Aldermaston is a **breach of international law** and encourages international lawlessness and terrorism.

I have **published 3 books** on nuclear weapons and citizen's resistance in the UK⁸ and the one entitled 'Trident on Trial' contains the legal arguments against Trident. I **won my case in Greenock** in 1999⁹ using these arguments and was found not guilty of criminal action when I and 2 other women dismantled and threw overboard the equipment on a Trident testing barge in Loch Goil in Scotland. My action at Aldermaston last year was done in the knowledge and belief that I acted within the law.

Last month I helped **organise a conference in Edinburgh** entitled 'Trident and International Law: Scotland's Obligations' to help inform MSPs, lawyers, judges, academics and journalists about the international law obligations surrounding British nuclear weapons. I think the keynote speech by Judge Weeramantry¹⁰, who was the Vice-President of the International Court of Justice when it gave its historic opinion on nuclear weapons, is so important that I have made copies for the court and will use it in my legal summing up. As part of my evidence, I am using it to show that my **concern and respect for the due process of law**, when it is carried out impartially, is sincere, and that I am trying in many different ways not only to stop British preparations for war crimes and crimes against humanity but also its present breach of the Non Proliferation Treaty.

- Belief that my **actions**, along with others, is **leading to change and is effective**.

Much of the work of the peace movement has been to research and expose the lies and myths that dangerously surround British nuclear weapons. For instance, the UK Government and Military have made statements to the British public and to the International Court of Justice that nuclear weapons use policy is always in accordance with international law and would not breach any intransgressible principles of international law, including not targeting civilian populations. However, a recently declassified document from 1978¹¹, that was photographed before it was hastily recalled from the National Archive by the MoD last year, exposed the lie. It describes the level of "*generalised destruction*" the UK would be prepared to wreak on Russian cities – let me remind you that the wording of international law only allows in very special circumstances the destruction of military, not civilian, targets - and explores how to cause "*sufficient damage to bring about the breakdown of the city as a functioning community*", going on to state that, "*Ground-bursts would subject 55-60% of the city to a radiation dose sufficient to cause rapid debilitation followed by death for most*

⁶ http://en.wikipedia.org/wiki/Nuclear_testing

⁷ <http://www.cnduk.org/index.php/press-releases/trident/military-nuclear-waste-being-cut-up-in-middle-of-city.html>

⁸ 1989 'Snowball – the story of a nonviolent civil disobedience campaign in Britain' published by Gandhi in Action, Delhi. 'Trident on Trial – the case for people's disarmament', ISBN 1-84282-004-4 published in 2001 by Luath Press, Edinburgh. 'Faslane 365 – a year of anti-nuclear blockades' ISBN 1-906307-61-X, published by Luath Press in 2008.

⁹ 21/10/99 Court Ref. No. 9900020493 Greenock Sheriff's Court.

¹⁰ Keynote Speech of Judge Weeramantry can be found on the Acronym website or on the TP website at <http://www.tridentploughshares.org/article1544>

¹¹ pdf of the secret document is at <http://robedwards.typepad.com/files/unacceptable-damage.pdf>

people in the area, and to contaminate food, water, air and both damaged and undamaged buildings," the document states. "Residual radiation would remain a hazard for many years to come."

- Willingness to take on the **responsibility of acting as a responsible global citizen** is linked to my legal justification for demonstrating and blockading at Aldermaston.

One of the foremost international lawyers and a Judge of the International Court of Justice, Judge Weeramantry, has stated:-

'the indiscriminate slaughter of civilians, the devastation of the environment, the infliction of excruciating suffering on hundreds of thousands, the infliction of genetic damage for generations and the wholesale destruction of a nation's cultural inheritance are all acts which even individually constitute a crime against humanity. In combination it is irrefutable that they fall within this category.

If such a crime is contemplated whether by individuals or by governments there is an inherent duty imposed on those who treasure the basic values of civilization to ensure that these things do not happen.'

He also talks of the *'fundamental change that has taken place over the last half century in the standing and reach of international law.'*

'No longer can international law be placed in a compartment separate and distinct from domestic law. It pervades every section of it and is as much part of the life of every citizen as domestic law.'

'Every individual is encouraged by all legal systems to defend the constitution and the interests of his or her state. The circumstances of our time demand that every individual be encouraged to defend international law and the interests of the global community. This is an imperative of our time. The stakes could not be higher, for they concern the very survival of civilization and of humanity itself.'

*'When a crime against humanity is involved every citizen has a duty to contribute what he or she can to prevent it.....Every legal system which cherishes human rights would give its citizens every opportunity of peaceful demonstration in support of such causes.....If the law is truly to be the custodian of the rights and liberties of present and future generations, **anti nuclear civil resistance is the right of every citizen.....Indeed anti nuclear civil resistance is the right of every citizen of this planet for the nuclear threat, attacking as it does every core concept of human rights, calls for urgent and universal action for its prevention.'***

I acted in this spirit and am proud to be one of those global citizens that a Judge of the International Court of Justice says has a right to engage in nonviolent civil resistance.

My civil resistance was taking part in a Trident Ploughshares Blockade with Carolyn and Jen (both of whom paid an immediate fine of £30 and with Zina, my daughter, who appears with me. There were 5 others in two other lock-ons – all part of the same civil resistance to nuclear weapon development. We were on the A340 close to Home Office Gate – the main entrance for most of the construction vehicles going in and out of the base.

I hope that this court will find the courage to cast off biased conventional thinking and political and institutional pressures and go to the core intent and spirit of the law and judge our actions in the full context of international law as specified in the Advisory Opinion (copies for the court are here) and

in the understanding that our intentions were to honour, obey and uphold international law not to break the law. It is the work going on at Aldermaston that is in breach of the law.

Legal submissions of Angie Zelter at reading Magistrates Court - 9th March 2009

A) Legal Propositions

1. The use of nuclear weapons is illegal in any circumstances whatsoever
2. The threat of use of nuclear weapons is illegal in any circumstances whatever
3. The possession of nuclear weapons is illegal, for possession is not for show-case display but for use if required
4. **The further development of nuclear weapons is illegal**
5. **The manufacture and testing of nuclear weapons are illegal**
6. The use of nuclear weapons violates every rule of humanitarian law
7. The use of nuclear weapons violates every principle of human rights, to which all nations are committed
8. The use of nuclear weapons is a crime against humanity
9. Nuclear weapons are a weapon of genocide
10. There is an obligation on all nuclear states to take meaningful steps to reduce and eliminate their stocks
11. **Failure to reduce stocks with a view to their total elimination is a violation of the requirements laid down by the unanimous opinion of the International Court of Justice**
12. **The testing and improvement of existing nuclear weapons is a contravention of the obligations of nuclear states under international law and of the unanimous opinion of the International Court of Justice**
13. **Every citizen has an obligation to use his or her influence to prevent crimes against humanity**
14. There is an absolute contravention of international law if belligerent states cause irretrievable damage to neighbouring states.
15. It is an absolute contravention of international law to cause irretrievable damage to the environment
16. It is an absolute contravention of international law to cause irretrievable damage to future generations
17. Devastation of the enemy's countryside and the mass slaughter of its population go far beyond the purposes of war and are international crimes
18. There cannot be self appointed enforcers of the rule against nuclear weapons, especially if the self appointed enforcers are themselves principal violators of this rule
19. There cannot be one law for some members of the international community of nations and another law for others
20. Those who take the decision to launch a nuclear weapon are personally guilty of a crime against humanity
21. On 27th October 2009 I was exercising my implicit power and responsibility - possessed by every law-abiding citizen at common law - to take proportionate action to prevent or impede reasonably apprehended breaches of the law by another, and thereby assist in keeping the peace within the realm (and internationally).¹²

¹² See the English Court of Appeal decision in *R v. Fitzroy Derek Pommel* [1995] 2 Cr. App. R. 607 where the defendant's answer to charges of possessing a prohibited firearm and ammunition without a licence (in fact a loaded sub-machine gun) was that he had taken them from another man who was intending to commit a crime with them and intended to pass them on to his brother for surrender to the police. The Court of Appeal held that if these facts could be established, a defence should be available to the accused, termed by the court "duress of circumstances" and observed

"[In] the situation where someone commendably infringes a regulation in order to prevent another person from committing what everyone would accept as being a greater evil with a gun ... it cannot be satisfactory to leave it to the prosecuting authority not to prosecute, or to individual courts to grant an absolute discharge. The authority may, as in the present case, prosecute because it is not satisfied that the defendant is telling the truth and then, even if he is vindicated, he is left with a criminal conviction which, for some purposes would be recognised as such."

B) Factual Propositions

1. Nuclear weapons constitute a threat to the health of the community
2. nuclear weapons cause indiscriminate slaughter of the enemy population
3. Nuclear weapons are a source of environmental pollution for thousands of years
4. Nuclear weapons cause excruciating suffering which goes far beyond the needs of war
5. Nuclear weapons are a health hazard for an unforeseeable number of generations
6. Nuclear weapons produce social disintegration
7. Nuclear weapons contaminate and destroy the food chain
8. Nuclear weapons cause genetic defects and deformities transmissible in perpetuity to future generations
9. They produce psychological stress and fear syndromes which last throughout the victims' lives
10. They wreak cultural devastation, irretrievably destroying historical monuments, historical documents and works of art, which are the inheritance of centuries.'
11. In 2002 Aldermaston (along with Burghfield) embarked on a massive building programme which will equip the UK government to design, test and build a new generation of nuclear warheads, in breach of the Non-Proliferation. The buildings have included the new "Orion" laser, a new High Explosive Fabrication Facility, and even more incriminating, a new supercomputer, essential to the design of new warheads, has been installed
12. Hundreds of new staff, including specialist warhead engineers, have been recruited to work at Aldermaston, and planning applications for new buildings, including a new Uranium Enrichment Facility, are going ahead

C) Conclusions

1. All of my actions on the 27th October 2008 were part of a nonviolent Trident Ploughshares blockade of Aldermaston to which hundreds of people came. There were 33 arrests of people involved in the civil resistance – the blockade. I was part of a group blockading the Home Office Gate.
2. All of my actions on the 27th October 2009 were peaceful, nonviolent and courteous and done as a responsible global citizen trying to prevent major breaches of international law.
3. My plea of duress of circumstances should be accepted and I should be found not-guilty..