EXHIBIT 2.E

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To whom it may concern:

This is to certify that the attached translation from Dutch and into English is an accurate representation of the documents received by this office.

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Alexander Danesis, Project Manager in this company, attests to the following:

"To the best of my knowledge, the aforementioned documents are a true, full and accurate translation of the specified documents."

Alexander Danesis
Signature of Alexander Danesis

ECLI:NL:PHR:2004:AR4980

Court	The Public Prosecutor's Office at the Supreme Court
Date of ruling	12/24/2004
Date of publication	12/24/2004
Case number	R04/017HR
Formal relations	Supreme Court ruling: ECLI:NL:HR:2004:AR4980
Areas of law	Civil law
Special features	-
Content summary	24 December 2004 First Chamber Petition No. R04/017HR JMH Dutch Supreme Court Decision in the case of: [Petitioner], residing at [city], PETITIONER in cassation, attorney: M.A.R. Schuckink Kool, LLM versus THE STATE OF THE NETHERLANDS (Ministry of Defense), located in The Hague, RESPONDENT in cassation, attorney: G.J.H. Houtzagers. 1. The suit in the fact-finding instance...
Law references	Judiciary Organization Act 81
Sources	Rechtspraak.nl JOL 2004, 713 JWB 2004/477

Findings

Petition No. R04/017HR

Master of Law Huydecoper

Public Prosecutor's Office, 29 October 2004

Findings in the matter of

[petitioner]

petitioner in cassation

versus

the State of the Netherlands

respondent in cassation

Facts and course of the proceedings

1) In cassation the following facts can be assumed (1):

2) The petitioner in cassation, [petitioner], wishes to commence proceedings against the respondent in cassation, the State, with the (principal) purpose of removal of the atomic weapons stored at the Volkel airbase. According to [the petitioner], the State would be acting unlawfully (in relation to him) by cooperating in the illegal storage of atomic weapons (at the Volkel airbase), while this storage is hazardous in very many respects, including in relation to [the petitioner]. With these proceedings in mind, [the petitioner] requested the ordering of a preliminary site visit and inspection intended to determine that atomic weapons are in fact stored at the Volkel airbase. [The petitioner] further requests that a preliminary hearing of experts should be ordered to answer questions about the legality of the use of atomic weapons, about the (possible) use thereof in North Africa or the Middle East, and about what the consequences would be of using atomic weapons in the Netherlands. Finally, [the petitioner] requests a preliminary hearing of witnesses. In this way, he wishes to obtain (further) clarity, including about the number of stored atomic weapons and the strength thereof, the risks of training, and about the question of whether there have been 'near misses' as would have been the case elsewhere.

3) The Court (of The Hague) denied all (three) petitions of [the petitioner] by decision of 19 December 2002. On appeal, the Court of Appeal upheld the decision of the Court in its decision dated 6 November 2003 and ordered [the petitioner] to pay the costs. In the discussion of the grounds for appeal in cassation, the considerations of the Court of Appeal will – obviously – be examined more closely.

4) [The petitioner] filed an appeal on points of law (cassation) in a timely and regular manner. A defense brief was submitted in the name of the State.

The legal framework

5) In the relatively recent past, a series of decisions by the Dutch Supreme Court have ruled on the space that exists under Dutch (procedural) law for triggering preliminary measures of inquiry. I discuss them, with some reflections of my own devising as guidance:

6) Dutch procedural law offers space for preliminary inquiry, although it is less space than is the case in some other – principally Anglo-Saxon – legal systems. (In those legal systems, extensive "pre-trial discovery" in the form of forced submission of documents, and hearing of many involved parties using "depositions" in the absence of a judge, may be permissible.)

In this case, [the petitioner] requests application of all preliminary measures of inquiry that we know in the Netherlands: preliminary hearing of witnesses, Art. 186 et seqq. of the Dutch Code of Civil Procedure (Rv), preliminary reports by experts (in this case, in the form of a hearing of the experts to be designated), Art. 202 et seqq. Rv, and preliminary site inspection/visits (also Art. 202 et seqq. Rv).

7) Preliminary hearing of witnesses can be ordered (and must also be ordered) if the petitioner has made it sufficiently clear what actual event the hearing will relate to (whereby it is also necessary to indicate to a certain extent which claims are in mind in connection with the facts to be investigated (2)); and if the petition cannot be considered as abuse of authority – for instance due to a significant imbalance of the interests involved (3).

8) For a petition for a preliminary expert report, the situation likewise holds that the facts to be investigated must be indicated adequately (clearly); but a somewhat larger latitude for denial applies, incidentally. This can occur if the petition is ruled to be abuse, but also if other objections evaluated as weighty stand in the way of granting the petition (4).

9) The assessment standard for the preliminary site inspection has not yet led to jurisprudence (as far as I know, this remedy is not used very often in practice). The literature does defend the idea that judges would have a larger latitude of discretion here than in the other two cases (5). I would think instead that the latitude would have to be the same as for the preliminary expert report: the (legitimate) interest in obtaining clarification in advance of the facts relating to a possible claim does not seem to me to be valued differently depending on whether it involves an expert report or observation on site. Insofar as a site inspection seems to be more burdensome for other parties involved than an expert report (incidentally, I do not understand why that would normally be the case), that fact can be given the weight that it deserves in the assessment of whether weighty objections oppose granting the petition.

Incidentally, I am limiting myself to these "loose" comments since the criterion for the evaluation of this petition does not represent a point of contention in this cassation case.

10) As the cited case law shows, the matter primarily involves two facts relevant for the evaluation: an adequately clear description of the subject of the requested investigation (clarified by an indication of the claim that one is considering), and a consideration of the interests existing in the case (whereby only a significant prevalence of the "opposing" interests may constitute reasons for denial).

The reason why the facts for the evaluation of preliminary measures of inquiry were designated as decisive can easily be guessed, although the sources are not terribly clear-cut on this issue. I will examine that "why" in somewhat more detail below.

11) An adequately clear description of the subject of the intended investigation plays a role for at least three reasons (6).

The first on is, as is very obvious, that lacking an adequately clearly defined subject, the judge cannot evaluate whether what is requested from him should be considered for granting: one simply does not know what (kinds of things) the petition involves. In the extension thereof – second reason, also contributing to the problem indicated in the first reason – it is true that the defendant in the case in question also cannot properly determine what is being demand from him, the defendant. That puts him in an intolerable position from the perspective of proper administration of justice. It includes the circumstance that the defendant often will not be able to specifically indicate which objections oppose the petition (after all, one must also know what it is about in order to do so); whereby the judge for his part also lacks the information that he needs for the evaluation.

12) In the third place, the outline referred to here is necessary for meaningful execution of an order granting the petition: in this phase as well, the parties, the judge, and any other parties involved (such as the expert(s)) must be able to properly determine what the subjects are upon which their further activity will be directed.

That is also relevant because it is indeed considered burdensome (something that I heartily endorse) that preliminary measures of inquiry should be applied, that the petitioner obtains the space to go gather (all kinds of) information (pleasing to him) according to his own discretion to the detriment of his counterparty (from Anglo-Saxon legal practice, we know the evocative expression "fishing expedition" (7)).

13) Why this last item should not be granted can be explained as follows: something like this would not be compatible with the starting point accepted under Dutch law that one cannot "casually" demand access to all information at the disposal of another (partly for this reason, Dutch law does not accept the principles on which Anglo-Saxon "discovery"(8) is based) (9).

Moreover, something like this, again, would put the defendant in an all too perilous position: in opposition to someone who can glean information at his own discretion without being required to restrict himself to clearly defined limits; it is not possible

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