

OCTOBER 31ST, 2021

Comrades past, present and future vs. Airbus

This case indicts Airbus Industries for designing, manufacturing and trading in destructive weapons including fighter planes, surveillance equipment and other weapons of war, with devastating environmental and social impacts in the Global South. Evidence will be presented on the consequences of European wars using Airbus technologies that have deadly impacts on the environment, refugees and asylum seekers, and the people of Yemen and Libya.

HEARING I

- 13:00 Introduction
- 13:10 Prosecutor: Wendela de Vries, Stop Wapenhandel
- 13:40 Witness: Valentina Azarova, Global Legal Action Network
Defense Witness | Public Jury #1
- 14:45 BREAK
- 15:05 Witness: Muhammad Al-Kashef, Watch the Med
Defense Witness | Public Jury #2
- 16:10 BREAK
- 16:35 Witness: Karim Salem, Cairo Institute for Human Rights Studies,
and others
Defense Witness | Public Jury #3
- 17:35 Closing Statements by the Judges
- 18:00 Dinner & Drinks



ACCUSED

Airbus

Airbus SE is a European multinational aerospace corporation headquartered in Leiden, the Netherlands. Airbus designs, manufactures and sells civil and military aerospace products worldwide and

manufactures aircrafts in the European Union and various other countries. **AND** The State of the Netherlands through the Ministry of Economic Affairs and Climate.

CHARGES

FIRST CHARGE CONCERNING COMRADES, PAST, PRESENT AND FUTURE IN EUROPE

Defendant 1 Airbus, jointly and severally with Defendant 2, the State of the Netherlands, is charged with committing crimes under s.3 of the Intergenerational Climate Crimes Act in Europe, Yemen and Libya, and against refugees and asylum seekers by engaging in the following activities:

It is alleged *inter alia* that:

- (a) Airbus acts as a mercenary by designing, manufacturing and selling weapons of mass destruction, knowing that those weapons are intended for inflicting serious injury and killing of communities and destroying ecologies in the weakened and poor states outside Europe.
- (b) The State of the Netherlands took on a leadership role in Europe in 1948 to establish the North Atlantic Treaty Organisation and formed a consortium of European states that could collectively wage wars against other weakened and poorer states, and profit from the wars by using the weapons of mass destruction produced by Airbus.
- (c) The State of the Netherlands allowed Airbus to establish its registered office in the Netherlands to empower Airbus to produce weapons of mass destruction.
- (d) Airbus spawned an extended family of Airbus corporations as legal persons across Europe, all of whom engage in production of weapons of mass destruction with the intention of escaping responsibility for their actions.
- (d) Airbus spawned an extended family of Airbus corporations as legal persons across Europe, all of whom engage in production of weapons of mass destruction with the intention of escaping responsibility for their actions.
- (e) The State of the Netherlands has joined all the major wars waged by the United States of America against the weakened and poor states around the world, including the War on Terror, with a view to profiting from these wars, and thereby compromised the independence of the Dutch people and reduced them to a subservient nation to the United States of America.

(f) The State of the Netherlands misled the people by signing international treaties on arms sales and arms control, wrongly leading them to believe that the Netherlands had peaceful intentions towards weakened and poor nations outside Europe, when in fact it was providing legal channels and bases for aiding, abetting and inciting Airbus to expand its extended family network of Airbus corporations through multiple nationality, subsidiarity and transactional arrangements. This was done so that Airbus could continue to design, manufacture and sell weapons of mass destruction and so the State of the Netherlands could use and profit from the use of these weapons under the shield of the North Atlantic Treaty Organisation, of which it is a member.

SECOND CHARGE CONCERNING COMRADES, PAST, PRESENT AND FUTURE IN LIBYA AND YEMEN

(g) That Airbus, in collusion with the State of the Netherlands and with the North Atlantic Treaty Organisation, designed, manufactured and sold weapons of mass destruction to Saudi Arabia, a protectorate of the United States of America, knowing that the weapons would be used to destroy communities, livelihoods, ecologies and lives of humans and non-humans in Yemen.

(h) That Airbus, in collusion with the State of the Netherlands and with the North Atlantic Treaty Organisation, designed, manufactured and sold weapons of mass destruction to Turkey, a member of the North Atlantic Treaty Organisation, knowing that the weapons would be used to destroy communities, livelihoods, ecologies and lives of humans and non-humans in Libya.

(i) That the State of the Netherlands was involved in the wars in Yemen and Libya knowing that the wars would destroy communities, livelihoods, ecologies and lives of humans and non-humans in Yemen and Libya and did so with the aim of profiting from them.

(j) That the State of the Netherlands prioritised the well-being and survival of Airbus, an artificial legal person, over the well-being and survival of natural communities, peoples, ecologies and species in Yemen and Libya.

THIRD CHARGE CONCERNING COMRADES, PAST, PRESENT AND FUTURE SEEKING ASYLUM AND REFUGE IN EUROPE

(k) When, as a result of the uses of Airbus' weapons of mass destruction by the State of the Netherlands in concert with other European states of the North Atlantic Treaty Organisation, the conditions for life for humans and non-humans were destroyed in Yemen and Libya, and a small number of humans fled their natures, cultures and places of residence and sought refuge in Europe, the State of the Netherlands, together with its European conspirators and Airbus, produced destructive technologies of mass surveillance and policing which they used against fleeing refugees and asylum seekers.

(l) Airbus enticed the State of the Netherlands and its European collaborators with lucrative profits and lured them to militarise European borders by using Airbus helicopters, sophisticated border surveillance systems and space observation satellites.

(m) As part of such enticements and allurements, Airbus received a contract for 50 million Euros from Frontex, the European Frontier Agency established by the members of the North Atlantic Treaty Organisation, to police and enforce the regime of illegalised migration maintained by the European Union and European Union states in the Mediterranean Sea, which is the main route for people of Yemen and Libya to escape the destruction of their homelands.

(n) Aided, abetted and incited by the State of the Netherlands and its European co-conspirators, Airbus used the authority vested in it by nation-states to expand its own border surveillance and policing operations of weakened and poor states around the world including Mali, Egypt, Ghana, Algeria and Saudi Arabia.

(o) That by destroying the conditions of life necessary for humans in their homelands of Yemen and Libya, and thereafter by forcibly stopping a small number of them from escaping the destruction, the State of the Netherlands and Airbus have violated the fundamental law of Life, namely the entitlement of every species to live, and furthermore engaged in cultural, ecological and human genocide in Yemen and Libya.

THESE ACTIVITIES, IF PROVED TO BE TRUE, CONSTITUTE
INTERGENERATIONAL CLIMATE CRIMES AGAINST PAST, PRESENT
AND FUTURE GENERATIONS OF HUMANS, NON-HUMANS, CULTURES
AND ECOSYSTEMS IN EUROPE, YEMEN AND LIBYA AND REFUGEES
AND ASYLUM SEEKERS UNDER S.3 (A), (B), (C) AND (D) OF THE
INTERGENERATIONAL CLIMATE CRIMES ACT.

PROSECUTOR

Wendela de Vries,

STOP WAPENHANDEL

Wendela de Vries is a researcher and campaigner at Stop Wapenhandel, where she began working in 2006. Since 1994 she has worked for various organisations focused on anti-arms trade, anti-nuclear arms policy, women’s advocacy and climate change. She received her doctorate from University of Amsterdam in political science and international relations.

Stop Wapenhandel (Stop Arms Trade) is an independent Dutch research and campaign organisation opposing arms trade and arms industry. It investigates the lobby, the financing and the alternatives. Of special concern is the role of the arms industry in militarising border and climate policy. Stop Wapenhandel works together with peace and social justice movements, engaged scholars and policy makers. Stop Wapenhandel is part of the European Network Against Arms Trade (ENAAAT).

WITNESSES

Valentina Azarova,

GLOBAL LEGAL ACTION NETWORK

Dr. Valentina Azarova is an international legal academic and practitioner, who teaches and writes on foreign territorial control, the law of (third) state responsibility, and the international legal practice of non-governmental organizations. She is Visiting Academic at the Manchester International Law Centre (MILC), University of Manchester and legal advisor to the Global Legal Action Network (GLAN). She is a postdoctoral research fellow at the Centre for Global Public Law, Koç University (Istanbul), associate editor of the Oxford Reports on International Human Rights Law and United Nations Treaty Bodies, and a member of the International Law Association’s Committee on Recognition/Non-Recognition.

Valentina has over a decade of experience documenting and engaging in legal actions and advocacy to challenge processes of structural violence of armed conflict, occupation, and economic exploitation with a focus on third party complicity seeking remedy for harm caused by extractive projects.

Muhammad Al-Kashef,

WATCH THE MED

Muhammad Al-Kashef is a Berlin-based human rights lawyer, consultant researcher and advocate with focus on migration control and border security. He is a co-founder of Refugees’ Solidarity Movement in Alexandria, Egypt. Later, he founded the ‘In-Exile’ initiative in Berlin and became a member of the migrants’ network “We’ll Come United”. As a member of the online mapping platform Watch the Med, Muhammad monitors trajectories of irregular migration from North African countries through the Mediterranean Sea. Muhammad has worked alongside refugees and migrants in host communities, detention places and reception centres, as a researcher and legal consultant with a focus on community organising and capacity building.

Karim Salem, CAIRO

INSTITUTE FOR HUMAN RIGHTS STUDIES

Karim Salem coordinates advocacy and networking within the Cairo Institute for Human Rights Studies (CIHRS), based in Tunis. An Egyptian law graduate, Karim Salem also earned a master’s degree in 2010 in Human Rights at the University of Grenoble II (France). He then collaborated with local, regional and international civil society organisations defending human rights in the Middle East and North African (MENA) region—particularly in Syria, Algeria, Egypt and Libya.

During Karim’s testimony we will hear from witnesses from Yemen and Libya about the impacts of conflicts there, in which Airbus weaponry has played a direct role.

JUDGES

Radha D’Souza

Radha D’Souza is a Professor of International Law, Development and Conflict Studies at the University of Westminster (UK). D’Souza works as a writer, critic and commentator. She is a social justice activist and worked with labour movements and democratic rights movements in her home country of India as an organiser and activist lawyer. D’Souza has a BA in philosophy from Elphinstone College (University of Mumbai) and a LLB from New Law College (University of Mumbai), and she completed her PhD in Geography at the University of Auckland. She is the author of *What’s Wrong with Rights?* (Pluto, 2018) and *Interstate Disputes Over Krishna Waters* (Orient Longman, 2006) and works with the Campaign Against Criminalising Communities (CAMPACC) in the UK. Together with artist Jonas Staal she co-founded the *Court for Intergenerational Climate Crimes* (2021-ongoing).

Sharon H. Venne

Sharon H. Venne (Notokwew Muskwa Manitakan) is a Cree woman; BA (Hon), LLB, LLM and a PhD candidate in the history department of the University of Alberta. The background research to the many clauses on the Declaration on the Rights of Indigenous Peoples is included in her book: *Our Elders Understand Our Rights: Evolving International Law Regarding Indigenous Peoples* (Theytus Books, 1998). In addition, Venne has written numerous articles and edited materials related to the rights of Indigenous Peoples and Treaty Rights of Indigenous Peoples. Her most recent published article is ‘Manufactured Consent – how state governments manufacture consent and use it against Indigenous Nations at the domestic and international level’ in *Indigenous Peoples as Subjects of International Law* (Routledge, 2018) edited by Dr. Irene Watson.

Rasigan Maharajh

Rasigan Maharajh is an activist scholar who is primarily based in South Africa. Having occupied leadership roles in both mass democratic and a

national liberation movement, he served as national coordinator of the science and technology transition programme of the first post-apartheid government. After his deployment as Head of Policy at the Council for Scientific and Industrial Research, he is the founding Chief Director of the Institute for Economic Research on Innovation of Tshwane University of Technology since 2004.

From 2014, he has also served as the Node Head of the Department of Science and Technology and National Research Foundation Centre of Excellence in Scientometrics and Science, Technology and Innovation Policy. He is a Professor Extraordinary of the Centre for Research on Evaluation, Science and Technology of Stellenbosch University from 2015. He holds a PhD in Political Economy and Research Policy from Lund University in Sweden.

Nicholas Hildyard

Nicholas Hildyard is a founder and director of The Corner House, a UK research and advocacy group focusing on human rights, the environment, and development. Hildyard has written extensively on environmental and global justice issues. His publications include *Licensed Larceny: Infrastructure, Financial Extraction and the Global South* (Manchester University Press, 2016), *Corridors as Factories: Supply Chains, Logistics* (Corner House, 2019) and *Labour, Energy, Work and Finance* (Corner House, 2014).

CLERK

Jonas Staal

Jonas Staal is a visual artist whose work deals with the relation between art, propaganda, and democracy. He is the founder of the artistic and political organisation *New World Summit* (2012–ongoing). He co-directs the training camp *Training for the Future* (2018-ongoing), and with human rights lawyer Jan Fermon he initiated the collective action lawsuit *Collectivize Facebook* (2020-ongoing). With writer and lawyer Radha D’Souza he founded the *Court for Intergenerational Climate Crimes* (2021-ongoing).

FRAMER FRAMED

EXHIBITION DATES

25 SEPT '21
16 JAN '22

Climate Crimes (CICC) is a project by Radha D'Souza & Jonas Staal, commissioned by Framer Framed, Amsterdam.

ADDRESS

Framer Framed
Oranje- Vrijstaatkade 71
1093 KS Amsterdam

OPENING TIMES

Tue - Sun, 12:00 - 18:00

CONTACT

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www.framerframed.nl

OCT 28, 2021
13:00-18:00
Comrades past,
present and future
vs. the Dutch State

OCT 29, 2021
13:00-18:00
Comrades past,
present and future
vs. Unilever

OCT 30, 2021
13:00-18:00
Comrades past,
present and future
vs. ING

OCT 31, 2021
13:00-18:00
Comrades past,
present and future
vs. Airbus

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