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uw ref. AMS 16/7915 WOB
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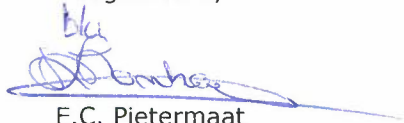
1 mei 2017

Geachte heer, mevrouw,

In bovenstaande zaak zend ik bijgevoegd document waarop ik mij zo nodig ter zitting zal beroepen.

Een kopie van de brief en de bijlage zend ik vandaag rechtstreeks per e-mail aan de heer Wiebes.

Hoogachtend,


E.C. Pietermaat

No: 086 /17

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and would like to provide the following answers to your questions concerning the public release of certain classified documents. The Embassy requests that the Kingdom of the Netherlands take steps to limit the distribution of these points outside the court.

The United States maintains a policy of neither confirming nor denying the presence of U.S. nuclear weapons in specific foreign locations. Information regarding U.S. nuclear weapons is also generally subject to restrictions under U.S. law as information that is considered “restricted data” or “formerly restricted data” as those terms are defined by the Atomic Energy Act of 1954, 42 U.S.C.A. §§2014(y) and 2162. In addition, some information may be protected as National Security Information consistent with Executive Order 13526 (December 2009).

DIPLOMATIC NOTE

Documents containing such information are classified and can only be properly declassified by the Department with oversight for that information – in the case of U.S. nuclear weapons, the Department of Energy (DOE) and/or the Department of Defense (DoD). Determinations on declassifying or disclosing information are made on a case-by-case basis in accordance with the foregoing laws, rules, and regulations, which is partly informed by the neither confirm nor deny policy. Past releases that were not properly authorized do not affect the classification level of the information, nor do they serve as precedent for continued public dissemination.

All Dutch government officials must have an appropriate security clearance to access any U.S. classified information, and such access, and the safeguarding and handling of such information, must be in accordance with the Agreement Between the United States of America and the Kingdom of the Netherlands for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, concluded at The Hague, the Netherlands, on May 6, 1959.

Moreover, access to such information is also subject to restrictions under agreements, rules, and regulations governing the North Atlantic Treaty Organization. Information regarding U.S. nuclear weapons is released to NATO in the form of classified ATOMAL data. As such, NATO classification authorities must also be consulted prior to any declassification and release.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurances of its highest consideration.

Embassy of the United States of America

The Hague, April 28, 2017





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2021-01-08