

dossier 66

The extent of nuclear co-operation between China and Pakistan is worrying officials in Washington. They fear that new evidence of collaboration could embarrass President Reagan before the November election. In June the administration decided not to forward to congress for its approval the draft of a civil nuclear co-operation agreement with China which was the highpoint of Mr Reagan's trip to Peking earlier this year. There had been disappointment that China had not given written assurances on proliferation.

But FOREIGN REPORT's sources say this was only half the story. The main cause for official worry is a reassessment of previous information about Chinese aid to Pakistan's nuclear weapons project, coupled with recent intelligence that assistance is continuing.

The assistance is on several levels. For some time now Chinese technicians have worked at Pakistan's centrifuge uranium enrichment plant at Kahuta near Islamabad. The technology is new to China—Pakistan stole it from Europe 11 years ago—but Chinese brainpower might none the less be helping the Pakistan development team. The benefit to China would be that it could learn how to build its own plant for providing the enriched uranium needed in its planned network of nuclear power stations. At present it has to rely on a gaseous diffusion enrichment plant acquired from the Soviet Union in the 1950s.

An even more worrying form of technical aid could be Chinese help for Pakistan on the actual design of an atomic bomb. Evidence for this is ambiguous but the indications are that China has provided Pakistan with the plans of the nuclear bomb detonated in its fourth nuclear test.

This bomb was, roughly the size of the one the Americans dropped on Hiroshima. It used enriched uranium and was exploded in the atmosphere. If the Chinese have indeed passed on this design to Pakistan, it is a most astonishing act of proliferation by Peking. Western officials minded to believe the story are at a loss to explain China's apparent behaviour.

What could be still worse for America is that F-16 fighter-bombers could drop bombs of this type. F-16s are being supplied to Pakistan to counter Soviet military action in Afghanistan and to lessen the sense of inferiority Pakistan's generals feel towards India.

Our sources were prepared to give certain details of the bomb design. It is a classic implosion weapon, which uses steel spheres and curved metal plates. As FOREIGN REPORT revealed last year (November 3, 1983) Pakistan had been trying to buy these abroad. The spheres are now being made in Karachi.

The spheres are about 13 inches in diameter and form the casing of the bomb. A conventional explosive "trigger", weighing about 150 pounds, is moulded to the outside of the sphere in shaped charges. This is covered by the metal plates, which mesh together to form a larger sphere about 21 inches in diameter.

The heart of the bomb is a sphere of enriched uranium about six inches in diameter which is held suspended in the middle of the sphere. When the conventional explosive is detonated, it compresses the nuclear core. When the core reaches a critical density, it in turn explodes.

American intelligence is now trying to discover whether Pakistan really has the enriched uranium to go inside such a bomb. Its top scientist, Dr Abdul Qadar Khan, has hinted that it has. There are worries that Chinese help with enriched uranium could be forthcoming as well (see FOREIGN REPORT, February 16th). The United States is also trying to establish whether China has given Pakistan its test data as well. If it has, Pakistan might not need actually to test a bomb before qualifying as yet another nuclear-armed nation.

Kopie van dit bericht wordt te wettigen opgevoerd

KOPIE:

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MINISTERIE VAN BUITENLANDSE ZAKEN
 AFDELING VERBINDINGEN
 's-GRAVENHAGE, LANGE HOUTSTRAAT 28
 TEL Nos: 485622; 614941 - 2531

KOPIE No:	REFERENTIE No: 17187
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DATUM VAN ONTVANGST:

3 augustus 1984
 BESTEMD VOOR:

DATUM VAN AFZENDING:

2 augustus 1984

AFKOMSTIG VAN:

w a s h i n g t o n

PARAAF/OPM.:

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onderwrp vs - pakistan/nucleair.

tijdens 2 augustus jl gehouden bijeenkomst op capitol hill van zgn (bipartisan) non proliferation task force ging senator cranston nog nader in op zijn 21 juni jl in senaat afgelegde redevoering, waarvan strekking was geweest, dat pakistaanse nuclear weapons capability een voldongen feit is doch dat reagan-administratie zulks systematisch lijkt te ignoreren. bij laatstbedoelde gelegenheid had cranston tevens eerdere activiteiten van dr. a.u. khan te uwent alsmede de door cvr aan pakistan verstrekte nucleaire hulp (kahuta ultrptkn) aan de orde gesteld en vervolgens ontwerp-amendement op foreign assistance bill aangekondigd, waarvan strekking, dat alle vs militaire hulverlening aan islamabad en met name leverantie van f-16 gevechtsvliegtuigen zou dienen te worden stopgezet in afwachting van pakistan's aanvaarding van internationale inspectie op al zijn nucleaire faciliteiten (tekst per e.v. koerier).

ten bewijze van het feit, dat pakistaanse nucleaire activiteiten het daglicht niet zouden kunnen verdragen, maakte cranston nog melding van 21 juni jl bekend geworden pakistaanse poging om zgn. krytrons (sophisticated elektronische schakelaars aangewend in het ontstekingsmechanisme van nucleaire bommen) te betrekken van vs-fabrikant in massachusetts.

bij monde van undersecretary of state for security assistance, science and technology, schneider, riosteerde administratie, dat aanvaarding van het cranston-amendement levens groot risico inhield, dat pakistan ter voldoening aan zijn behoefte aan geavanceerde conventionele wapens straks bij moskou zou aankloppen. tevens vreesde schneider, dat pakistan's mogelijkheden voor hulverlening aan het afghaanse verzet door e.e.a. dusdanig zouden worden verminderd, dat een sowjet doorstoten richting straat van hormoez c.g. indische oceaan daardoor weer een stapje dichterbij zou komen. hoewel schneider pakistaanse nuclear capability niet wilde ontkennen, herhaalde hij toch standpunt aan administratie, dat vs militaire steun aan pakistan middels leverantie van b.v. f-16's het motief voor vervaardiging van pakistaanse "bom" zou wegnemen.

cranston-amendement zal medio september a.s. in stemming worden gebracht.

fein 595 *[handwritten mark]*

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PAKISTAN'S PROCUREMENT FOR ITS NUCLEAR PROGRAMME - EXAMPLES OF
MATERIALS AND EQUIPMENT

1. This document supplements the information contained in REIS/83/0524 - PAKISTAN'S PROCUREMENT NETWORK FOR ITS NUCLEAR PROGRAMME. It gives examples of the types of material and equipment which are sought by the Pakistanis for their nuclear programme through the Procurement Network. Annex A, together with copies of the Figures 1-11, forms the basis of a working document which may be passed to customs authorities.

PLUTONIUM ROUTE

2. The Pakistani's are working to complete the CHASMA reprocessing plant which was started by the French in 1976. We believe that they still lack a fuel element chopping machine and that attempts will be made to procure this through the Network.

GAS CENTRIFUGE URANIUM ENRICHMENT PLANT

3. The Network is still regularly being tasked by the Khan Research Laboratories (KRL) to obtain equipment and components for the gas centrifuge plant at Kahuta. The sketch of a simplified gas centrifuge in Fig 1 shows the relationship of the main components which are discussed below.

4. Rotating Components. Fig 2 shows an exploded view of the rotating components of the centrifuge, and Figs 3-7 show individual components and the materials from which they are made. The materials used for rotor construction are:

- a. Aluminium Alloy. AISI 7075 and equivalents in seamless tubing and other forms have been sought through the Network.
- b. Maraging Steel. This is a steel alloy of very high tensile strength which is particularly suitable for gas centrifuge rotating components, ie rotors, bellows, baffles and end caps. Attempts have been made to obtain maraging steel from European and Japanese sources sometimes using the Network's intermediary ASSAHA Electrical and Engineering Establishment in Sharjah UAE. Bulk orders, up to 60 tonnes, have been for rough machined tubing (known as 'starting stock' or 'preforms') of various sizes suitable for centrifuge rotors and bellows eg OD 110 mm/ID 100 mm approx, OD 160 mm/ID 140 mm approx. Grades specified have varied, eg 350 grade, 300 grade, but we consider it important to prevent the export of all grades of maraging steel in either finished component or starting stock form unless the order is supported by a bona-fide end user certificate.

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5. Forgings for Gas Centrifuges. In addition to rotating components the Network has attempted to obtain other forgings in stainless steel (eg AISI 316) and aluminium alloy (eg AISI 7075-T6) in final and semi-finished forms quoting various disguised end uses. Dimensions, specifications and the large quantities demanded have revealed their true function as components for gas centrifuges. A typical example of a stainless steel forging is shown in Fig 8, the export of which was successfully frustrated in 2 countries.

6. Other Centrifuge Components. Drawings have also been passed by the Network to European engineering companies either with a view to having components made or as examples of workpieces to be produced on machine tools which the Pakistanis intended to order for indigenous production of centrifuge components. Examples are:

- Top Baffle
- Bottom Damper Housing
- Top End Cap
- Bottom End Cap
- Magnet Covers
- Bearing Support Springs
- Waste and Product Scoop Tubes

Enquiries have also been made for ring magnets (OD 53 mm, thickness 8 mm) and bottom bearing balls and spindles.

7. Static Frequency Inverters. Some inverters (ie frequency changers), suitable for controlling the speed of gas centrifuges, were obtained from a UK manufacturer in the 1970's through the Special Works Organisation (SWO) at Rawalpindi. Subsequently export controls were placed on inverters 'capable of multi-phase electrical output of between 600-2000 Hz and parts, components and sub-assemblies thereof.' Arising from this KRL began indigenous production of inverters, but to achieve this, and to maintain them in operation, there is continuing demand through the Network for a wide range of electronic components some of which, such as certain types of thyristors, are subject to UK export controls.

NUCLEAR EXPLOSIVE DEVICE DEVELOPMENT AND PRODUCTION

8. In late 1981 incontrovertible evidence became available that KRL was engaged in the development and production of nuclear explosive devices of the implosion type. Orders for some of their major components were placed, through KRL's procurement agents, on several European companies who were asked to provide them in finished form to close dimensional tolerances or as semi-finished forgings and castings.

9. The major components of implosion type devices are characterised by their spherical shape, the metallic items and the conventional explosive charge being in the form of concentric hollow shells. An example is shown in Figure 9, whilst Fig 10 shows the approximate form of a plate, a number of which are located around the outer face of the explosive charge.

10. Metal Hemispheres and Dished Plates. The shells and plates have been requested in both aluminium alloy and steel with radii and thickness varying respectively from around 200 mm - 1000 mm and a few millimetres to several tens of millimetres. Material specifications and tolerances have also varied widely. Some have been requested as rough forgings and others in completed form to high levels of machining accuracy and surface finish. The dished plates, shown in Fig 10, were requested as aluminium forgings for subsequent machining to contours specified in coordinate tables.
11. Conventional Ordnance. Attempts have also been made to obtain high quality detonators and a power supply system for firing them. We believe that further components of conventional ordnance and associated control equipment could well be sought by the Network for nuclear implosion devices.
12. High Speed Cameras and Flash X-Ray Equipment. High speed cameras, flash x-ray equipment (15-20 MeV source, 4000 rads per pulse at 1 metre) and other diagnostic equipment for monitoring very fast transient events have also been sought by several Pakistani authorities connected with nuclear device development.
13. Neutron Generators. There have been recent attempts through the Network to obtain neutron generators from European sources. An example of a neutron generator is shown in Fig 11. Neutron generator tubes are sought by the New Labs group working on the implosion device. Although it is likely that they only require the tubes, they are prepared to purchase whole systems, including electronic control and head units, in order to acquire them. The UK controls export of "Neutron-generator systems, including tubes, designed for operation without an external vacuum system and utilising electrostatic acceleration to induce a tritium-deuterium nuclear reaction," and we urge you to be on the lookout for attempts by the Pakistan Procurement Network to obtain these devices.

MACHINE TOOLS AND EQUIPMENT

14. Frustration by supplier countries of components required for the unsafeguarded elements of Pakistan's nuclear programme had led increasingly to the purchase of the necessary machine tools and other manufacturing equipment for their indigenous production. Most of the tools and equipment are multi-purpose and, despite their known end use, are not generally subject to export control. Exceptions, however, in the UK and certain other countries who have agreed to control them, are tools and equipments or parts of them, including certain jigs and fixtures, which are designed specifically for the manufacture of the above mentioned components. These items cover a very wide range and are difficult to identify since they include, eg, at one end of the scale, fixtures such as specially designed expanding mandrels for holding centrifuge rotor tubes during the machining processes, and at the other complete flow-forming machines having drive motors exceeding 80 horsepower.

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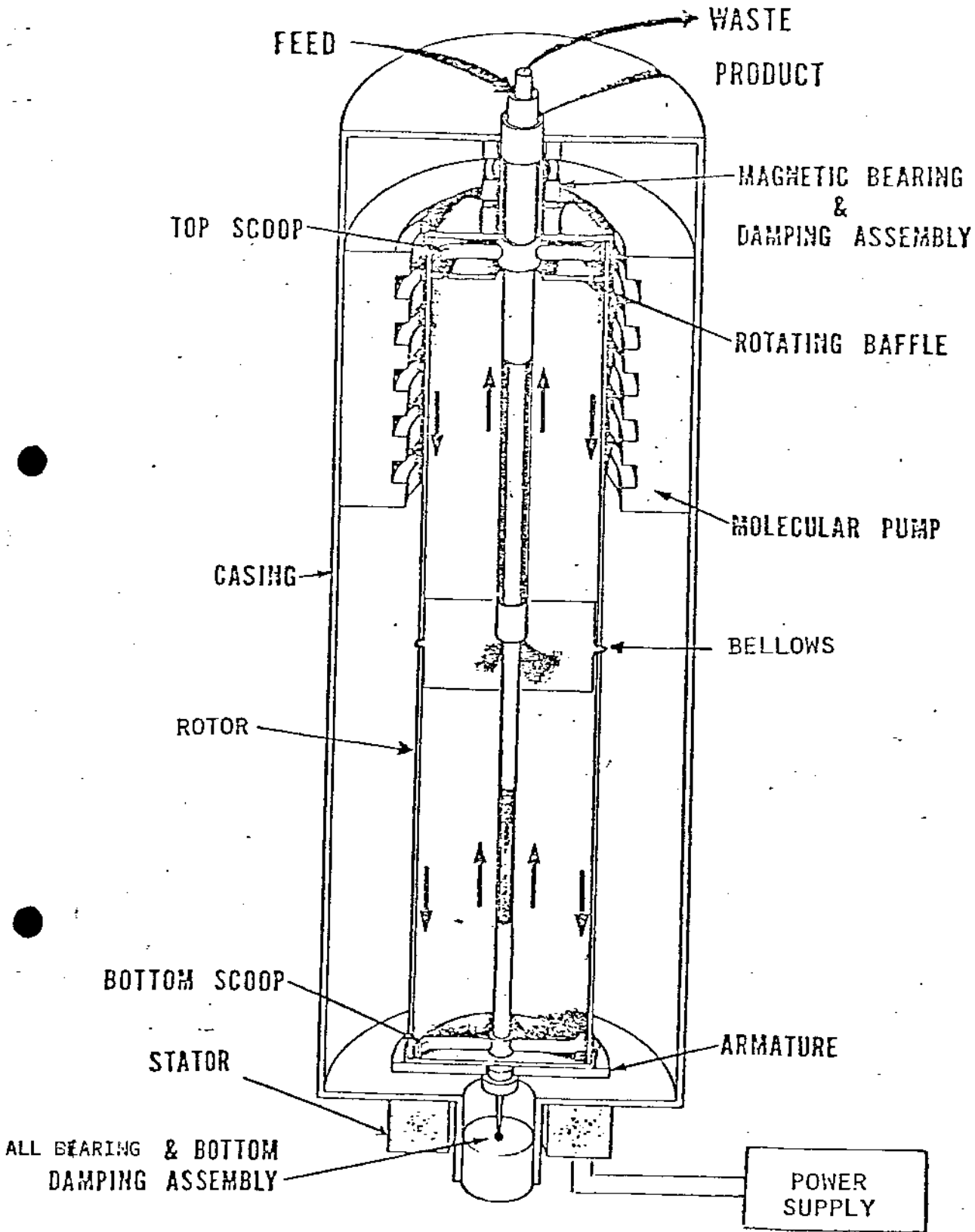
15. You will appreciate from the foregoing that industrial and commercial companies could well become the target of the Pakistan authorities for provision of materials in bulk or semi-manufactured form, for equipment or components required for their nuclear weapons projects. Approaches are likely to be made through the world-wide procurement network quoting disguised end uses and destination addresses. Types of company, irrespective of size, most subject to approach would be:

- a. Manufacturers and suppliers of special non-ferrous alloys and steels in stock forms or as purpose-made forgings;
- b. Precision engineers providing high specification machined parts to order;
- c. Manufacturers and suppliers of conventional explosives and associated devices;
- d. Manufacturers and suppliers of electronic control and nucleonic equipment;
- e. Manufacturers and suppliers of precision machine tools and accessories including computer numerical control (CNC);
- f. Manufacturers and suppliers of high speed photography and x-ray equipment.

16. It is of course recognised that many of the materials and equipments which the Pakistani authorities seek are difficult to identify especially by unsuspecting suppliers who frequently do not know - because they have not been told or have been given a false description - the true end use. Experience has revealed however that attempts to evade controls can be frustrated if the potential suppliers are made aware that they may become targets of deception. Considerable success has been achieved by:

- a. Forewarning companies of the likelihood of approach by Pakistani authorities or by agencies of their Network, and seeking their cooperation in keeping the relevant authorities informed;
- b. Cross-referencing by Customs Authorities of all materials and equipments which could have a nuclear end use to addresses of customers and intermediaries used by the Network;

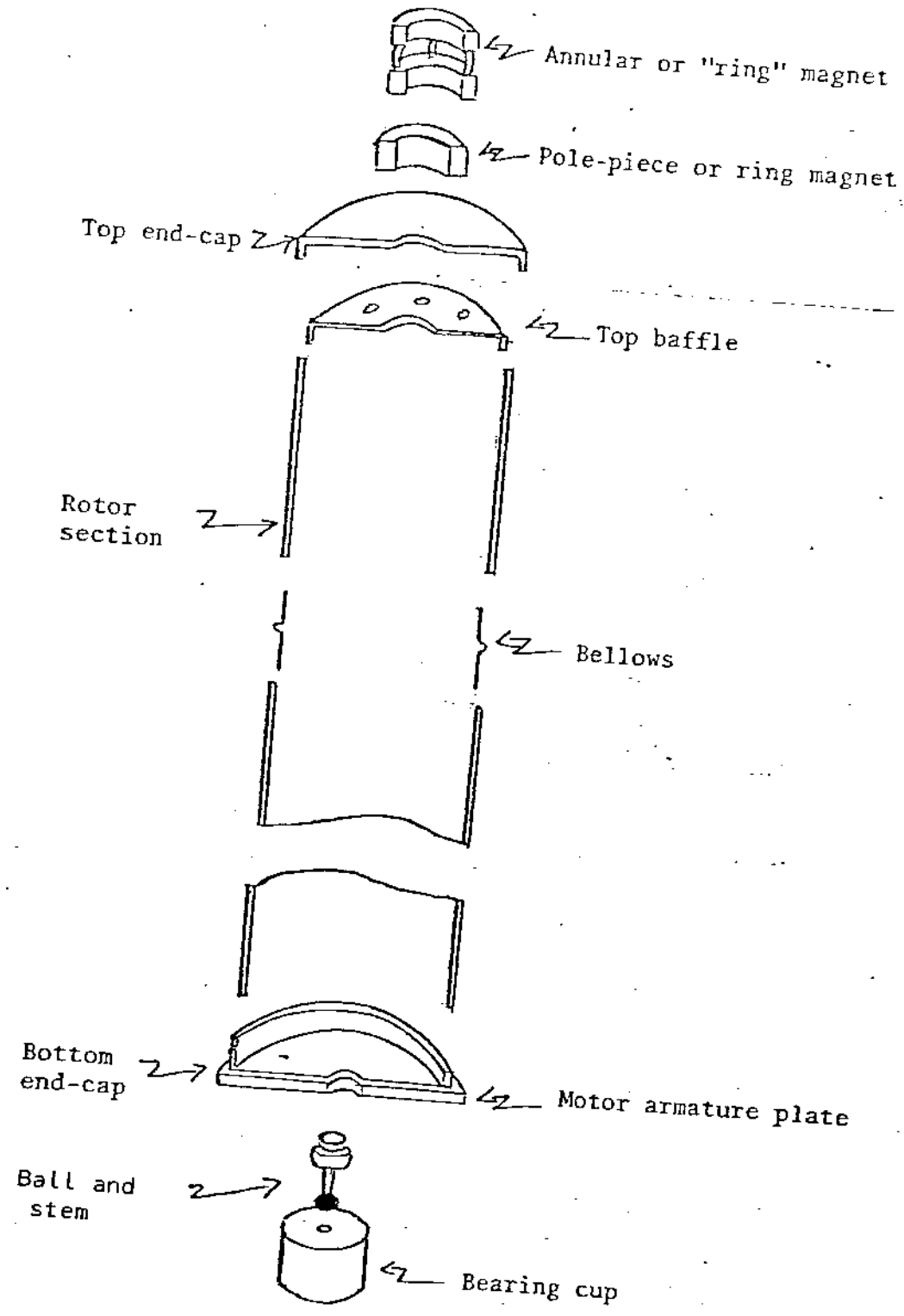
FIG 1 - SIMPLIFIED GAS CENTRIFUGE



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FIG 2 - ROTATING COMPONENTS OF A GAS CENTRIFUGE

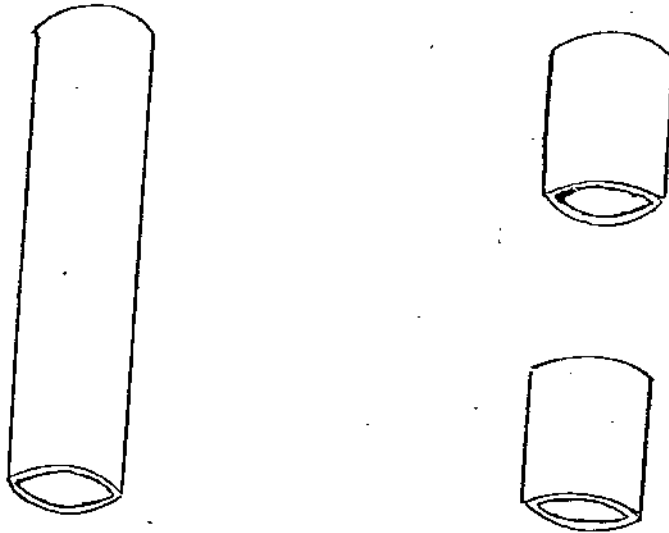


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Fig 3

GAS CENTRIFUGE ROTATING COMPONENTS:
Rotor Tubes/Rotor Tube Sections



- Thin cylinders manufactured from high strength to density ratio materials:

Maraging steel (Grade 300 or over)

High strength aluminum alloys (AA 7076, HD-89, etc.)

- Typical dimensions (finished or semi-finished forms):

Wall thickness - 1/4 inch or less

Diameter - 3 inches - 16 inches

Length/diameter ratio: 4 or more

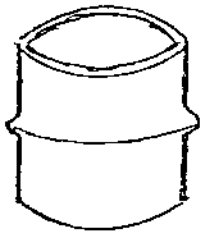
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Fig 4

GAS CENTRIFUGE COMPONENT:

- Rings or Bellows



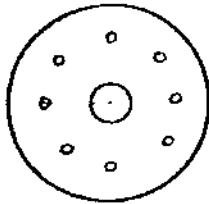
- Components specially designed or prepared to give localized support to the rotor tube or to join together a number of rotor tubes and manufactured from one of the high strength to density ratio materials:
 - Maraging steel (Grade 300 or over)
 - High strength aluminum alloys (AA-7076, HD-89)
- Typical dimensions (finished forms):
 - Wall thickness - 3 mm or less
 - Diameter - 3 in. to 16 in.
 - Length/diameter ratio - c.a. 1/3

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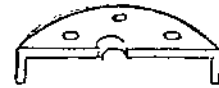
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Fig 5

GAS CENTRIFUGE ROTATING COMPONENT:
Baffle



Top View



Sectional View

- Components specially designed or prepared to isolate the take-off chamber from the main separation chamber and, in some cases, to create the UF_6 gas circulation within the rotor tube: manufactured from one of the high strength to density ratio materials:

Maraging steel (Grade 300 or over)

High strength aluminum alloys (AA-7076, HD-89)

- Typical forms:

Disk shaped components

Diameter: 3 in. to 16 in.

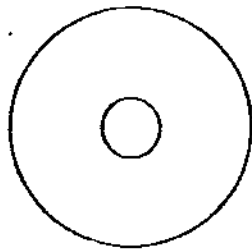
Peripheral lip: 1/2 to 2 in.

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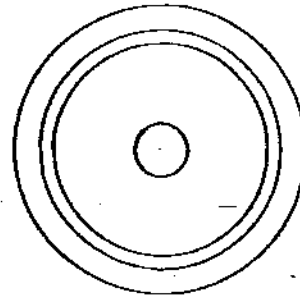
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Fig 6

GAS CENTRIFUGE ROTATING COMPONENTS:
TOP AND BOTTOM END-CAPS



Top Cap



Bottom Cap

- Components specially designed or prepared to contain UF_6 within the rotor tube, and in some cases to support an element of the upper bearing (top cap) or to carry the rotating element of the motor and part of the lower bearing (bottom cap); normally manufactured from high strength to density ratio materials:

Maraging steel (Grade 300 or over)

High strength aluminum alloys (AA 7076, HD-89, etc.)

- Typical forms:

Disk shaped components

Diameter 3 in. to 16 in.

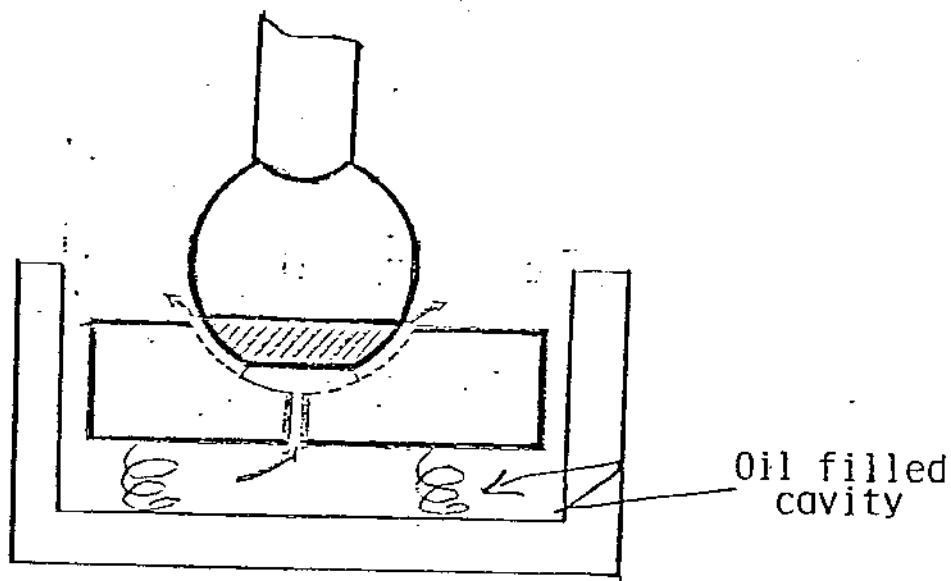
Peripheral lip: 1/2 in. to 2 in.

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Fig 7

GAS CENTRIFUGE COMPONENTS:
BEARING/DAMPER



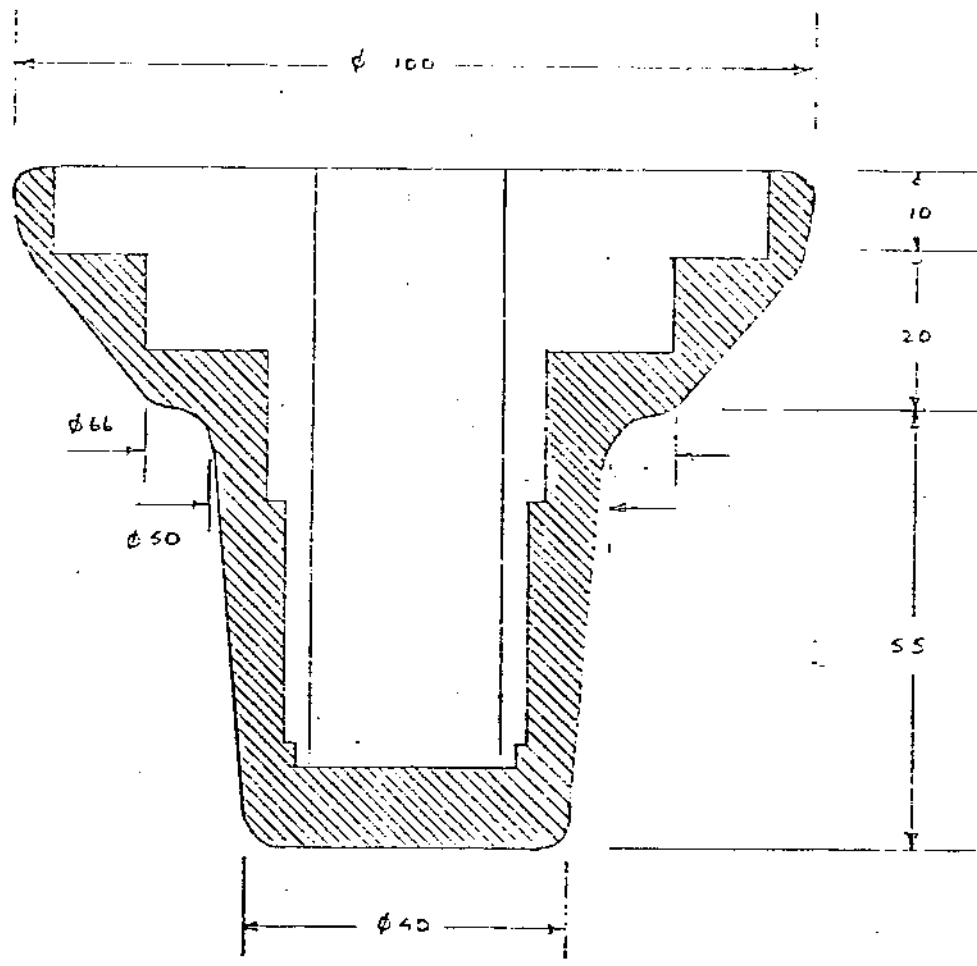
Bearing/Damper:

Specially designed or prepared bearings comprising a pivot/cup assembly mounted on a damper using oil as the damping medium.

Typical Bearing Dimensions:

Ball diameter: 1/4 in. to 3/8 in.

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ALL DIMENSIONS IN MILLIMETRES



MATERIAL TO BE REMOVED
TO LEAVE FEED OPERATING BUSH

STAINLESS STEEL "PLUG" WITH BUSH SUPERIMPOSED

Fig 8

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EXAMPLE OF SPHERICAL SHELL

Outside dia. approx 425 mm

Inside dia. approx 400 mm

Material steel

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Fig 9

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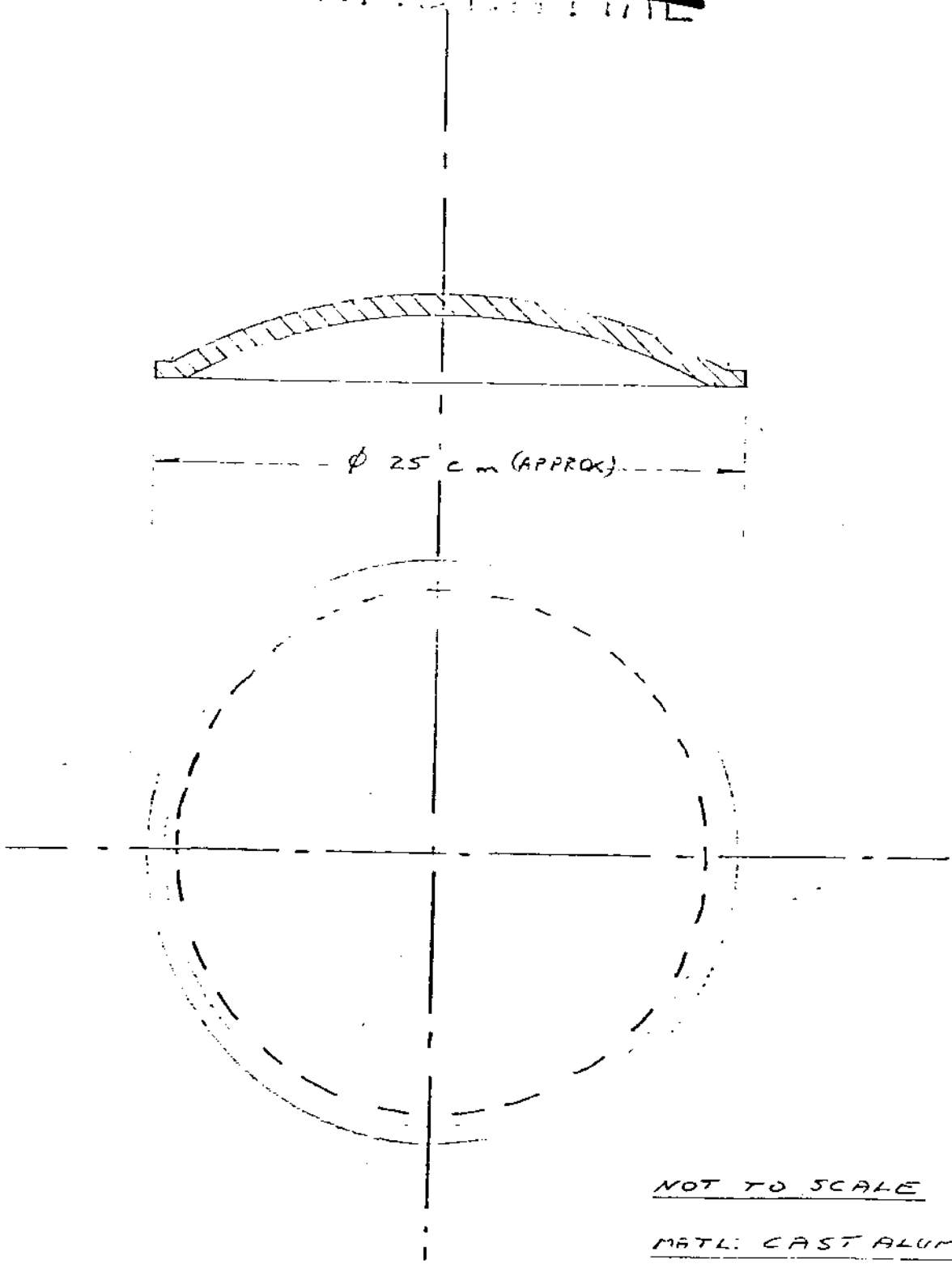
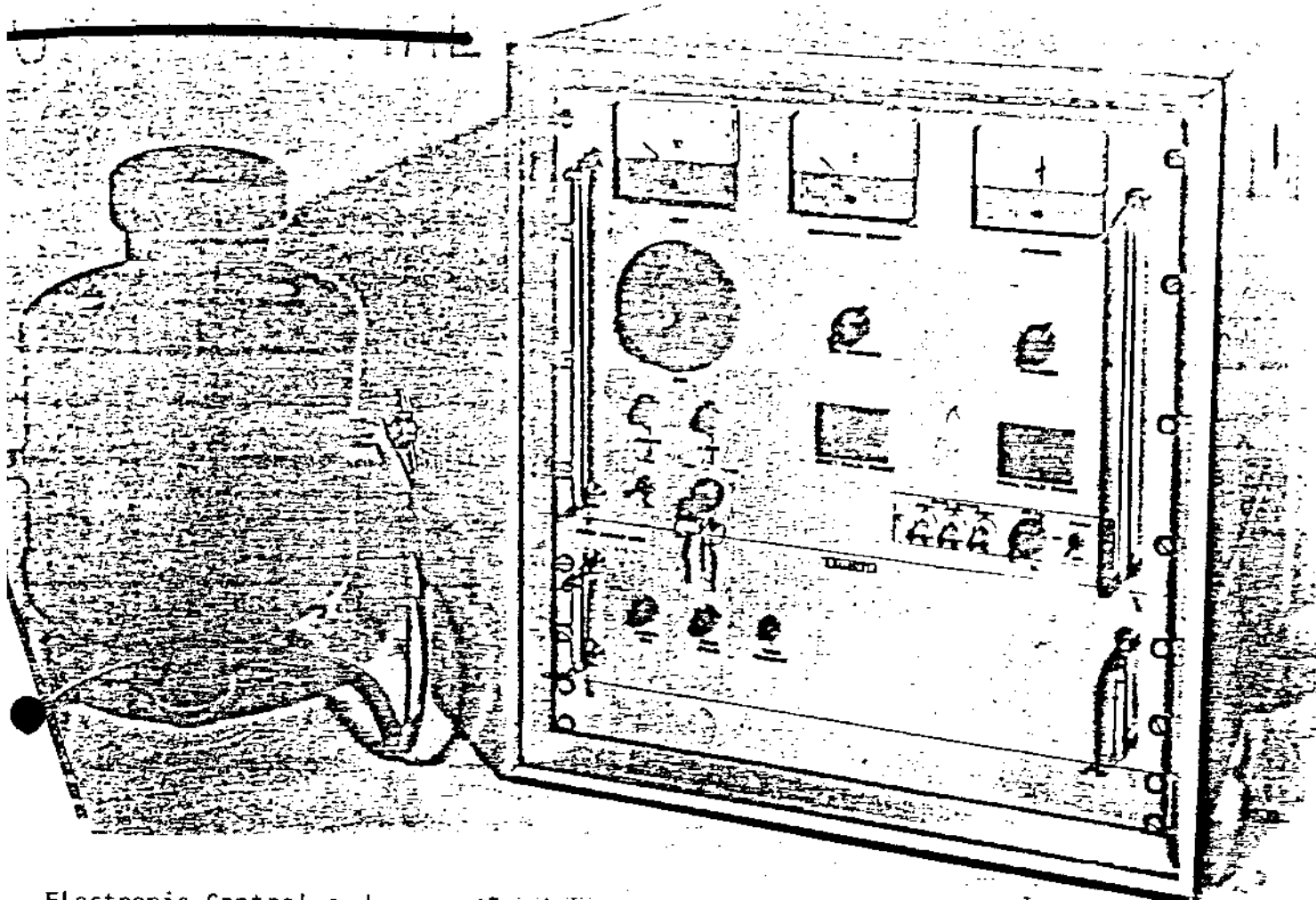
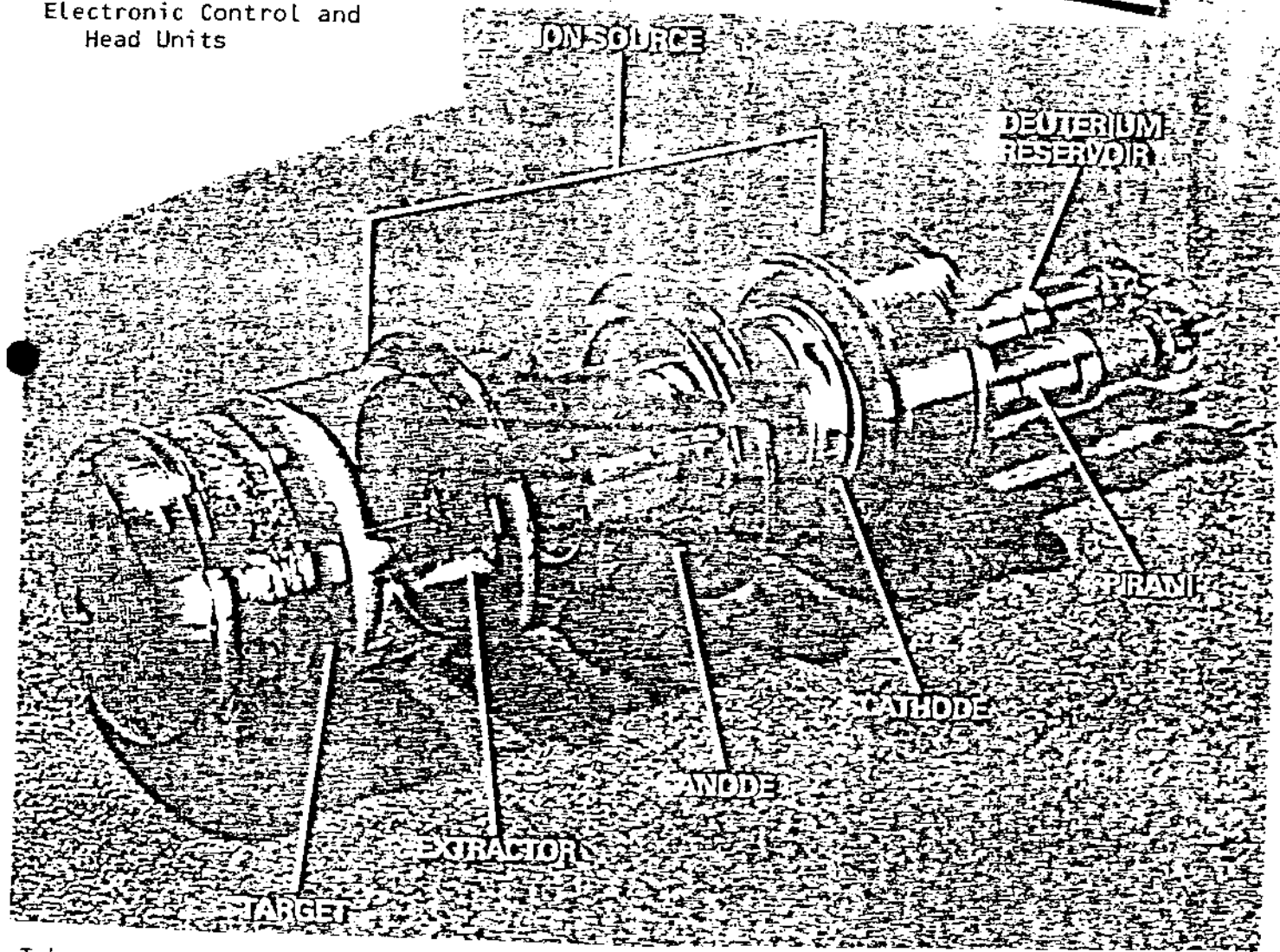


Fig 10 - ALUMINIUM DISHED PLATE

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Electronic Control and Head Units



Tube

PAKISTAN'S PROCUREMENT FOR ITS NUCLEAR PROGRAMME

ANNEX A - SUGGESTED EXTRACT FOR USE BY CUSTOMS AUTHORITIES

1. It is known that Pakistan is actively engaged in the construction of gas centrifuge plants required for the production of nuclear weapons grade highly enriched uranium and in the development and construction of nuclear explosive devices. To facilitate this, Pakistan have at their disposal an effective and widespread network for the procurement overseas of equipment, components, materials and services required for these programmes. Not surprisingly, the end uses, and destinations, of goods acquired through this Procurement Network are usually disguised.

2. In the interests of nuclear weapons non-proliferation it is important they we act to frustrate the export of such materials, destined for Pakistan, through our outlets.

3. There follows:

- a. A list of supply addresses known to be used by Pakistan for its nuclear programme;
- b. An illustrated list of examples of materials and equipment which Pakistan has sought from overseas for its nuclear programme.

ADDRESSES

Special Works Organisation (SWO)
169 Kitson Road
Westridge
Rawalpindi

Civil Works Organisation (CWO)
PO Box 368
Rawalpindi

The Directorate of Training
PO Box 1345
House No 18
Park Road
F8/2
Islamabad

The Directorate of Industrial Automation
(also Institute of Industrial Automation)
PO Box 1384 and PO Box 502
House No 12
Street 30
F8/1
Islamabad

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- 2 -

The Directorate of Technical Equipment
PO Box 1153 and 1331
House No 2
Street 32
F8/1
Islamabad

Quaid-I-Azam University
PO Box 502
Islamabad

Ahmed International Equipment Co Ltd
Fort View
Preedy Street
Karachi

Asian Chemical Industries
F-123
SITE
Mauripur Road
Karachi

Astro International

Azam Trading Corporation
26 Bihar MHS
Karachi

Bestfriend
Lahore

Bibojee Services Ltd
3rd Floor
Nelsons Chambers
II Chundrigar Road
Karachi

Chemech Engineering Ltd
Islamabad

Combi International
House 8
Street 33
F7/1
Islamabad

Electro-Nuclear Corporation
1st Floor
16 Kazi Chambers
Bahadurahah Zafar Road
Karachi

Fab-erector
Rawalpindi

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- 3 -

Farooq Enterprises
135-23 Kashmir Road
Kurshid Place
Rawalpindi

Farooq Silk Mills
311 and 314 Mohammadi House
Chundrigar Road
Karachi

Arshad, Amjad and Abid Ltd
Arshad International
A F Industries

PO Box 502
Rawalpindi

S-34 SITE
Mauripur Road
Karachi

Haji Ahmad Bros
1/35 Al-Yusuf Chambers
Shahrah Liaquot
Karachi

Ahmad JAFFAR & Co Ltd
38 Harley Street
Rawalpindi

K N Chemicals
PO Box 1286
Islamabad

Manstock Engineering Co
100 Farid Chambers
Abdulla Haroon Road
Karachi

N A Enterprises Trading Co
Karachi

National Engineering Services (NESPAK)
State Life Building
1 The Mall
Rawalpindi

Northern Traders Ltd
26 Napier Road
Karachi

Pakistan Chemical Company
House 24
Street 27
F8/1
Islamabad

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- 4 -

Pakland Corporation
Mehboob Chambers
Abdullah Haroon Road
Karachi

Pervaiz Commercial Trading Co Ltd
Lahore

Punjab Fertiliser Company
PO Box 716
Rawalpindi

S J Enterprises Ltd
15 Block 14
Super Market
F6/3
Islamabad

S J Enterprises Ltd
37-B School Road
F8/3
Islamabad

S J Enterprises Ltd
124 Cotton Exchange Building
Chundrigar Road
Karachi

S J Enterprises Ltd
10 Wahbat Road
Lahore

Salateen Syndicate Ltd
Eastern Bank Building
Chundrigar Road
Karachi

Saleem and Sons Ltd
Pak Chambers
7 West Wharf Road
Karachi

Saleem and Sons Ltd
2 Bazar Road
G6/4
Islamabad

Saleem and Sons Ltd
15-c/1 Gulberg III
Lahore

Samina Ltd
Karachi

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- 5 -

Sayyadain Ltd
Karachi

Shah Nawaz Ltd

Sibtain Bros
43-48 Ghafur Chambers
Victoria Road
Karachi

Technical Fabricators

M Wasiullah & Co
731 Mohammadi House
Chundrigar Road
Karachi

Zelin Ltd
M A Jinnah Road
Karachi

Bin Belailah Enterprises
PO Box 11213
Dubai

Khalid Jassim General Trading Establishment
PO Box 10591
Deira
Dubai

Boodai Trading Company
Khalif Al Arabi Street
PO Box 1287
Safat
Kuwait

Assaha Electric Establishment
PO Box 6956
Sharjah
UAE

MATERIALS AND EQUIPMENT

PLUTONIUM PRODUCTION

Fuel element chopping machine

HIGH ENRICHED URANIUM PRODUCTION

a. Gas Centrifuge Components Figs 1-7

Rotors
Bellows
Top and bottom end caps
Baffles

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Bottom damper housing
Bottom bearing needles and balls
Bearing support springs
ring magnets
Magnet covers
Waste and production scoop tubes

b. Materials for Gas Centrifuge Production

Aluminium alloy (AISI 7075 and equivalents)
Maraging steel (all grades)

Usually sought in form of 'starting stock' or 'preform'. Typically rough machined tubing suitable for rotors and bellows. Sizes to watch for OD 110 mm/ID 100 mm approx, OD 160 mm/ID 140 mm approx,

Forgings in stainless steel (AISI 316 or 304)
aluminium alloy (AISI 7075)

Watch for shapes and sizes which could be semi-manufactures for centrifuge components - frequently (but not necessarily) sought in large numbers - hundreds, thousands.

c. Equipment for Gas Centrifuge Production

Tools and equipments, or accessories, designed specifically for the manufacture of centrifuge components, eg:

Expanding mandrels for holding centrifuge rotors during machining process

Flow forming machines having drive motors exceeding 80 horsepower (59 kw)

d. Equipment and Components for Centrifuge Plant Control

Frequency changers (inverters) capable of multi-phase electrical output of between 600-2000 Hz and parts, components and sub-assemblies thereof.

NUCLEAR EXPLOSIVE DEVICE DEVELOPMENT AND PRODUCTION

a. Metal Hemispheres and Dished Plates Figs 9-10

Hemispherical shells
Dished plates which, in quantity, can be fabricated into hollow spherical form.

Materials may be aluminium alloy or steel.
Radii vary and examples have been between 200-1000 mm.
Thicknesses have varied between a few millimetres and tens of millimetres.

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b. Conventional Ordnance

Detonators

Detonator circuit power supplies and control equipment

c. Neutron Generators Fig 11

Neutron generator systems

Neutron generator tubes

d. Diagnostic Equipment

High Speed cameras

Flash x-ray equipment (output voltage greater than 500 kv)

ACTION TO BE TAKEN

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Van : Last 9^{24/9}
Aan : PLVS

Datum : 21 sept. 1984

Onderwerp : Groep Bos

(tegens verhef. serv. van
ministerie noodgedwongen
mit (getypt))

1. Hierbij conform afspraak de brief van de Cij. Bos aan M, met als bijlage het ontwerp-verweerschrift ^{voor} ~~van~~ de beroepsprocedure tegen de weigering van M/E ^{export} ~~aan~~ vergunning oscilloscoop af te geven.
Gedien het feit, dat reactie M vóór 25 sept. a.s. bekend zou moeten zijn en in licht van ons gesprek van 7 sept. j.l., heb ik in extra ingelaste vergadering van de groep heden morgen mededeeld dat BZ in principe met gevolgde benadering akkoord was.

2. Vergadering van heden morgen was gewijd aan te volgen tekensstellende uitspraak van de Rechtbank te Breda m.b.t. ~~_____~~ zaak.
O.M. heeft, vermoedelijk bewust, mogelijkheid van hoger beroep laten passeren (do. 20/9 had wettelijk het beroep moeten worden aangetekend). Ook overigens bestond de indruk dat 'uitspraak' mede te wijten was aan ongeïnteresseerdheid van O.M. Zelfs was nog ^{behoefte} ~~aan~~ off. v. Justitie bereid op Bos gedaan de rechtszaak tegen te houden!
De processtukken zullen binnenkort weer worden gedistribueerd. Op vrijdag 20/9 vindt opnieuw vergadering plaats; ik ben dan gelukkig met uitlenen terug.

Als alle rechtzaken ^{eind} ~~tot~~ oktober voorbij zijn, zal evaluatie van betrokken bewindslieden worden opgesteld, m.n. v.w.b. het Nederlandse export-beleid in het algemeen en het non-proliferatie

Uiteraard zal de men technische discussie zich elders affelen, o.m. in het reguliere E2-B2 overleg over nucleaire export aanfelegheden, zodat ook D10/ov/NV daar bij kan worden behohken.

Van belang is voorts, dat nog steeds exporten plaatsvinden t.b.v. Pakistans, inclusief vermondelt bom onderdelen, die om welke reden dan ook niet kunnen worden verhinderd.

Ik stel mij voor, los van de Bes-groep evaluatie M na bereyken in te lichten, omdat wat jaande is van essentiële (negatieve) betekenis kan zyn voor het Nederlandse non-proliferatiebeleid.

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Ministerie van Economische Za

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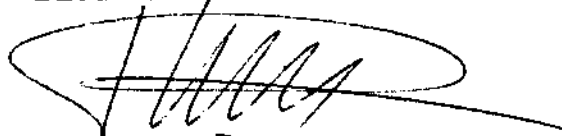
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DIENSTGEHEIM

I.v.m. de vergadering op donderdag, 13 december 1984 (aanvang 09.30 uur, in kamer 110, Bezuidenhoutseweg 30) doe ik U hierbij een copie toekomen van:

- a. een artikel uit de Wallstreet Journal van 26 november 1984;
- b. een notitie van het Min. v. Fin., Directie Douane betreffende de bevoegdheden van douaneambtenaren.

HET HOOFD VAN DE AFDELING
BIJZONDERE AANGELEGENHEDEN,



(R.C. Ackx)

DIENSTGEHEIM

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Nuclear Spread

How Pakistan Secured U.S. Devices in Canada To Make Atomic Arms

Despite Proliferation Barriers, Nation May Soon Have Ability to Produce Bombs

Jitters in India and the West

By JOHN J. FIALKA

Staff Reporter of THE WALL STREET JOURNAL

MONTREAL—In July 1980 two members of Pakistan's Atomic Energy Commission came here in secret with a high-priority shopping list: vital parts for Pakistan's fledgling effort to become a nuclear power.

Nonproliferation was a point of Western emphasis then. Led by the Carter administration, the U.S., France, Britain, West Germany, the Netherlands and Canada were attempting to halt what they suspected was a Pakistani program on nuclear weapons.

After years of ambivalence, those nations had acted to restrict exports of some high-technology items. The goal was to bar Pakistan and other developing nations from producing plutonium or highly enriched uranium, the two metals used in atomic weapons.

Yet Pakistani scientists have apparently hurdled that barrier in four short years, aided by a

Canadian connection that provided them with electrical components made by top U.S. companies. Israeli analysts estimate that Pakistan may have an "operational nuclear capability" with 10 Hiroshima-sized bombs by 1986. U.S. and Indian estimates of Pakistan's efforts are more cautious, although they agree that Pakistan is close to becoming a nuclear weapons state.

If Pakistan is that close, can others be far behind? The "club" of nuclear weapons states that evolved in the 1960s included the U.S., the Soviet Union, Britain, France and

China. India stunned neighboring Pakistan and the rest of the world with its "peaceful nuclear explosion" in 1974. Many Western experts believe that Israel acquired a nuclear arsenal in the late 1960s or early 1970s.

Now others seem to be approaching the threshold. Among them, South Africa and Argentina have used big development programs to work toward nuclear "independence" and to sidestep embargoes. Experts in the West also worry about Libya, South Korea, Taiwan and Iraq.

The Easy Part

The Pakistanis made at least one stage of the nuclear quest look easy. According to court records here, the two Pakistani officials who came to Canada—Anwar Ali and I.A. Bhatti—brought with them a list of parts needed for a crucial item embargoed by the U.S. and others, a high-frequency inverter. This exotic electrical device is used to spin a gas centrifuge at extremely high speeds to enrich uranium.

The parts were bought from manufacturers, including General Electric Co., Westinghouse Electric Corp., RCA Corp. and Motorola Inc. by two small electrical-equipment stores in Montreal, according to the court papers. Then they were repackaged and shipped to the Middle East. The effort was aided by a network of highly educated Pakistani expatriates in the U.S. and Canada. Some of them were attracted by newspaper advertisements and then persuaded to spend their vacations working in Islamabad with Abdul Qadir Khan, the man who heads Pakistan's nuclear effort.

Pakistan's president, Mohammed Zia ul-Haq, repeatedly has denied suggestions that his nation wants to produce nuclear weapons. "Somebody's imagination has gone wild," he said in a recent interview, claiming Pakistan's efforts have been strictly for peaceful purposes. But Western experts are increasingly skeptical of the disavowals.

Canadian Records

The records here yield a view of Mr. Khan and his nuclear program, which in some ways resembles the so-called Manhattan Project that produced the material for America's first atom bombs. Pakistani pride in the project is comparable. Mr. Khan, a reclusive, European-educated metallurgist, has achieved legendary status in Pakistan.

He ended the suspicion and rumor surrounding his work earlier this year by announcing that Pakistan now is able to enrich uranium using ultra-high-speed gas centrifuges. "Such an achievement by our team in a country where no basic infrastructure is available, where we cannot make a good bicycle or even a grinding machine, speaks (for) itself," he wrote in *Defence Journal*, a scholarly Pakistani publication.

It certainly speaks to U.S. and European experts on nuclear controls. Far more than a decade of diplomatic rhetoric and agreements to stop the spread of weapons-prone technology, Pakistan was able to draw expertise and equipment from nearly every industrial country in the West. Last spring, a committee of industrial nations reacted by enlarging its list of embargoed items to include the parts Pakistan bought to build its centrifuge-enrichment plant.

Events of late have heightened international concern. A Pakistani businessman, Nazir Ahmed Vaid, recently pleaded guilty in Houston to a charge that he illegally attempted to export 50 high-speed switches used to trigger atom bombs. U.S. intelligence sources say Pakistan also has attempted to buy precision-shaped explosives that are part of A-bomb triggers.

The specter of a nuclear-armed Pakistan revives anxieties about the politics of southwestern Asia. Will neighboring India, a perennial adversary, feel compelled to make a conventional-weapons strike on Pakistan's nuclear facilities? Others worry that Israel, concerned about a "Moslem" bomb that might be obtained by radical states such as Libya, might mount a pre-emptive strike like the one it unleashed in 1981 on an Iraqi nuclear reactor.

A concerned President Reagan already has warned Pakistan that it may lose the remaining part of a \$3.2 billion military aid package if it continues on its nuclear weapons path. The aid program is scheduled to end in 1987.

Canadian authorities are embarrassed. They spent five years trying to prosecute three men arrested in the parts-buying scheme. Their trial ended this summer, with two of the men being fined \$3,000 each on a minor, technical charge.

The third man was the prime suspect, Abdul Aziz Khan, a soft-spoken electrical engineer with Canadian citizenship. He carried on a lengthy correspondence with Abdul Qadir Khan (no relation), helped with the parts purchasing and worked with him during monthlong vacations in Islamabad.

Jury's Decision

He was acquitted after apparently convincing a jury that A.Q. Khan is a benevolent sort who does research on such things as synthetic butter factories. Canadian prosecutors were unable to dispel this image, they say, because rigid rules against hearsay evidence left them unable to explain what Messrs. Ali, Bhatti and A.Q. Khan really do for the government of Pakistan.

Canadian export-control laws, which were meant to bolster U.S. controls, were depicted at the trial as a kind of "honor system" that left it up to exporters to declare whether a shipment might violate



**Nuclear Club:
Set to Explode?**

First in a series.

the rules. "It does seem to be a bit of a laugher when you're dealing with atomic energy materials," says Jack Waissman, one of the prosecutors.

"The whole thing was a farce," grumbles Sgt. Rene Garceau, who developed the case for the Royal Canadian Mounted Police.

The evidence produced intriguing letters written by Abdul Qadir Khan to Abdul Aziz Khan, seized in the latter's apartment. In 1977, A.Q. Khan wrote asking A.A. Khan to come home to work on "a project of national importance" for which Pakistani scientists in Britain and the U.S. were being recruited. Wages of \$325 a month were offered, along with subsidized rent and servants.

"People getting these facilities in Pakistan can be counted on fingers and belong to the elite of the country," A.Q. Khan wrote. A.A. Khan declined. But he agreed to collect technical literature in the U.S. and Canada and to use his vacations to train young engineers working in Islamabad.

Ambiguous Urdu

One letter, written like the others in Urdu, an official Pakistani language, was unambiguous, perhaps deliberately. "June 4 is a historic day for us," A.Q. Khan exulted. "We put 'air' in the machine and the first time we got the right product and its efficiency was the same as the theoretical. Everybody was quite happy." A.A. Khan explained at his trial that this referred to an experiment to make synthetic cooking gas.

A.Q. Khan's laboratory sounds like an exciting place. "As you have already seen," he wrote A.A. Khan in summer 1978, "my team consists of all the crazy people, they don't care for night or day. Now they'll after it with all their might."

A year later, the work tempo had slowed, on interesting reasons. "All our material has been stopped, everywhere they are delaying it," A.Q. Khan wrote, according to court papers. "The material that we were buying from the British and Americans has been stopped. Now we will have to do some work ourselves."

There were problems. In June 1978 a British member of Parliament asked the government why a British subsidiary of General Electric Co. of the U.S. was selling to Pakistan the AS 1604 high-frequency inverter—the very device being used by A.A. Khan in a uranium-enrichment project.

Dutch Documents

In March 1979, the Dutch government learned from a West German television broadcast that one A.Q. Khan, employed by a Dutch company between 1972 and 1975, may have stolen secret high-speed centrifuge technology from a uranium-enrichment plant at Almelo in the Netherlands. In 1980 the Dutch Parliament released documents asserting that A.Q. Khan was using a list of suppliers and subcontractors who helped build the Almelo plant.

Pakistan, it turned out, was getting a lot of help. Special high-strength steel needed for high-speed centrifuges had been bought from a company in the Netherlands. A West German company sold Pakistan a fluoridation plant capable of turning uranium into a gas, uranium hexafluoride. (Conversion into the gas is a necessary stage of the enrichment.) A Swiss company supplied a special gas system that could pump the gas in and out of the centrifuge. U.S. companies sold radiation-resistant thermometers and air-conditioning equipment.

U.S., Israeli and Indian intelligence reports tended to confirm suspicions that Pakistan was building a centrifuge-type uranium enrichment plant at a heavily guarded site in Kahuta, a suburb of Islamabad. The Pakistanis were sensitive about Kahuta, especially after the French withdrew from a separate project for building a plant to extract plutonium from spent nuclear fuel.

In June 1979, a French diplomat was beaten up after he and the French ambassador to Pakistan had driven near the Kahuta

site. And A.Q. Khan complained the following month in a letter to A.A. Khan, "The Britishers are stalling it more than before. They are even stopping nails and screws. And since we have said goodbye to the French ambassador, he is also mad and (they) have stopped our material. We are making the inverters ourselves and hoping that by the end of the year, if God is willing, we will make them."

Aug. 29, 1980: more trouble. Canada's Mounties, acting on a tip from the British Customs Service, broke the Canadian connection. They seized 19 boxes of equipment being prepared for shipment to Pakistan at Montreal's Mirabel Airport. They arrested A.A. Khan and two others: Salam Elmenyawi, the owner of an electrical-equipment store in Montreal; and Mohammad Anmad, a mechanical engineer working for the province of Quebec.

During a nightlong grilling by the Mounties, Messrs. Elmenyawi and Anmad said they didn't know the ultimate purpose for the seized exports. (Ten other shipments of inverters, their records showed, already had gone to Pakistan.)

The following day, after A.A. Khan was released, the Mounties followed him to a downtown railroad station. There he took a suitcase from a locker, removed several documents, tore them in half and threw them into a trash can. Then he took a bus to the airport to catch a flight to Pakistan. The Mounties rearrested him at the airport.

The discarded documents, pieced together by the police, included a paper by a U.S. scientist on uranium enrichment using a high-speed gas centrifuge. A.A. Khan said he knew nothing of the article, which he was bringing to another scientist. The inverter parts, he testified, were for use in a textile plant and a food-processing plant.

Pakistan's nuclear chief shed considerably more light on his project this year in the Defence Journal article. Uranium in nature has only 0.7% content of fissionable uranium. When it is enriched for power reactor fuel, the fissionable content is 3% to 4%. A.Q. Khan wrote, "There is nothing which stands in our way technically to stop us from enriching to 90%." That level of enrichment is sufficient for weapons use.

"It is this possibility and capability (no matter how hypothetical it may be) that has sent jitters to Indians and to a number of Western countries," the article continued.

But in a recent interview with a Pakistani newspaper, Mr. Khan said, "We are doing all this for power production. The enriched uranium fuel at the Kahuta plant is for reactors which will be built to produce electricity." Western experts are skeptical about that claim. One reason: Pakistan doesn't have a nuclear power plant that uses enriched uranium fuel and may not have one for years.

Perhaps the most skeptical nation is Israel, which has waged a long behind-the-scenes campaign to hamper the Pakistani effort. U.S. experts seem less certain of the extent of Pakistani success. They point to intelligence reports of a number of centrifuge failures at Kahuta and of an earthquake last November that seriously damaged the plant.

An Indian diplomat who has followed the Pakistani effort closely believes that Pakistan, faced with a strong political reaction from the West, may simply choose a "basement" capability—the ability to make a weapon quickly without testing.

Engineers and technicians from China recently have been seen at Kahuta and are believed to be involved in the repair work. There have been European intelligence reports that China may have given Pakistan an A-bomb design in exchange for access to the centrifuge-enrichment technology.

A.Q. Khan, in any case, doesn't sound like the kind of man to be deterred by strong foreign reactions. In a letter to A.A. Khan in Canada, he said, "The way they (Canada and the U.S.) are after us, it looks as we have killed their mother. . . . There is lots of pressure, but I have trust in God in doing my work. I am thinking, if I finish this job, then I would solve the purpose of my life."

MINISTERIE VAN FINANCIËN

DIRECTIE DOUANE.

Gezonden aan het Ministerie van Justitie,
Directie Politie,
t.a.v. de heer mr. R.H. Scholte Ubing

Onder verwijzing naar de bespreking van 28 november 1984 doe ik u hierbij een notitie toekomen inzake de bevoegdheden van ambtenaren der invoerrechten en accijnzen uit te oefenen in het kader van de controle van reizigersbagage.

Ik maak u er op attent dat in bijgaande notitie van de directie Algemene Fiscale Zaken (Afdeling fiscaal juridische zaken) de daaraan voorafgaande notitie van de directie Douane is verwerkt.

Laatstebedoelde notitie is daarom niet meegezonden.
's-Gravenhage, de 7 december 1984, Nr.

v/ Namens de Staatssecretaris,
Het Hoofd van de directie,



J.A. Wayne

Opmerkingen n.a.v. de notitie van de directie Douane, inzake de bevoegdheden van ambtenaren der invoerrechten en accijnzen uit te oefenen in het kader van de controle van reizigersbagage bij inreis in en uitreis uit Nederland, een en ander met het oog op de eventuele constatering van overtreding van de bepalingen gesteld bij het Uitvoerbesluit strategische goederen 1963, dan wel het Wetboek van Stafrecht (WVS), m.n. artt. 98 en 98a.

1. De bevoegdheden van de ambtenaren der invoerrechten en accijnzen in het kader van de Algemene wet inzake de douane en de accijnzen (A.W.D.A.) kunnen worden onderscheiden in controle- en opsporingsbevoegdheden.

De controle bevoegdheden kunnen zonder enige vorm van concrete verdenking worden uitgeoefend.

De opsporingsbevoegdheden (aanhouden, staandhouden, inbeslagneming etc.) zijn uitsluitend aan de orde indien sprake is van een verdachte in de zin van art. 27 Sv.

Er moet sprake zijn van feiten of omstandigheden waaruit een redelijk vermoeden van schuld aan enig strafbaar feit voortvloeit (art. 27 Sv). In geval de ambtenaren der invoerrechten en accijnzen in het kader van een andere bijzondere wet als opsporingsambtenaar optreden (bijv. Wet op de economische delicten, W.E.D.) kunnen eveneens in beginsel slechts bevoegdheden worden uitgeoefend in geval sprake is van het in art 27 Sv genoemde vermoeden.

2. De controlebevoegdheden bij de uitreis in het kader van de A.W.D.A. kunnen als volgt worden omschreven.

a. De bevoegdheid tot visitatie van reizigersbagage (art. 85 A.W.D.A.)

De ambtenaren zijn bevoegd de goederen aan alle onderzoeken en opnemingen te onderwerpen, welke zij nodig oordelen. Dit betekent dat ook handbagage zoals tassen en "diplomaten"-koffers kunnen worden ingezien. Zich daarin bevindende dossiers en tekeningen kunnen worden onderzocht.

Ten aanzien van de vraag of brieven kunnen worden onderzocht, moet daarbij een nuancering worden aangebracht.

Art. 91 A.W.D.A. geeft een regeling om aan enig openbare instelling van vervoer toevertrouwde brieven zonder goedvinden van de afzender of geadresseerde op bevel van de Rechter-Commissaris te openen. Hoewel dit artikel niet direct ziet op een situatie die zich kan voordoen bij de uitreis van personen, biedt art. 13 Grw. (art. 173 Grw. oud) daarentegen een verdergaande bescherming aan de burger, die noopt tot een enigszins terughoudend standpunt.

Art. 91 A.W.D.A. is duidelijk geënt op het briefgeheim uit het oude artikel 173 Grw., dat bij de laatste grondwets wijziging aanzienlijk is verruimd.

Ingevolge het nieuwe grondwetsartikel is het briefgeheim niet meer beperkt tot brieven welke aan de post of andere openbare instellingen van vervoer zijn toevertrouwd. Volgens de Mem. v. Toel. op art 13 Grw. gaat het bij het briefgeheim "om een communicatie die plaatsvindt in gesloten enveloppen, althans in een verpakking welke het oogmerk van de afzender tot uitdrukking brengt, dat derden, waaronder de P.T.T.- van de inhoud van de brief geen kennis nemen." Bij de uitoefening van de visitatiebevoegdheid ex. art. 85 A.W.D.A. zal rekening moeten worden gehouden met het briefgeheim zoals dat thans in de grondwet is verwoord.

Een zelfde terughoudendheid zal betracht moeten worden met het oog op de bescherming van de persoonlijke levenssfeer van de burger. Dit grondrecht is thans verwoord in art 10 van de Grondwet. Ook hierbij kan gedacht worden aan de inzage van mogelijk persoonlijke correspondentie. Indien de betrokkene vrijwillig medewerking verleent aan de opening en inzage van brieven spelen bovengenoemde beperkingen geen rol. Het uitoefenen van de controle bevoegdheden is wel mogelijk in het geval er slechts sprake is van een gesloten of niet gesloten enveloppe die niet als brief in bovengenoemde zin kan worden gekwalificeerd.

- b. De bevoegdheid tot lijfvisitatie volgt uit art. 87 A.W.D.A. Het eerste lid, letter d ziet met name op personen die per vliegtuig in- of uitreizen.
- c. Ingevolge art. 93 A.W.D.A. is de belanghebbende gehouden aan de ambtenaren medewerking te verlenen bij de door hen te verrichten werkzaamheden. In dit kader dient onder werkzaamheden minimaal te worden verstaan: werkzaamheden verricht krachtens wettelijke bepalingen inzake de invoerrechten en accijnzen.

3. Opsporingsbevoegdheden van de ambtenaren der invoerrechten en accijnzen.

- a. De bevoegdheden van de opsporingsambtenaar van de artt. 52 e.v. uit het wetboek van strafvordering. (staande houden, aanhouden enz.) zijn van toepassing.
- b. Een zeer ruime bevoegdheid tot inbeslagneming van goederen nl. ook buiten de gevallen van artt. 95 en 96 Sv (artt. 209 A.W.D.A.).
- c. Een zeer ruime bevoegdheid tot het betreden van plaatsen (art. 201 e.v.)
A.W.D.A.

(N.B. Tijdens een opsporingsonderzoek in het kader van de A.W.D.A. of in het kader van een andere bijzondere wet ingevolge waarvan de ambtenaar de invoerrechten en accijnzen opsporingsbevoegd is, kunnen inbeslaggenomen brieven, pakketten, stukken en andere berichten welke aan de post, de telegrafie of aan een andere instelling van vervoer zijn toevertrouwd slechts door de Officier van Justitie met machtiging van de Rechter Commissaris worden geopend (art. 101 S-

4. De door de ambtenaar der invoerrechten en accijzen ingestelde controle kan overgaan in een opsporingsonderzoek, indien zich tijdens deze controle steeds meer feiten en omstandigheden voordoen die bij hem het vermoeden doen rijzen, dat sprake is van een strafbaar feit.

Zodra dit vermoeden voldoende concreet is in de zin van art 27 Sv zal de betrokkene als verdachte worden aangemerkt en kunnen opsporingshandelingen (waaronder de inbeslagneming van goederen) worden verricht. Een analoge situatie doet zich voor indien de ambtenaar tijdens een in het kader van de A.W.D.A. ingestelde controle toevalligerwijs stuit op een strafbaar feit in het kader van een ander bijzondere wet waartoe hij opsporingsbevoegd is. Ook dan kan de controle overgaan in een opsporingsonderzoek. Controlebevoegdheden mogen echter niet welbewust ten behoeve van opsporingsdoeleinden worden aangewend.

5. De uitvoer van goederen, aangewezen in de bij het Uitvoerbesluit strategisch goederen 1963 behorende lijst, is zonder vergunning verboden (art. 2 van dat besluit).

Post 2000 van de lijst bevat drukwerken en andere schriftelijke stukken en andere goederen bestemd of geschikt voor het overdragen van kennis, een en ander voor zover daarin technologie is vastgelegd betreffende strategische goederen. Overtreding van dit verbod is een overtreding van een krachtens artikel 2 van de In- en uitvoerwet gesteld voorschrift en derhalve ingevolge artikel 1, onder 2 van de W.E.D. een economisch delict. Ingevolge artikel 17, eerste lid, onder 2 van de W.E.D. zijn de ambtenaren der invoerrechten en accijzen belast met de opsporing van economische delicten.

6. Hoewel in de literatuur geen eenstemmigheid bestaat over de vraag of alle bevoegdheden uit de W.E.D. in titel III "Van de opsporing" als opsporingsbevoegdheden moeten worden aangemerkt, stelt de Minister van Justitie zich op het standpunt dat ten aanzien van de uitoefening van bevoegdheden in het kader van de W.E.D. sprake moet zijn van een redelijk vermoeden van een gepleegd strafbaar feit (art 27 Sv).

De artt. 18, 19 en 20 W.E.D. geven bevoegdheden die te allen tijde kunnen worden uitgeoefend, t.w. art. 18. de bevoegdheid tot inbeslagneming van daarvoor vatbare voorwerpen;

art. 19. de bevoegdheid inzage te vorderen van alle bescheiden waarvan naar hun redelijk oordeel inzage voor de vervulling van hun taak nodig is;

art. 20. de bevoegdheid tot het hebben van toegang tot alle plaatsen van naar hun redelijk oordeel de betreding voor de vervulling van hun taak nodig is.

De artt. 22, 23 en 24 geven de bevoegdheden tot monsterneming, tot het openen van verpakkingen en tot het doen stilhouden van vervoermiddelen.

In de praktijk stelt men zich wel op het standpunt dat ten aanzien van de uitoefening van de bevoegdheden voortvloeiend uit de artt. 22, 23 en 24 geen concrete verdenking behoeft te bestaan. Ook de aard van de bevoegdheid van art. 1 zou dit met zich meebrengen.

7. De ambtenaren der invoerrechten en accijnzen zijn niet aangewezen in art. 14 (WvSv). Zij zijn derhalve niet bevoegd tot het opsporen van feiten strafbaar gesteld in het Wetboek van Strafrecht, zoals artt. 98 en 98a.

De ambtenaren der invoerrechten en accijnzen, die in de uitoefening van hun werkzaamheden kennis bekomen van een strafbaar feit in de zin van het WvS zijn ingevolge art. 162 WvSv verplicht door tussenkomst van de directeur der rijksbelastingen daarvan onverwijld aangifte te doen bij de Officier van Justitie.

8. Gesteld dat bij de uitreis controle van de reizigersbagage correspondentie, telexen, nota's, opdrachten, tekeningen, technische gegevens, formules etc. worden aangetroffen die kennelijk vallen onder post 2000 van de bijlage van het Uitvoerbesluit strategische goederen 1963 kunnen deze goederen met toepassing van artikel 18 Wet. E.D. mits er uit feiten en omstandigheden een redelijk vermoeden bestaat van schuld aan een strafbaarfeit in beslag worden genomen. Gesteld dat die bescheiden niet overduidelijk in de richting van strategische goederen wijzen, maar wel van een zodanige technische aard zijn dat nader onderzoek wenselijk is, dan zijn er twee mogelijkheden.

a) Indien belanghebbende medewerking verleent kunnen met zijn toestemming van alle betreffende bescheiden fotocopies worden vervaardigd, waarna de uitreis met de bescheiden kan plaatsvinden. In feite is hier sprake van een zekere service aan belanghebbende, immers indien hij geen toestemming tot fotocopieëring verleent, dan dienen de bescheiden voor het nader in te stellen onderzoek of er sprake is van een overtreding van het Uitvoerbesluit strategische goederen 1963 met toepassing van art. 19 W. E.D. in beslag te worden genomen.

9. De bevoegdheid bij inreis tot visitatie van reizigersbagage volgt uit art. 5 A.W.D.A.; zie punt 2.

Ook art. 87, 91 en 83 A.W.D.A. zijn van toepassing; zie punt 2.

10. Er zijn geen bepalingen die de invoer van strategische goederen (waaronder die van post 2000) verbieden.

11. Gesteld dat bij de controle van de reizigersbagage van een inreizende persoon bescheiden worden aangetroffen die vallen onder of wijzen in de richting van post 2000 van het Uitvoerbesluit strategische goederen 1963 en gesteld dat

het wenselijk wordt geoordeeld dat van deze bescheiden fotocopieën worden gemaakt, dan dient de vraag beantwoord te worden op welke gronden een en ander door de ambtenaar der invoerrechten en accijnzen kan worden afgedwongen.

12. De wettelijke bepalingen inzake de douane en de accijnzen geven de bevoegdheid tot inzage nemen van als reisbagage meegevoerde correspondentie, bescheiden etc. Ten aanzien van brieven zal onder bepaalde omstandigheden enigszins terughoudend moeten worden opgetreden (zie punt 2). Deze inzage geschiedt met het oog op de douanebelangen, m.a.w. beoogd wordt vast te stellen of de meegevoerde goederen onder de vrijstellingsbepalingen voor reizigersbagage kunnen vallen en om vast te stellen of geen andere dan de "aangegeven" goederen worden meegevoerd.

Bij deze inzage van bescheiden kan in zekere zin kennis worden genomen van de inhoud ervan, waardoor het vermoeden kan ontstaan dat het wellicht goederen betreft waarvan de uitvoer verboden zou zijn op grond van het Uitvoerbesluit strategische goederen. Betreft het hier bescheiden die kennelijk uit Nederland afkomstig zijn, dan kan het vermoeden ontstaan dat het strafbare feit van art 2 In- en uitvoerwet is begaan. Aangezien het hier inreiscontrole betreft, dient de relatie met eerdere uitvoer duidelijk aanwezig te zijn. De controle kan dan overgaan in opsporing en de goederen kunnen eventueel in beslag genomen worden. Ook zou het vermoeden kunnen ontstaan dat het materiaal betreft als is bedoeld in artt. 98 en 98a WvS.

13. Indien het vermoeden is ontstaan dat het materiaal betreft als is bedoeld in artt. 98 en 98a WvS, dient de ambtenaar der invoerrechten en accijnzen door tussenkomst van de directeur der rijksbelastingen aangifte ingevolge art. 162 WvS te doen met afgifte van de tot de zaak betreffelijke stukken.

Gemeend wordt dat dit betekent dat hij het bedoelde materiaal niet aan de reiziger teruggeeft, maar doet toekomen aan de O.v.J. die tot eventuele terug-gave kan besluiten.

Ook in dit geval lijkt het mogelijk dat als service aan belanghebbende wordt volstaan met het kopiëren van de betreffende bescheiden.

DE DIRECTEUR ALGEMENE FISCALE ZAKEN

