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ISRAEL'S QUEST FOR HEAVY WATER – AN UPDATE

In *Spokesman* 88 we reported how, in 1959, Britain aided the proliferation of nuclear weapons to the Middle East by shipping the first consignment of 20 tons of heavy water to Israel for use in its new nuclear reactor at Dimona. Britain had originally obtained the heavy water from Norway. Now, the Norwegian Ministry of Foreign Affairs has for the first time published some of the key documents about the sale to Israel.

The documents show that, in May 1958, Israel asked to buy 20 tons of heavy water through the Norwegian company Noratom. Heavy water is used in certain types of nuclear reactors where it acts as a moderator to slow down neutrons so that they can react with the uranium. It is regarded as the cheap way to build an atomic bomb. At this time, only Norway and the United States could supply heavy water in these quantities. American heavy water was half the price of Norwegian, but was subject to rigid controls which would have prevented Israel from using it to produce atomic weapons.

Long before the negotiations for the purchase had started, the Norwegian Ministry of Foreign Affairs received secret communiqués from both Sweden and Canada. These said that both countries had received requests from Israel to participate in the production of atomic weapons, together with Israel and France. This collaboration would be completely independent of the United States. Norwegian Foreign Minister Hans Engen was informed of these approaches in a secret note dated 13th January 1959 – a month before the sale agreement was signed. The note relates that Israel had invited Canada and Sweden to participate in the production of nuclear weapons. Both countries already had their own programmes for the development of nuclear weapons. Israel's requests were a clear indication of the real motivation behind its nuclear programme – to build its own arsenal of nuclear weapons. Even so, the Norwegian Foreign Ministry did not prevent the sale. Israel had to sign an agreement that the heavy water was only to be used for peaceful purposes, and that Norway had the right to inspect to ensure that this promise was kept. Norway carried out only one such inspection, in 1961, after pressure from the United States. Two years later, the Dimona reactor started up.

But what was the role of the British Government in this sale? Officially, the heavy water was sold back to Noratom, the Norwegian state-owned company,

from where it had come in the first place. But the British Government did this knowing that Noratom would immediately sell on the 20 tons of heavy water to Israel. In fact, it was collected directly from a British port by Israeli ships.

After BBC Newsnight originally broadcast the story in August 2005, the Arab League wrote to the International Atomic Energy Agency seeking a full investigation. British Foreign Office minister Kim Howells subsequently told Mohamed ElBaradei, Director General of the Agency, that Britain did not sell the material to Israel. 'The United Kingdom was not in fact a party to the sale of heavy water to Israel,' he wrote, 'but did negotiate the sale back to Norway of surplus heavy water.' Britain then circulated that response to every International Atomic Energy Agency member government.

BBC Newsnight has now tracked down Donald Cape, one of the Foreign Office officials involved in deciding that British heavy water should be shipped to Israel. In September 1958, Cape received a letter in which the United Kingdom Atomic Energy Authority admitted: 'It could be argued that the Israelis will receive the heavy water by reason of our reselling it to Noratom; that therefore we are parties to the supply to Israel.' In fact, Israel's contract with Noratom says Noratom would provide heavy water from the United Kingdom Atomic Energy Authority for Israel – delivered in Britain to Israel. Noratom would take a commission of two per cent on the four million dollar deal; its responsibility would be 'limited' to that of 'consultant'.

Confidential letters obtained by Newsnight through a Freedom of Information request, written two months before the first delivery was collected by Israel, show the British Foreign Office knew Israel had secretly tried to buy uranium from South Africa – without safeguards. One letter quotes secret CIA reports from 1957 and 1958, which took the view that 'The Israelis must be expected to try and establish a nuclear weapons programme as soon as the means were available to them.' The man who wrote these Foreign Office letters was Donald Cape himself.

When the existence of the Israel's nuclear reactor at Dimona was revealed to the world in December 1960, British intelligence made an assessment of Israeli capabilities. These minutes are really the only occasion on which the British Government has ever released a detailed assessment of Israel's nuclear weapons programme, and they show just how important Britain's 20 tons of heavy water were to that programme. According to the Joint Intelligence Assessment, it meant that the Dimona reactor would be able to make enough plutonium to build up to six atom bombs a year. The document concludes: 'It has been, and remains our opinion, that Israel wanted an independent supply of plutonium so as to be in a position to make nuclear weapons if she wished.' Yet the Foreign Office imposed no restrictions on what the heavy water would be used for.

With grateful acknowledgements to the Norwegian Peace Alliance which supplied information about the Norwegian Foreign Ministry documents.

EVADING THE INTERNATIONAL CRIMINAL COURT

The United States is the only state that has been actively campaigning against the International Criminal Court. The Bush Administration has repeatedly voiced fears that the Court could be used to bring politically motivated prosecutions against US nationals. On that basis it is demanding that governments around the world sign impunity agreements to prevent them from surrendering US nationals accused of genocide, crimes against humanity and war crimes to the Court.

However, the Bush administration has run into increasing criticism in the US Congress as needlessly antagonising friendly countries. In addition, in a significant retreat from its previous opposition to other states ratifying the Rome Statute of the Court, it stated in the United Nations General Assembly on 23 November 2005 that '[w]e respect the right of other states to become parties to the Rome Statute; we ask in return, however, that other states respect our decision not to do so.'

Amnesty International has analysed the bilateral impunity agreements which the United States has entered into with more than 80 governments and has concluded that they are illegal. They violate both the Rome Statute and other conventions under international law – including the Geneva Conventions and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – all of which demand that persons responsible for the crimes are brought to justice. The European Union has analysed these agreements and reached the same conclusion.

Despite threats by the United States to withdraw 'economic support funds' and military assistance to countries that refuse to sign impunity agreements, more than 50 countries have committed to uphold the fundamental principle that no one can have impunity for these crimes by refusing to sign. They include European Union states, Argentina, Brazil, Canada, Japan, Mali, Mexico, New Zealand, Paraguay, Peru, Samoa, Slovenia, South Africa, St. Lucia, Switzerland, Tanzania, Trinidad and Tobago, Uruguay and Venezuela.

According to the *New York Times*, Niger is also amongst the countries that have refused to enter into a 'bilateral immunity agreement' with the United States. It says its Constitution does not allow it to grant the immunity agreement. So the Bush administration is cutting off certain support funds. Yet Niger is the poorest country in the world, according to the United Nations, where one in four children die before the age of five. Many of them die in the repeated famines which afflict the country, as we have seen all too plainly in recent months.

To date, more than 80 states have reportedly entered into impunity agreements with the United States. In most states, the agreement has been signed by the government. The agreement then requires approval by Parliament to be ratified before it becomes legally binding. According to reports, parliaments in Sierra Leone, Georgia, Honduras, Bosnia-Herzegovina, Albania, Gambia, Mauritania, Azerbaijan, Nicaragua, Panama, Tajikistan, Macedonia, Guyana, Kazakhstan,

Ghana, El Salvador, Bhutan, Timor-Leste and Mozambique have ratified such agreements. In other cases, when governments have signed impunity agreements, national parliaments are refusing to ratify them.

Sources: www.amnesty.org, www.nytimes.com

WHAT HAPPENED IN GREECE?

‘... let me just say in respect of those allegations that they are complete nonsense and no United Kingdom officials have taken part in any alleged mistreatment in Greece of any suspects whatsoever and we were not involved in the arrest or detention of those particular suspects.’

*Jack Straw, 13 December 2005,
in response to questions at the Foreign Affairs Committee*

On 7 July 2005, four bombs were exploded on three tube trains and a bus in London. Fifty-six people died, including four bombers, and many more were injured. In Greece, ten days later, 28 Pakistani workers were detained by the Greek secret service, apparently with the involvement of members of British Secret Intelligence Service.

The Pakistanis, who were migrant workers in Greece, say that as they were abducted their shirts were pulled over their heads so that they could not see, and that they were beaten and threatened with guns. They were held for several days. During their interrogation, they were asked about their involvement in the London bombings. Relatives in Pakistan were also detained at the same time and questioned about the bombings. The Pakistanis said that two British personnel, one of whom was ‘dark-skinned’, were present during some of the interrogations.

The Greek journal *Proto Thema* has named fifteen Greeks and one Briton as participating in the abduction and detention of the Pakistanis. *Proto Thema* also claims that the Greek Prime Minister, Kostas Karamanlis, sanctioned the British-led operation. It named two officials working in his office as taking part in the negotiations over the incident.

Some of the Pakistanis are now bringing a legal action in Greece against their Greek abductors. Lawyers representing them have filed a complaint against the agents named by the Greek newspaper report. ‘We have accused them of abduction and torture,’ said Frangiskos Ragoussis, their lawyer. ‘We will also request that they produce any documents – especially tapes – recording the interrogations.’

The Greek government has announced an inquiry, and the chief prosecutor in Athens, Dimitris Papangelopoulos, has asked that the case be made over from the police to the prosecutor’s office.

Munir Mohamed, one of the Pakistanis who were abducted, said that when they finally let him go, they told him, ‘Don’t you dare tell a word about what happened

in here. If we find out you said something, either we'll bring you here again or we'll cut your throat'. Mr Mohamed also said that the questions they asked him were about an old friend who used to live in London, with whom he hadn't any contact for at least six months. When asked why they waited for some months before publicising their accusations, Mr Mohamed said: 'When your life is threatened, you don't want to speak, even to your father, about it'.

Alekos Alavanos, the leader of Greece's opposition Coalition of the Left party, said of the UK government: 'They have to say if British services were involved in this act, that is against the democratic traditions of Europe, against the laws of human rights of the European Union, against the laws on torture of the UN, against the constitutions of every democratic country in Europe.'

TERRORISM BILL – 'WORRYING PRECEDENT'

Louise Arbour, the United Nations High Commissioner for Human Rights, sent two special investigators to Britain in 2004. Following their visit, she wrote to the British Government to warn that key parts of its new Terrorism Bill would set worrying precedents. The Bill seeks to outlaw incitement to terrorism and would extend the period suspects can be held without charge.

In her letter, Ms Arbour wrote:

'Parts of this Bill could pose grave challenges to effective human rights protection and set worrying precedents in the global struggle against terrorism. I believe that the Bill would benefit from further scrutiny to ensure that its provisions are in conformity with international and regional standards.'

She specified particular concerns:

- There is no precise definition of terrorism; phrases such as 'encouragement of terrorism' are too 'broad and sweeping';
- People could be found guilty of disseminating terrorist publications without 'actual intent';
- The proposed crime of glorifying terrorism 'fails to strike a balance between security considerations and the fundamental right of free expression';
- Grounds for proscribing groups that encourage terrorism are 'too broad';
- She was 'gravely concerned' about extending detention without charge from 14 to 28 days.

The British Government ignored Ms Arbour's plea to raise her warnings in time for the House of Lords to consider them before completing their discussion of the Bill on 20 December 2005. Even though Ms Arbour sent her letter on 28 November, Charles Clarke, the Home Secretary, did not make it available to Parliamentarians until 9 January 2005.