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# Letters to Robert Badinter

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**Robert Badinter has departed today, after a very full life. This is a big loss. France would honour his memory by extending his work, and would honour herself if, having abolished the guillotine, she also abolished nuclear weapons. Robert Badinter was made aware of this issue.**

**Published in French on 9 February 2024**

Letter to Badinter sent from Saintes, 5 October 2021

Subject: - Abolition of the death penalty

▶ Request for interview

Attached: Referendum Bill

Monsieur le Ministre,

Today on the 40th anniversary of the law that abolished the death penalty in France, let me express my deep gratitude for your determined and effective action in advancing this human progress through the legislation of the French Republic.

You have expressed pleasure at being one of the few humans to be present at the conclusion of their principal life struggle. I would gladly be able to do the same, but my struggle for 35 years is far from concluding. It began when Gorbachev said "No more nuclear weapons by the year 2000". But this objective has become more and more remote.

According to the Bulletin of Atomic Scientists which symbolically manages the Doomsday Clock, we are at 100 seconds to midnight - i.e. we have never been so close since 1945. The effects of climate change are adding to the new arms race with nuclear and conventional weapons - humankind has never spent so much on weapons and war - and so the situation is becoming more and more unstable. At any moment we could tip into a horrible abyss.

That prompts the thought that your work, resting on the principle of respect for human life, needs to have a much wider application - and that you could contribute to this if you choose.

Indeed, you have obtained the abolition in France of the death penalty at the individual level. But not the abolition of the collective death penalty that nuclear weapons prepare. France has put away the guillotine, but it has, since the creation of the Commissariat à l'Energie Atomique in 1945, devoted the equivalent of more than 300 billion euros to develop these instruments of crime against humanity that are atomic weapons, and it spends between 5 and 6 billion euros each year to perfect them.

Yet they are indeed instruments of crime against humanity.

The UN General assembly, in its Resolution 1653 XVI of 24 November 1961, « considering that the use of nuclear and thermonuclear weapons would bring about indiscriminate suffering to mankind and to civilization to an even

greater extent than the use of those weapons aforementioned declared by the international declarations and agreements to be contrary to the laws of humanity and a crime under international law » formally declared that « any State using nuclear or thermonuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization. »

On 4 May 1962, at the end of the Council of Ministers, Alain Peyrefitte, then government spokesman, asked Charles de Gaulle: "Hundreds of thousands of deaths, women, children, old people burned to the ground in a thousandth of a second, and hundreds of thousands more dying in the following years in excruciating suffering, is this not what is called a crime against humanity?" The General raises his arms. It is not his problem." ((Alain Peyrefitte, *C'était de Gaulle*, T 1, p 165)

But the French Constitution of 4 October 1958 contradicts the founder of the 5th Republic [i.e. de Gaulle]. It states that « the French people solemnly proclaims its attachment to Human Rights and to the principles of national sovereignty as they were defined in the Declaration of 1789 » (Preamble, para 1).

That Declaration of the Rights of Man and Citizen of 1789, still in force in our Constitution, considers that "the forgetting and contempt of Human Rights are the only causes of public misery and corrupt governments", and obliges "all members of society to constantly bear in mind "the natural, inalienable and sacred rights of Man" and "at every moment" to compare "the actions of the legislative body and those of the executive with the objectives of all political institutions". (Declaration, para 1). "The aim of all political associations in the conservation of Man's natural and unprescribable rights"

The abolition of the death penalty, written into the Constitution (article 66-1), figures also in the European Convention of Human Rights and in its protocol n°13 of 3 May 2002 concerning the abolition of the deathpenalty in all circumstances, even in war. Both were signed by France.

Thus nuclear weapons, instruments for crimes against humanity, are contrary to international law and to the French Constitution. They have no place in the Republic's arsenal. Such is the meaning of the Referendum Bill which you will find attached here - currently signed by 52 members of parliament.

I would be grateful, Monsieur le Ministre, to speak to you directly on this matter, and would be obliged if you agree to receive me to discuss it.

Yours respectfully,

Jean-Marie Matagne, Ph D  
Docteur en Philosophie  
President of Action des Citoyens  
pour le Désarmement Nucléaire (ACDN)

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Robert Badinter's reply by private letter dated 28 October and by brief phone conversation.

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Letter sent to Robert Badinter  
Saintes, 3/11/2021  
Subject Abolition of nuclear weapons  
Attached: Letter to Jacques Chirac 4/1/2006

Monsieur le ministre,

I thank you cordially for your reply of 28 October to my letter of 5 October.

I understand well that "at your age" (as you put it) you do not wish to engage in a political struggle, whether for France's participation in abolishing nuclear and radioactive weapons or for anything else.

Nor is that what I am requesting. In fact, given the high position you hold, just a few words from you in favour of this cause would be enough to put it into the media. That would be very important in this election period where nobody is mentioning it, at least not so far. I plan to do so when I offer myself as a candidate for the presidency, as I did in 2002.

You would be well-based to speak of it, given the closeness between the abolition of the death penalty and that of nuclear weapons, as is shown, I believe, in my letter to Jacques Chirac of 4/1/ 2006 (attached)

You quote François Mitterrand : « The pacifists are in the West, but the rockets are in the East ». He was right. But that was in 1983. In January 1986 things changed: "the pacifist" was in the East. He was one person, but well placed: in the Kremlin. Mikhail Gorbachev, to general surprise, cried out "No more nuclear weapons by the year 2000!"

What followed proved he was serious. He made it a diplomatic objective.

Some years earlier Ronald Reagan had viewed the USSR as "the evil empire." And yet, in December 1987, he co-signed the Washington Treaty on the elimination of Intermediate Nuclear Forces. The atmosphere of the time changed. A new era was coming. For 40 years atomic weapons had "frozen" the division of Europe. The elimination of the "rockets" signalled the end of the Cold War, and two years later the Berlin Wall fell. The "iron curtain" lifted, without a shot being fired, thanks to Gorbachev, joined by Reagan - thanks to nuclear disarmament.

In this I see the proof that the abolition of nuclear weapons could play an exceedingly positive role. For the nuclear States to agree, it requires a peaceful solution to differences and regional conflicts, and it favours this. Thus it contributes to setting up a virtuous circle. Without abolition, we are rushing towards catastrophe and will never be able to meet the most serious challenges, such as climate-change - challenges that require a spirit of confidence and international cooperation. It goes without saying that abolition must not apply just to France or the West, but also to the "Far East", notably China and North Korea, and to the Middle East and of course to Russia.

If you have a little time, Monsieur Badinter, I would like very much to talk to you on these subjects. I am available to come to Paris at any time to meet you at your convenience.

Respectfully,

Jean-Marie Matagne

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Letter sent to Robert Badinter  
Saintes, 13/11/2021

Monsieur le ministre,

Last evening I watched with great interest Alexia Amicote's show on the LCP channel, where you were interviewed about the death penalty. In particular you said that "there is no place for the death penalty", and quoted Victor Hugo calling it "a barbarous amputation". What would he have said and what would you say concerning the collective death penalty by atomic execution?

You must have received my last letter, last November 4, replying to yours of 28 October. It included my January 2006 letter to Jacques Chirac about the « constitutionalisation » of the abolition of the death penalty.

On this subject, allow me to address you again and send as an attachment the Op-Ed which I propose to submit to one of France's chief dailies for publication on 24 November.

I would very much like you to agree to co-sign it, just as in the past Michel Rocard agreed to co-sign for two op-ed.

I thank you in advance for carefully considering this text.

Cordially

Jean-Marie Matagne  
[contact@acdn.net](mailto:contact@acdn.net)  
06 73 50 76 61  
Attached : <Op-ed> (Text)

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Reply of Robert Badinter 14 November 2021

Cher monsieur,  
I never co-sign a text which I did not write. Good luck. Yours faithfully RB  
Sent from iPhone

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Letter of 14 /11/ 2021

Merci Monsieur Badinter, for your quick response

I understand your attitude very well, it is praiseworthy. But in this case I would wish that you wrote something yourself on the subject. What matters to me is that it should at last be discussed, and the mere fact of my standing as a presidential candidate will change very little, alas. As Michel Rocard said, « in France people are listened to not for

what they say but for who they are," by which he meant: "their titles, their prestige, their aura."

For my part, I am ready to withdraw provided some personality with a public voice agrees to denounce, shake, and overturn the current situation. It is truly criminal, and frankly it does no honour to France.

I thank you for your good wishes, and will not insist further.

Cordially.

JMM

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[Op-ed finally published on 10 December 2021 in the on-line daily \*Reporterre\*](#)

with 45 French and international signatures including Noam Chomsky

### **Affirm Life against Atomic Terror**

Published in French on 10 December 2021

On the initiative of Action des Citoyens pour le Désarmement Nucléaire (ACDN) and its president, who incidentally is a candidate for the 2022 presidential election "for a world decarbonised, de nuclearised and demilitarised", the Op-Ed below has been co-signed by 45 prominent people - NGO leaders, MPs and mayors, artists and writers, including 15 from outside France. It is open for all to sign.

Sixty years ago, on 24 November 1961, the UN General Assembly formally declared that « any State using nuclear and thermonuclear weapons is to be considered as violating the Charter of the United Nations, as acting contrary to the laws of humanity and as committing a crime against mankind and civilization. » (Resolution 1653 XVI)

Today we are only 100 seconds from Doomsday, according to the Bulletin of Atomic Scientists - and humankind, threatened in our dignity and very existence, needs to enjoy a fundamental right: the right to life, with its corollary, the right of peoples to ensure their survival by peaceful means.

According the Universal Declaration of Human Rights (10 December 1948) "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." (Article 1), "Everyone has the right to life, liberty and security of person." (Article 3) and "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." (Article 2).

In the same spirit, the death penalty was abolished in France by the law of 9 October 1981. This means that France, less than any other country, cannot condemn or execute any individual, either in France or abroad, and would be guilty of a monstrous crime against humanity if she used nuclear weapons for what would be a mass execution.

Furthermore, France ratified on 2 August 1992 the nuclear Non-Proliferation Treaty, which stipulates in Article VI that "Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control". The International Court of Justice confirmed this unanimously in its Advisory Opinion of 8 July 1996: "There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control".

France is thus required to negotiate with the other nuclear-armed states the complete elimination of their nuclear arsenals, which are weapons for crimes against humanity.

Such power of annihilation is exorbitant and tyrannical. A handful of Heads of State, including France's president, can decide to use them at any moment, without trial or appeal, without being answerable to anyone, and can carry out the sentence immediately. The populations of nuclear states have never been consulted on the possession of these weapons, and will not be consulted on their use, yet they are forced to finance them and to jeopardise their own lives as well as those of other peoples.

France has had nuclear arms since 1960, has spent over 300 billion euros on them and never stops developing them. France's estimated 300 bombs could cause a billion deaths - what the strategists call "strict sufficiency"... This situation is absurd, inhuman, and contrary to international law and to the French Constitution, which places Human Rights above everything else and requires respect for them, and for treaties.

France's nuclear arsenal is contrary to good sense, because it is illogical to defend republican values, such as fraternity, while threatening to commit massacres; illogical to link France's "vital interests" to the use of weapons that would be suicidal against a nation that also had them; illogical to claim to guarantee our nation's security by these weapons while forbidding others to have them; illogical to want to economize while wasting billions on death devices unusable against other nuclear States, unusable for moral and political reasons against States without them, incapable of deterring terrorists and only good for falling into their hands.

It is contrary to democracy, finally, for the French people have never had a say about it, yet we know from a poll (IFOP-ACDN, 2018) that more than eight out of ten French citizens (85%) would answer YES to the following question:

« Do you want France to participate in abolishing nuclear and radioactive weapons, and commit with all the states concerned to negotiations aimed at drawing up, ratifying and implementing a treaty to ban and completely eliminate nuclear and radioactive weapons, under mutual and international control that is strict and effective?"

That question should have been resolved long ago, and must be now, urgently - we are asking it of all the candidates to the Presidency and all the future candidates for parliament, and we wish to put it to the French people. We know that the people alone has the power to force the state to honour the right that it has flouted for decades, and the ability to overcome the weight of the nuclear and military-industrial lobbies. And we place confidence in the hearts of each one of us to choose "between hell and reason", as Albert Camus said on 8 August 1945.

To remove the Sword of Damocles hanging over our heads would multiply both our security and our freedom, in the full respecting of Human Rights and the republican motto: Liberty, Equality, Fraternity. It will enable all human beings, without distinction, to benefit from France's law abolishing the death penalty.

Sixty years after the UN resolution, forty years after the French parliament's decision to abolish the death penalty, it is urgent that we enter a new era, to take life seriously and to protect it. Failure to do so would be criminal folly.

### FRENCH SIGNATORIES

Jean-Marie MATAGNE, Action des Citoyens pour le Désarmement Nucléaire (ACDN), docteur d'État  
Philippe MEIRIEU, professeur d'université honoraire, pédagogue  
Éva JOLY, Avocat au barreau de Paris, Membre de ICRICT  
Sabine RUBIN, députée de la Seine-Saint-Denis  
Alain BRUNEEL, député du Nord ;  
Catherine QUÉRÉ, ancienne députée de la Charente Maritime  
Maina SAGE, députée de la Polynésie française  
Jean-Michel CLEMENT, député de la Vienne  
Sophie TAILLÉ-POLIAN, sénatrice du Val-de-Marne, vice-présidente de la Commission des Finances  
Benoit BITEAU, député au Parlement européen (Groupe des Verts / ALE)  
Francis LENNE, officier général (2e section)  
Roland DESBORDES, physicien  
Yves LENOIR, président, et Catherine LIEBER, membre du bureau, « Enfants de Tchernobyl Belarus »  
Pierre PÉGUIN, Collectif Halte Aux Nucléaires Gard (Chang-ADN)  
Pierre FETET, archéologue  
Larbi BENCHIHA, cinéaste, auteur de Bons baisers de Moruroa  
Kolin KOBAYASHI, écrivain, journaliste  
Jean-Jacques DELFOUR, auteur de La condition nucléaire. Réflexion sur la situation atomique de l'humanité  
Gabriela BARRENECHEA, musicienne  
André LARIVIERE, artiste  
Jean-Marc BRUNEEL, président du Groupe Non Violent Louis Lecoq  
Béatrice HOVNANIAN, présidente de « Nucléaire en Questions »  
Michel MARIE, Groupe de réflexion 'Déchets nucléaires : les enjeux ETHIQUES'  
Françoise BOMAN, médecin  
André BOUNY, auteur, représentant du Comité International de Soutien aux victimes vietnamiennes de l'Agent Orange  
Angélique HUGUIN, administratrice du Réseau « Sortir du nucléaire »  
Loïc PELLETIER, chef d'entreprise  
Bruno BOUSSAGOL, metteur en scène  
Aude FLEURANT, directrice du programme "Armements et Dépenses militaires" au Stockholm International Peace Research Institute (SIPRI) de 2014 à 2020  
Jean-Marie BROM, enseignant chercheur en physique des particules

### SUPPORT FROM ABROAD

Professor Noam CHOMSKY (USA)  
Tony ROBINSON, Secretary, Abolition 2000 Global Network to Abolish Nuclear Weapons  
Alice SLATER, World Beyond War (USA)  
Wayne HALL, Enouranois Network (GREECE)  
Yehuda ATAI, for the Israeli Committee for a Middle East Free from Atomic, Biological and Chemical Weapons (ISRAEL)  
John HALLAM, People for Nuclear Disarmament, Human Survival Project (AUSTRALIA) Co-convenor of Abolition 2000 Working Group on Nuclear Risk Reduction  
Oleg BODROV, physicist, ecologist, chairman of the Public Council of the South Coast of the Gulf of Finland, member of the Council of the International Peace Bureau (RUSSIA)  
Ria VERJAUW, International Coalition to Ban depleted Uranium Weapons (ICBUW)  
Bruce GAGNON, Convenor, Global Network Against Weapons & Nuclear Power in Space  
David KRIEGER, Founder and president emeritus, Nuclear Age Peace Foundation (NAPF)  
Matthew SPELLBERG, President of Nuclear Age Peace Foundation



## Letters to Robert Badinter

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Steven STARR, MPH, MT(ASCP)BB, Associate NAPF, Director, Clinical Laboratory Science Program University of Missouri (USA)

Michel MONOD, Minister, Mouvement International pour la Réconciliation (SWITZERLAND)

Mikaël BÖÖK, member of the Finnish Peace Union (FINLAND)