

European Court of Human Rights May Hear Appeals of Nuclear Weapons Protest Convictions

German and U.S. nuclear weapons resisters continue their quixotic jousting match with the criminal justice system. Emphasis on the word criminal.

After dozens of “go-in” actions against the presence of U.S. nuclear weapons at Germany’s Büchel air base, and following scores of trial court convictions for “trespassing” at the NATO base, twenty individual appeals to Germany’s high-level Constitutional Court have now been rejected without comment. The high court has simply upheld the rulings of the Regional Court in Koblenz finding the resisters guilty. Koblenz judges have repeatedly found that secret arrangements between the U.S. and Germany have legalized the shipment to and deployment of U.S. nuclear bombs at Büchel.

Nuclear abolitionists, including Nukewatch’s John LaForge and many others, have argued that binding U.S. and German treaty law forbids any and all such transfer of nuclear weapons (known as nuclear proliferation), and consequently that nonviolent actions attempting to interfere with such violations are justifiable acts of “crime prevention.”

As of September, a total of six nuclear resisters have filed applications or appeals with the European Court of Human Rights, in Strasbourg, France, arguing that the convictions were in error. The ECHR, made up of 42 judges, one from every state party to the European Convention on Human Rights, has a rigid set of standards to be met to win a hearing, and defendants must first have exhausted all the means of redress in their state and federal courts.

In LaForge’s appeal to the ECHR, filed in May, the court has indicated some interest in the case, but has not yet formally decided to hear it. In June, the court wrote that one signature and one document were

missing from the application. “Normally this would mean that your application would be rejected,” the court said. “However, in view of the particular circumstances of the case, you are requested, on an exceptional basis, to complete your file” and supply the needed information by August 7.

After receiving the required materials, the Legal Secretary wrote on October 9, “The court will deal with the case ... as soon as the course of business permits.”

In late September, John joined German anti-nuclear bicyclists in a public protest ride between the two high courts. Beginning with a rally at the doors of the Constitutional Court in Karlsruhe, Germany, sixteen riders spent two days cycling to Strasbourg and the gates of the ECHR, just across the Rhine River border separating Germany and France.

In front of both court complexes, group members spoke of the increasing dangers and legal nihilism of nuclear sharing, and a small troupe performed a theatrical piece called “Wake Up Justice!” in which a sleepy, inattentive “Madame Justice,” portrayed by Lies Welker (pictured outside the Constitutional Court), was woken by the shouts and cries of citizens demanding that she do something about the threats to humanity posed by the nuclear war planners.



A sleeping “Madame Justice” was “woken up” by protesters before Germany’s Constitutional Court.

Lawsuit Filed in Rome Against Stationing of U.S. Nuclear Weapons in Italy

A formal complaint, submitted October 2, 2023 to Italy’s Public Prosecutor’s Office at the Court of Rome, demands a criminal investigation of the stationing of U.S. nuclear weapons on the national territory of Italy. The lawsuit also calls for the pursuit of all Italian persons who may be criminally responsible for the weapons’ importation and deployment. The complaint was signed by representatives of 22 organizations and says that the presence of U.S. nuclear weapons in Italy is certain, even though it has never been officially acknowledged by the government. The open secret of the transfer to Italy of the B61

H-bombs has been confirmed by numerous newspaper reports, scientific journals, leaked NATO documents, and the effective admission by the U.S. government that it has transferred nuclear weapons to Belgium, the Netherlands, Germany, Italy, and Turkey. U.S. B61 gravity bombs are reportedly now stationed at Italy’s air force bases at Ghedi and Aviano. The legal complaint recalls that Italy ratified the Treaty on the Nonproliferation of Nuclear Weapons (NPT) on April 24, 1975, and argues that the treaty’s Articles I and II prohibit the transfer of foreign nuclear weapons to Italy. The complaint also charges that the presence of U.S. nuclear weapons in Italian territory violates Italian federal law related to weapons and import licenses. — *For a copy of the lawsuit, email us at nukewatch1@lakeland.ws.*

Nukewatch at UN Nuclear Ban Treaty Meetings

By Nukewatch Staff

Three years have passed since the United Nations Treaty on the Prohibition of Nuclear Weapons (TPNW) received its 50th ratification, triggering its entry into force. In online meeting after online meeting, Nukewatch has collaborated with comrades to rally support for the nuclear ban treaty in the United States. Last summer, Nukewatch’s John LaForge met with nuclear abolitionists in Vienna for the first Meeting of States Parties. This November, Nukewatch gathered in person with even more friends from over a hundred civil society organizations and at least 30 countries for the second Meeting of States Parties that took place in New York City. Nukewatch staff Kelly Lundeen and John LaForge organized and participated in events inside and outside of the United Nations.

Inside the UN headquarters, the Affected Communities and Allies Working Group, along with Nukewatch, Manhattan Project for a Nuclear-Free World, International Campaign to Abolish Nuclear Weapons (ICAN), and Article 36 co-hosted a side event titled “Perspectives on Ongoing Harm to Affected Communities and Next Steps with the TPNW,” which highlighted the impacts of nuclear imperialism by three nuclear powers, the U.S., France, and the U.K.

Tina Cordova of the Tularosa Basin Downwinders Consortium spoke about the health consequences of the Trinity Test as a member of the fourth generation in her family to be diagnosed with cancer. The U.S. government has denied Trinity’s impacts, which are partially at fault for New Mexico’s status as the U.S. state most dependent on Medicaid. Hinamoeura Cross, mother and French Polynesian parliamentarian, lives with leukemia and is also among the fourth generation in her family to have cancer. She shared the experiences of young French Polynesian women who have deliberately chosen not to have children to avoid the fate of

French nuclear test survivors who have endured raising children with malformations, diseases, or losing their babies. Both Cordova and Cross were recipients of the Nuclear Free Futures Award given by Beyond Nuclear and International Physicians for the Prevention of Nuclear War.

Petuuche Gilbert, of Multicultural Alliance for a Safe Environment, reminded those present that uranium mining and milling are necessary for weapons production and have left irreparable environmental and intergenerational health consequences. However, mining and abandoned uranium mining communities, like the Grants district of New Mexico in his home of



(L-R) Hinamoeura Cross, Petuuche Gilbert, Elizabeth Minor, Nukewatch’s Kelly Lundeen, and Mari Inoue spoke at a United Nations civil society event highlighting voices from nuclear-impacted communities Nov. 28 in New York. Photo by Tony Sahara.

Acoma Pueblo, have been neglected by the TPNW. Mere Tuilau of Youngsolwara Pacific in Fiji brought to light the struggle of Fijian veterans, some as young as 15 when they were deployed to Kiribati, also known as Christmas Island. There they were exposed to U.K. nuclear testing in the 1950s and are now in dire need of access to health care and compensation.

Mari Inoue of Manhattan Project for a Nuclear-Free World and Affected Communities and Allies Working Group spoke about the importance of a victim-centered approach, adopting stricter radiation

protection standards, and affected communities’ disagreement with language in the TPNW that supports nuclear energy.

Nukewatch also attended the UN meetings of 90 nations. More than 65 civil society events took place in New York, and there were dozens of solidarity actions worldwide for the Global Day of Action against Nuclear Weapons. During the week, a delegation of 23 parliamentarians, from 14 countries not yet party to the TPNW, met calling for governments to sign and ratify the treaty. The UN meetings concluded with a declaration reaffirming commitments to getting more countries to join the ban, denouncing nuclear deterrence as policy, and unfortunately restating nations’ so-called “inalienable” right to nuclear energy. The Third Meeting of States Parties to the treaty will take place March 3-7, 2025 in New York.

Outside of the United Nations, Nukewatch brought the message of hope of the nuclear ban treaty to the nuclear-armed states that boycotted the meetings. At the Rally and March to Abolish Nuclear Weapons, Nukewatch’s Kelly Lundeen read a letter urging the U.S. and Russia to join the TPNW and work toward the elimination of nuclear weapons. When she tried to deliver the letter to the U.S. Mission to the United Nations it was rejected by security at the door, despite several prior attempts to alert them of the visit.

Kelly and John returned to the U.S. Mission two days later on November 30 with Catholic Workers, New York War Resisters League, and Raging Grannies to make sure their message was heard inside. Kelly was part of a blockade of all three entrances that shut down the Mission offices for two hours resulting in the arrest of 18 people. She said, “Nuclear weapons have been banned. The world has spoken. As a U.S. citizen ashamed of what my country has done, I’m here to stand in solidarity.” All 18 were released from jail later that afternoon with a ticket for a court appearance.