

Nuclear weapons complaint filed on October 2, 2023 with the Public Prosecutor's Office at the Court of Rome

Summary for use by the press

The complaint forwarded today, Oct. 2, 2023, to the Public Prosecutor's Office at the Court of Rome asks the investigating magistrates to investigate first of all to ascertain the presence of nuclear weapons on the national territory and, consequently, the possible responsibilities, including from a criminal point of view, of importation and possession.

The complaint states that the presence of nuclear weapons on Italian territory can be considered certain even if never officially admitted by successive governments. The sources are multiple and range from never-denied newspaper articles to authoritative scientific journals and political acts.

The complaint distinguishes domestic and international sources.

The former include Minister Mauro's response to a parliamentary question on February 17, 2014, a response that, by aiming to legitimize the presence of the devices, implicitly acknowledges their existence. Sources also include a document from CASD (Center for High Defense Studies) and CEMISS (Military Center for Strategic Studies).

International sources are also numerous. Particularly noteworthy is the research of Bellingcat (an association of researchers, scholars and investigative journalists) dated May 28, 2021. The results of this research are paradoxical because, while European governments persist in withholding any information, the U.S. military uses applications to store the vast amount of data necessary for the safekeeping of ordnance. It just so happened that the records of these apps became public knowledge due to the U.S. military's negligence in using the apps.

Based on the multiple sources cited, the presence of nuclear devices in Italy, specifically about 90 at the Ghedi and Aviano bases, can be considered certain.

The complaint recalls that Italy ratified April 24, 1975, the Non-Proliferation Treaty (NPT), which is based on the principle that states possessing nuclear weapons (so-

called "nuclear countries") undertake not to transfer weapons of that nature to those without them (so-called "non-nuclear countries"), while the latter, Italy

included, undertake not to receive and/or acquire direct or indirect control of nuclear devices (Articles I, II, III).

Italy, on the other hand, has not signed and ratified the Treaty on the Prohibition of Nuclear Weapons approved on July 7, 2017 by the United Nations General Assembly and entered into force on January 22, 2021.

Even in the absence of this subscription, which would explicitly and automatically qualify the possession of nuclear devices as illegal, the complaint argues that the illegality is certain.

It then analytically reviews the various weapons regulations (Law 110/75; Law 185/90; Law 895/67; the TULPS) and concludes by asserting that atomic devices fall under the definition of "weapons of war" (Law 110/75) and that of "armament materials" (Law 185/90, Article 1).

Finally, the complaint addresses the question of the presence or absence of licenses and/or import authorizations given that the ascertained presence in the territory necessarily presupposes their passage across the border.

The silence on the presence of atomic weapons also inevitably invests the presence or absence of import authorizations. Any authorization, moreover, would conflict with Article 1 of Law 185/90, which states, "the export, import, transit, intra-Community transfer and brokering of armament material as well as the transfer of the relevant production licenses and production relocation must be in accordance with Italy's foreign and defense policy. Such operations are regulated by the state in accordance with the principles of the Republican Constitution, which repudiates war as a means of settling international disputes."

The complaint identifies the Rome Public Prosecutor's Office as the forum for the inevitable

involvement of the Italian government in the management of nuclear weapons.

The complaint supported by 12 attachments is signed by 22 activists, pacifists, anti-militarists some of whom hold top positions in national associations.