

What Does the ICC Stand For?

The Imperialist Crime Cover-Up

By Diana Johnstone

Last May 16, Luis Moreno Ocampo, chief prosecutor at the International Criminal Court (ICC) in The Hague, officially sought an arrest warrant for Libyan leader Moammer Kadhafi for “crimes against humanity”. Also accused were the leader’s son Seif al-Islam Kadhafi and Libyan intelligence chief Abdullah Senussi.

U.S. jurist David Scheffer told Agence France Presse: “NATO will doubtless appreciate the ICC investigation and indictment of top Libyan leaders, including Kadhafi.”

Well, yes. And nobody is better placed to know what NATO appreciates than David Scheffer.

The day before, Tripoli had made yet another offer of a truce, calling for an end to NATO bombing and for peace negotiations with the armed rebels based in Benghazi. NATO’s response took the form of the ICC indictment. When NATO bombs a country to unseat a leader, the targeted leader must be treated like a common criminal. His place cannot be at the negotiating table, but behind bars. An international indictment handily transforms NATO’s military aggression into a police action to arrest “an indicted war criminal” – an expression that evacuates the presumption of “innocent until proven guilty”.

This is a familiar pattern.

On March 24, 1999, NATO began bombing Yugoslavia in support of armed Albanian rebels in Kosovo. Two months later, in mid-May, as the bombing intensified against Serbia’s infrastructure, the chief prosecutor at the International Criminal Tribunal for Yugoslavia (ICTY) in The Hague, Louise Arbour, issued an indictment against Yugoslav president Slobodan Milosevic for crimes against humanity. All but one of the alleged “crimes against humanity” took place in Kosovo during the chaos caused precisely by the NATO bombing.

On March 31, 2011, NATO began bombing Libya, and this time the International Criminal Court was even faster. And the charges were even less substantial. Ocampo said that there was evidence that Kadhafi personally ordered attacks on “innocent Libyan civilians”.

In Libya as in the Kosovo war, the accusations are those made by armed rebels supported by NATO, with no discernable trace of independent neutral investigation.

In the spring of 1999, David Scheffer, who was then U.S. Secretary of State Madeleine Albright’s Ambassador at large for War Crimes, visited Louise Arbour and provided her with NATO reports on which to base her indictments. Indeed, Scheffer had earlier helped set up the ICTY as instructed by Ms Albright. The May 1999 accusations served their main immediate purpose: to block negotiations and to justify NATO’s continued bombing. As Madeleine Albright put it, “We are not negotiating with Milosevic... The indictments, I think, clarify the situation because they really show that we are doing the right thing in terms of responding to the kinds of crimes against humanity that Milosevic has perpetrated.” (See Michael Mandel, *How America Gets Away With Murder*, PlutoPress, 2004, pp.141-145.)

To sum up, in both cases an “international criminal tribunal/court” intervenes in the midst of a NATO bombing to accuse the leader of the country being bombed of “crimes against humanity” based on flimsy evidence provided by NATO itself or by its rebel clients.

Thus the International Criminal Court turns out to be a continuation of the ICTY, that is, an instrument not of international justice but the judicial arm of Western intervention in weaker countries. The ICC could well stand for Imperialist Crimes Cover-up.

It certainly does not deserve its official title, since it studiously ignores truly “international” crimes,

such as U.S. and NATO aggression or the many massacres of civilians that result. Rather, so far the only alleged crimes it has undertaken to prosecute have all been the result of *internal* conflicts taking place in countries on the African continent. In short, the ICC so far acts mainly as a way of putting political pressure on, or justifying military action against, weak governments the Western powers want to replace with leaders of their choice.

Concerning the Kadhafi indictment, Scheffer is quoted by AFP as saying that the move might increase pressure on Kadhafi to think about finding refuge in a country that has not agreed to ICC jurisdiction. This is a senseless remark, since Libya itself has not agreed to ICC jurisdiction. Nor has Sudan, which has not prevented the ICC from going after its president, Omar Al Bashir, even though the ICC is supposed to apply only to countries that have recognized its jurisdiction. But non-recognition of ICC jurisdiction proves to be of no protection for weak countries.

Just as NATO and the ICC continue to pursue Kadhafi on the pretext that he is “killing his own people”, in Afghanistan NATO armed forces continue to kill people who are not their own, with impunity.

The ICC has developed into one of the most blatant illustrations of double standards. The United States manipulates the ICC without recognizing its jurisdiction, and having further protected itself by bilateral agreements with a long list of countries that provide immunity for United States citizens as well as by Congressional laws to protect U.S. citizens from the ICC.

Other NATO countries have recognized ICC jurisdiction, but there is no sign that they will ever be troubled by the international court.

Last Sunday, two notoriously nonconformist French lawyers, Jacques Vergès and former foreign minister Roland Dumas, announced that they intended to bring a lawsuit against President Nicolas Sarkozy for “crimes against humanity” in Libya. At a press conference in Tripoli, Dumas deplored that the NATO mission to protect civilians was killing them, and said he was ready to defend Kadhafi at the ICC. Meanwhile, the two lawyers intend to represent the families of victims of NATO bombing in litigation against Sarkozy in French courts. “We are going to break through the wall of silence,” announced Vergès.

There is more solid evidence of the civilian victims of NATO bombing, including the three baby grandchildren of Moammer Kadhafi, than of the “crimes against humanity” attributed by Ocampo to the Libyan leader. But the French public has been mesmerized by the propaganda portraying Kadhafi as a bloodthirsty ogre whose only desire is to “kill his own people”. Since most people in the West know absolutely nothing about Libya, anything goes.

On Monday, as France and Britain prepared to send in combat helicopters to support the armed rebels and hunt down Kadhafi, NATO secretary general Anders Fogh Rasmussen announced that Kadhafi’s “reign of terror is coming to an end”. The real “rain of terror” is the rain of NATO bombs falling on defenseless Tripoli, with the clear intention of terrorizing Libyans into surrendering to the NATO-backed rebels. And there is no sign of it ever coming to an end.

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