



Juristen und Juristinnen gegen atomare, biologische und chemische Waffen  
Für gewaltfreie Friedensgestaltung  
Deutsche Sektion der International Association Of Lawyers Against Nuclear Arms

IALANA, Marienstraße 19-20, 10117 Berlin

Embassy of the Russian Federation  
The Ambassador Vladimir M. Grinin  
- in person or via a representative -  
Unter den Linden 63 - 65  
10117 Berlin

Berlin, March 23 2015

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Your Excellency the Ambassador,

For decades IALANA has been committed to opposing the deployment and the use and the threat of use of nuclear arms and other weapons of mass destruction. We also campaign against "Nuclear Sharing" by Germany and other non-nuclear NATO member states and we have called for compliance with and strict fulfilment of the Non-Proliferation Treaty, particularly the binding disarmament obligations detailed in Art. VI NPT. Currently we are extremely worried about reports of the possibility of the use of Russian nuclear weapons during the conflicts in Ukraine.

According to media coverage of a TV interview broadcast on March 15, 2015, the president of the Russian Federation, Vladimir Putin, is reported to have told the interviewer that at the peak of the crisis in Ukraine he could not exclude the possibility of putting his country's nuclear weapons into a state of combat readiness if necessary. When the journalist asked if he meant that Russia would have been ready to use nuclear weapons, President Putin is reported to have answered: "*We were prepared to do this. I was talking with Western colleagues and saying to them that [Crimea] is our historical territory, that Russian people live there, that they were in danger, and that we could not abandon them.*"

If these reports are true, then in our opinion President Vladimir Putin was in direct contravention of applicable international law, as detailed in the Advisory Opinion of July 8, 1996, from the International Court of Justice (ICJ) in The Hague. The principal judicial organ of the United Nations, which is responsible for binding interpretation of international law, decided 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 international humanitarian law" (*ius in bello*).

The first of these principles aims to ensure the protection of the civil population and civilian areas, defining a distinction between "combatants" and "non-combatants"; states are prohibited from making civilians the target of their attacks and therefore are never allowed to use weapons which affect civilian and military targets in an indiscriminate way – such as nuclear weapons. According to the second principle of proportionality, it is forbidden to inflict excessive harm upon combatants. Thus it is strictly forbidden to deploy weapons which cause avoidable pain, injury and suffering. A further principle prohibits the use of weapons whose effects cannot be limited to particular state territories, which would violate the principle of neutrality by involving

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Co-Präsident der International Association Of Lawyers Against Nuclear Arms:

**Prof. Dr. h.c. mult. Christopher Gregory Weeramantry**

Vizepräsident des Internationalen Gerichtshofs in Den Haag i. R.

**Träger des UNESCO Prize for Peace Education 2006 / Träger des Right Livelihood Award 2007**

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neighbouring countries. As a consequence, states do not have a completely free choice of weapons for use as a means to conduct war. All of our knowledge regarding nuclear weapons implies they cannot fulfil the stipulations of international humanitarian law.

As explained in its Advisory Opinion of July 8, 1996, “in view of the current state of international law, and of the elements of fact at its disposal”, the ICJ “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”. Therefore, its judgment cannot be seen as leading to the existence of a right to use nuclear weapons. Several nuclear powers advocated the legality of the use of nuclear weapons under circumstances where the future development of such weapons allowed for a “clean” use, but the Court observed that they did not provide sufficient evidence for a determination of the validity of this argument. This was expressly stated on multiple occasions by the then President of the ICJ, Prof. Mohammed Bedjaoui. As yet, there has been no development of these smaller, low-yield, nuclear weapons, supposedly “clean” because they do not result in long-term radioactive contamination and cannot trigger any major cross-border nuclear damage. The nuclear weapons currently held ready for deployment in the arsenals of the nuclear powers do not have these characteristics.

We would like to add: Neither during the conflict in Crimea nor during the crisis in Ukraine was the “very survival” of the Russian Federation at stake. Even the argumentation used by the Russian government in order to legitimate its politics aimed and aims “only” at the protection of Russian populations from breaches of their human rights and also the protection of Russian geostrategic security interests in the face of the expansion of “NATO’s area” in Eastern Europe. However, this conclusion is not changed even when we consider the fact that this eastward expansion of NATO is happening in blatant contravention of political promises made to Russia by the USA and other NATO states in connection with the German reunification and the Paris Charter of 1989/90.

We should all be aware that the use of nuclear weapons by Russia or any nation could lead to a “tit-for-tat” exchange between nuclear powers which could only end in a catastrophe for humanity and a threat to the “very survival” of us all.

We therefore request Your Excellency the Ambassador Vladimir Grinin to clarify the veracity and authenticity of the reports on statements made by President Putin and where necessary also to issue a statement concerning how these statements can be reconciled with applicable international law.

We would also be very grateful if you would grant us the opportunity to discuss this in person with yourself,

We remain respectfully yours,



Otto Jäckel  
Lawyer  
Chair



Bernd Hahnfeld  
Judge (retd.).  
Board



Dr. Peter Becker  
Lawyer  
Co-Chair