

CITIZEN'S INSPECTION CERTIFICATE

I, _____ HAVING BEEN TRAINED IN NONVIOLENCE, AND UNDERSTANDING MY LEGAL OBLIGATIONS AS A WORLD CITIZEN, AM HERE TODAY, FRIDAY, NOVEMBER 9, 2001, TO INVESTIGATE AND, CONSEQUENTLY, TO TAKE ACTION REGARDING THE PRESENCE OF SPACE WARFARE RESEARCH AND DEVELOPMENT IN THE VICINITY OF THE 'DEFENCE' RESEARCH ESTABLISHMENT OTTAWA (DREO), 3701 CARLING AVENUE, NEPEAN, ONTARIO.

DREO'S STATED GOAL OF USING SCIENCE TO ENHANCE THE KILLING POWER, OR LETHALITY, OF WAR, VIOLATES THE MORAL AND NATURAL LAW PRECEPTS OF NONVIOLENCE, AND THE IMPLIED REFUSAL TO DO DAMAGE—OR PREPARE TO DO DAMAGE—TO OTHER LIVING BEINGS.

THIS INSPECTION IS ALSO NECESSARY BECAUSE DREO ENGAGES IN THE RESEARCH AND DEVELOPMENT OF WEAPONS, WEAPONS SYSTEMS, AND WEAPONS COMPONENTS FOR NATO COUNTRIES, INCLUDING CANADA, WHICH HAVE BEEN INVOLVED IN CRIMES AGAINST PEACE, CRIMES AGAINST HUMANITY, AND NUMEROUS VIOLATIONS OF INTERNATIONAL LAW AND CANADIAN LAW, AS LISTED BELOW.

FEDERAL SPENDING TO SUBSIDIZE THE PRODUCTION OF THESE INSTRUMENTS OF DEATH WHILE SOCIAL PRIORITIES ARE NOT MET ALSO STANDS THE FEDERAL GOVERNMENT AND DREO IN CONTRAVENTION OF THE UNITED NATIONS COVENANT ON ECONOMIC, SOCIAL AND HUMAN RIGHTS AND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. BY ALLOWING THESE CONTRAVENTIONS TO TAKE PLACE IN THE REGION OF OTTAWA-CARLETON, LOCAL OFFICIALS—POLITICIANS, COUNCIL MEMBERS, POLICE FORCES, AND OTHERS—THEREBY BECOME ACCOMPLICES AND ACCESSORIES TO THE VIOLATIONS.

IT IS THE DUTY OF OTTAWA-CARLETON REGIONAL POLICE, PRIVATE SECURITY, RCMP AND ANYONE ELSE WHO MAY BE ATTEMPTING TO BLOCK OUR WAY TO ALLOW ME AS A CITIZENS' INSPECTOR INTO THE DREO FACILITY TO CONDUCT THIS INSPECTION.

ADDITIONAL PROVISIONS AND SPECIFIC AREAS TO CHECK FOR VIOLATION BY WEAPONS RESEARCH AND DEVELOPMENT AT “DEFENCE” RESEARCH ESTABLISHMENT OTTAWA

Preamble

In Canada, upwards of 250,000 people are homeless. Over 5 million individuals are at risk because they survive in poverty and are normally no more than one paycheque away from the street. Three million Canadians are forced to use food banks and soup kitchens annually; there are not enough spaces in women’s shelters for women escaping male violence; hospital beds are closing across the country; there are not enough daycare spaces for children; our collective health is endangered by lax governmental standards on environmental safety.

The provision of hundreds of millions in federal tax dollars—and DREO’s unquestioning acceptance of these monies to research and develop weapons, weapons systems, and weapons components which serve no positive social purpose—contributes to Canada’s inability to fulfill its obligations under the following international agreements and principles:

I. INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

(GUARANTEEING everyone’s right to “an adequate standard of living...including adequate food, clothing and housing.” These rights are not applied to Canada’s 200,000 homeless and over 5 million residents forced to survive in poverty, with over 3 million Canadians forced to rely on food banks. As the UN Committee concluded, there is “grave concern” that “such a wealthy country as Canada has allowed the problem of homelessness and inadequate housing to grow to such proportions that the mayor’s of Canada’s ten largest cities have now declared homelessness a national disaster...The Committee recommends that the federal, provincial and territorial governments address homelessness and inadequate housing as a national emergency by reinstating or increasing, as the case may be, social housing programmes for those in need...[and] to implement a national strategy for the reduction of homelessness and

poverty.” [1998, UN Committee]

By choosing to pursue contracts which drain the public purse of monies needed to address the abovementioned social crisis, and by choosing to research and develop weapons, weapons systems, and weapons components when the more pressing needs of shelter, nutrition, and personal safety are not met for millions of Canadian residents, DREO stands in clear violation of International Covenant on Economic, Social and Cultural Rights.

II. CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

which is “Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,” and which affirms “that the strengthening of international peace and security, relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, and in particular nuclear disarmament” are requirements for compliance under this covenant.

Every dollar spent at DREO for research and development of weapons, weapons systems, and weapons components is a dollar not spent on shelter space or transitional housing for women escaping male violence, and as the UN Committee on Social, Economic and Human Rights points out, “the unavailability of affordable and appropriate housing and widespread discrimination with respect to women create obstacles to women escaping domestic violence.”

III. CONVENTION ON THE RIGHTS OF THE CHILD

reaffirms “that children’s rights require special protection and call for continuous improvement of the situation of children all over the world, as well as for their development and education in conditions of peace and security,” and notes that “States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.” The Covenant also points out that “For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the

development of institutions, facilities and services for the care of children....

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 3 of the Covenant points out "State Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men. Subsection C points out such freedoms are made possible through "the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities."

By draining the public purse of monies needed to address the crisis of affordable childcare and by choosing to produce weapons, weapons systems, and weapons components which make the world a more, not less, dangerous place for children and their families, DREO stands in clear violation of the Covenant on the Rights of the Child.

IV. DECLARATION RENOUNCING THE USE IN TIME OF WAR, OF EXPLOSIVE PROJECTILES UNDER 400 GRAMMES OF WEIGHT, adopted by the International Military Commission, Dec. 11, 1868 (Declaration of St. Petersburg) declares itself against "arms which uselessly aggravate the sufferings of disabled men, or render their death inevitable."

DREO'S role in the development of space warfare technology inevitably produces the types of weapons which will cause untold suffering for millions across the planet who are targeted by these systems. In this section we fault DREO's role and parent company "Defence" Research and Development Canada in the development of the Star Wars "Exo-Atmosphere Kill Vehicle." Related technology being developed in Canada, including space-based radar and use of Canada's RADARSAT-2 satellite to produce "a ground moving target indication (GMTI) capability" will "provide an improved operational picture to the war fighter." The annual report of DRDC notes

without any sense of irony that "there is a high level of US interest in the Space-Based Radar GMTI Project," as the employment of such sensor technology is key to any space warfare capacity.

V. TREATY PROVIDING FOR THE RENUNCIATION OF WAR AS AN INSTRUMENT OF NATIONAL POLICY, Done at Paris, August 27, 1928 (aka Kellogg-Briand Pact)

Article II: The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means. (approved by Canada 3/2/1929)

DREO's role in addressing the key question, "Will technology allow us to fit 70 tons of lethality and survivability into a 20 ton package?" does not allow any room for the peaceful resolution of conflicts.

DREO also carries out the federal government's Technology Investment Strategy 2000, declaring, "Space soon will be the fourth medium of warfare, it will not only bind all war fighting forces together but will also become strategically critical to the survival of warfighters...For future coalition warfare, space superiority will be fundamental."

VI. CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE Done at New York Dec. 9, 1948, Entered into force: Jan. 12, 1951 (ratified by Canada 9/3/52)

By refusing to keep its space research solely for civilian purposes, DREO products (such as its role in the development of RADARSAT) are being used to aid in the waging of genocidal wars in various parts of the globe, such as Colombia. The November 1, 2001 Canada News Wire reports, "The detailed countrywide Digital Elevation Model (DEM) [of Colombia] is derived from images acquired by Canada's RADARSAT-1 Earth-observation satellite. Terrain heights are accurate to within 30 metres. The Colombia DEM was initiated by the National Imagery and Mapping Agency (NIMA), an agency of the United States Department of Defense that procures commercially available data derived from satellites. NIMA's mission is to support America's national security objectives." In this instance, it is for the

U.S.-led Plan Colombia, an escalation of a brutal war which has claimed scores of thousands of lives.

Canada's DREO-supplied military participated in the bombing of Iraq and plays an active role in the military enforcement of genocidal sanctions against the Iraqi people. The DREO-supplied Canadian Forces took part in the bombing of the former Yugoslavia, creating massive civilian suffering.

DREO's mission statement is clear in this regard:

The Mission Statement of the Defence Research Establishment Ottawa

The Defence Research Establishment is the DRDC authority and centre of expertise for the exploitation of the electromagnetic spectrum to meet the future needs of the Canadian Forces, Department of National Defence and Canada.

DREO's VISION

To be the centre of expertise in exploiting the electromagnetic spectrum for defence purposes;
To enhance Canadian military strength and industrial preparedness;
To emphasize dual use technologies leading to civilian and military demands for our products and services.

By supplying armed forces which continues to take part in genocidal acts, DREO becomes an aider and abettor of those acts.

VII. CONVENTION RELATIVE TO THE PROTECTION OF CIVILIAN PERSONS IN TIME OF WAR, DONE AT GENEVA, Aug. 12, 1949 (accepted with qualification, 5/14/65—Canada) See above.

VIII. RESOLUTION ON THE NON-USE OF FORCE IN INTERNATIONAL RELATIONS AND PERMANENT PROHIBITION OF THE USE OF NUCLEAR WEAPONS, UN General Assembly Nov. 29. 1972

IX. CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES, done at New York, Dec. 10, 1976

The proper use of DREO products contributes to the use of weapons and war systems that not only

kills human beings but serve to degrade the environment in which the weapons are used.

X. PROTOCOL ADDITIONAL TO THE GENEVA CONVENTIONS OF AUGUST 12, 1949, AND RELATING TO THE PROTECTION OF VICTIMS OF NON-INTERNATIONAL ARMED CONFLICTS, Done at Geneva, June 8, 1977

XI. 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 II

The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

Principle III

The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible Government official does not relieve him from responsibility under international law.

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 V

Any person charged with a crime under international law has the right to a fair trial on the facts and law.

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).

In this instance, DREO, especially through its support work for space warfare, is engaged in the planning and preparation for a war of aggression which violates treaties as shown above. In helping the U.S. Space Command fulfill the mandate

of the Vision 2020 document which details offensive military operations conducted from space, DREO is implicated in violation of the above Principles. The fact that there is not technically a law in Canada which makes this research and development of such weapons, weapons systems, and weapons components illegal does not absolve the employees of DREO of responsibility. Indeed, a moral choice is available to DREO.

XII. AID AND ABET UNDER THE WAR CRIMES SECTION OF THE CANADIAN CRIMINAL CODE

1. (1) Section 6 of the Criminal Code is amended by adding thereto, immediately after subsection (1.9) thereof, the following subsections:

“(1.91) Notwithstanding anything in this Act or any other Act, every person who, either before or after coming into force of this subsection, commits an act or omission outside Canada that constitutes a war crime or a crime against humanity and that, if committed in Canada, would constitute an offence against the laws of Canada in force at the time of the act or omission shall be deemed to commit that act or omission in Canada at that time if,

(a) at the time of the act or omission,

(i) that person is a Canadian citizen or is employed by Canada in a civilian or military capacity

(ii) that person is a citizen of, or is employed, in a civilian or military capacity by, a state that is engaged in an armed conflict against Canada, or

(iii) the victim is a Canadian citizen or a citizen of a state that is allied with Canada in an armed conflict; or

(b) at the time of the act or omission, Canada could, in conformity with international law, exercise jurisdiction over the person with respect to that act or omission on the basis of the person’s presence in Canada, and subsequent to the time of the act or omission the person is present in Canada.

(1.92) Any proceedings with respect to an act or omission referred to in subsection (1.91) shall be conducted in accordance with the laws of evidence and procedure in force at the time of the proceedings.

(1.93) In any proceedings under this Act with respect to an act or omission referred to in subsection (1.91), notwithstanding that the act or omission is an offence under the laws of Canada in force at the time of the act or omission, the accused may,

subject to subsection 535(6), rely on any justification, excuse or defence available under the laws of Canada or under international law at that time or at the time of the proceedings.

(1.94) Notwithstanding subsection (1.93) and section 15, a person may be convicted of an offence in

respect of an act or omission referred to in subsection (1.91) even if the act or omission is committed in obedience to or in conformity with the law in force at the time and in the place of its commission.

(1.96) For the purposes of this section, “conventional international law” means

(a) any convention, treaty or other international agreement that is in force and to which Canada is a party or

(b) any convention, treaty or international agreement that is in force and the provisions of which Canada has agreed to accept and apply in armed conflict in which it is involved;

“crimes against humanity” means murder, extermination, enslavement, deportation, persecution or any other inhumane act or omission that is committed against any civilian population or any identifiable group of persons, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission, and that, at that time and in that place, constitutes a contravention of customary international law or is criminal according to the general principles of law recognized by the community of nations.

“War crime” means an act or omission that is committed during an international armed conflict, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission, and that, at that time and in that place, constitutes a contravention of the customary international law or conventional international law applicable in international armed conflicts.

(1.97) In the definitions “crime against humanity” and “war crime” in subsection (1.96), “act or omission” includes, for greater certainty, attempting or conspiring to commit, counselling any person to commit, aiding or abetting any person in the commission of, or being an accessory after the fact in relation to, an act or omission.

NOTE RE: APPLICATION OF INTERNATIONAL LAW IN DOMESTIC CONTEXT

All the above treaties and covenants are applicable to Canada under the judicial interpretation of Supreme Court decisions such as that rendered in *Mavis Baker v. Minister of Citizenship and Immigration*, which found that administrative decision-makers must act in accordance with values articulated in international human rights treaties that Canada has ratified.

Selected readings from that judgment:

69 Another indicator of the importance of considering the interests of children when making a compassionate and humanitarian decision is the ratification by Canada of the Convention on the Rights of the Child, and the recognition of the importance of children's rights and the best interests of children in other international instruments ratified by Canada. International treaties and conventions are not part of Canadian law unless they have been implemented by statute: *Francis v. The Queen*, [1956] S.C.R. 618, at p. 621; *Capital Cities Communications Inc. v. Canadian Radio-Television Commission*, [1978] 2 S.C.R. 141, at pp. 172-73. I agree with the respondent and the Court of Appeal that the Convention has not been implemented by Parliament. Its provisions therefore have no direct application within Canadian law.

70 **Nevertheless, the values reflected in international human rights law may help inform the contextual approach to statutory interpretation and judicial review.** As stated in *R. Sullivan, Driedger on the Construction of Statutes* (3rd ed. 1994), at p. 330:

[T]he legislature is presumed to respect the values and principles enshrined in international law, both customary and conventional. These constitute a part of the legal context in which legislation is enacted and read. In so far as possible, therefore, interpretations that reflect these values and principles are preferred. [Emphasis added.]

The important role of international human rights law as an aid in interpreting domestic law has also been emphasized in other common law countries: see, for example, *Tavita v. Minister of Immigration*, [1994] 2 N.Z.L.R. 257 (C.A.), at p. 266; *Vishaka v. Rajasthan*, [1997] 3 L.R.C. 361 (S.C. India), at p. 367. It is also a critical influence on the interpretation of the scope of the rights included in the Charter: *Slaight Communications*, supra; *R. v. Keegstra*, [1990] 3 S.C.R. 697.

NOTE:

Having conducted this inspection, we offer to those working within DREO the following Pledge of Conscience.

Pledge of Conscience to End Work for War

Recognizing:

- * the horrible toll war has taken during the 20th century, and to honour the 110 million-plus victims of warfare (a figure which surpasses one billion victims, according to leading radiation expert Sister Rosalie Bertell, when we consider the victims of the nuclear fuel cycle);

- * the massive poverty which consumes the majority of the world's population because governments continue to devote over \$800 billion annually to the planning and preparation for warfare instead of investing these funds in desperately needed social programs;
- * the world's biggest polluter is war and the military;

- * plans to further militarize space and wage war from the upper atmosphere represent what could be a final, fatal blow to the fragile planet we call home;

- * the only way for us to stop war is to stop not only war but the political, social and economic causes of war;

I/we pledge never to participate in

1. the research, design, development, testing, production, maintenance, targeting, or use of any form of military weapons (be they nuclear, biological, chemical or so-called "conventional" weapons), their means of delivery, and their related components;

2. research or engineering that I/we/informed individuals and groups have reason to believe will be used by the military.

I/we further pledge to

- * cut any and all ties to military contractors;
- * seek out only that work which benefits the environment, humanity, and all life forms which inhabit the earth.

- * place a restriction limiting to civilian uses only any technological advances and research which result from our work.

