

International Justice and Impunity: The Case of the United States

Review of William Blum's book

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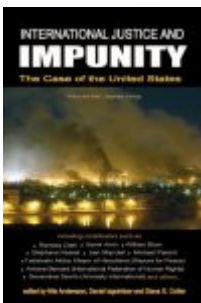
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Getting Away with the Supreme International Crime

Book Review by Kim Petersen /for full review see [Dissident Voice](#) / June 18th, 2008

Here is the picture: over 1.5 million killed, 4 million refugees inside Iraq, 3 million outside Iraq, 75% unemployed, cancer rates increased 20,000% since 2003, no medical system, no functioning economy, prostitution is rampant and Iraq has the highest number of women turned prostitutes more than any country that experience war, US detains over 28,000 Iraqis kids below age 18, and over 110,000 adults, US and Shiites divided Baghdad with concrete walls, electricity is available every 4-6 days, no clean water, gasoline is scarce, and the killers still kill and no one knows who is killing who except of course the Americans ...

The “culture of impunity” is well known of within the United Nations, and UN secretary general Ban Ki-moon often comments on it. He talked about “a serious culture of impunity” in Central African Republic. Prior to heading off to Sudan, Ban warned that “a culture of impunity and a legacy of past crimes that go unaddressed can only erode the peace.” Most recently, at a memorial to slain reporters in London, Ban said, “In tribute to their memory we must end the culture of impunity surrounding crimes against reporters. We must bring the perpetrators to justice.”



Clarity Press has published a book, [International Justice and Impunity: The Case of the United States](#), that deals with the scourge of impunity that enables serial aggressions, violations of human rights, and international laws. In *Impunity*, 26 experts make the case

against impunity.

Author William Blum has detailed the United State's serial aggressions and military interventions that violate the sovereignty of other states. Rarely has the US been called to account for these international crimes. One instance where it was called before the bench was when it suffered the indignity of being found guilty of wielding an "unlawful use of force" (i.e., "terrorism" as defined by the US Code of Federal Regulations) by the International Court of Justice in 1986. In a blatant act of impunity, the US disregarded the verdict and removed itself unilaterally from the purview of the court. Likewise, the US refuses to recognize the International Criminal Court's jurisdiction over it, and it has "negotiated"⁶ bilateral treaties with a plethora of countries removing referral to of any criminal American actions to the ICC — an undermining of the ICC.

In fact, much of the policies and actions of the US are directed to subverting international law and international institutions, and often these actions undermine/contradict the historiography of the US itself. For instance, the US was a prime mover in the formation of the United Nations, a central plank of whose Charter is to prevent the scourge of war upon future generations. The US is a signatory to the Geneva Conventions (although as *Impunity* co-editor Daniel Iagolnitzer acknowledges, additional Protocol I of 1977 remains unratified by the US and other countries) — conventions that the US, ostensibly, chooses to respect and uphold at its convenience. The [Waterboarding USA](#) is also a signatory to the UN Convention Against Torture. The US's hackneyed warmongering all-options-are-on-the-table rhetoric against Iran, which is legally developing its nuclear technology within the stipulations of the Nuclear Non-Proliferation Treaty (NPT), exposes further the hypocrisy underlying its imperialist agenda.

Under conditions where fairness exists, it is axiomatic that one must not criticize one state for alleged pursuit of nuclear weaponry while its client state, Israel, possesses an armada of nuclear weapons built with western aid. Arab states have called for a nuclear-free zone in the Middle East. The US dismisses this, thus declaring itself for the existence of unfairness in the world.

The US is a signatory to the NPT. As former US attorney general Ramsey Clark points out, the NPT was actually an abolition treaty: not only was it designed to prevent the emergence of new nuclear weapons states, the states already in possession of nuclear weapons were obliged to rid themselves of nuclear weapons. Obviously, once again, disregard for treaty obligations and fairness is abundantly evident to any neutral observer.

Clark states that "equality is the mother of justice" and notes how the US undermines the UN Charter through the creation of separate tribunals to sit in judgement upon crimes as directed by US interests: for example, the tribunals on Rwanda and the former Yugoslavia.

Despite such a treaty already being in place (the NPT), Hiroshima mayor Tadatoshi Akiba works toward a universal nuclear weapons convention by 2010, which would abolish all nuclear weapons. He states that public opinion in the US indicates that two-thirds of Americans support such an abolition.

Given the present *Pax Americana* mindset in the US regime, there is negligible chance of the US giving up its nuclear weapons. Egyptian professor Samir Amin lays clear the ruling class's aim: global military control, evidenced by plans dividing the planet into zones of military

control and the far-flung global network of US military bases.

Amin describes how trans-national corporations entrench a western-led, capitalist world order through spreading neoliberalism via international organizations such as the International Monetary Fund, World Bank, World Trade Organization, NATO, and the G7/G8. According to Amir, consequent to the imperialist agenda is securing tribute to imperial states through the indebting of poor states. Amir states that Europe's steadfast support of Empire is signaled by the European corporate media's silence on imperialism.

Maybe the Europeans shouldn't be so quick to hop on the American horse of imperialism. Abraham Behar, president of the French section of the UN Disarmament Commission in Geneva, states bluntly that rejection of international treaties and "total enthrallment of all 'allies'" is the strategy of the George W. Bush administration.

Honorary professor Monique Chemillier-Gendreau addressed the "large scale targeting of the Vietnamese population" by the US, and argues that there is no passage of time that allows the US to escape culpability for reparations.

Noting the lawlessness in the US's gulag in Guantánamo Bay, Cuba, Director of Amnesty International in France, Geneviève Sevrin asks, "Would the United States tolerate such treatment of its citizens by another government?" There is no adherence to fairness in US Empire.

Blum asks if the host country of the conference on impunity (1) complains about the undermining of the UN, and (2) whether France or any other country decried the US-UK overflying and bombing of Iraqi airspace. However, France is poorly positioned to condemn the no-fly zones since it partook in the overflight of these zones. Moreover, France is very much complicit in the undermining of the UN, as exemplified by its participation in the aggressive coup against Haiti and the removal of the Haitian's people's popularly elected president Jean Bertrand Aristide, exacerbating the humanitarian plight in Haiti.

Law professor Robert Charvin examines the co-opting of humanitarianism by the US and the West and concludes that humanitarian law has been weakened as a result.

Charvin posits, "It cannot be accidental that a rise in the importance of humanitarianism in general came simultaneously with interference, allowing for the by-pass of the fundamental principle of the United Nations Charter, the sovereign equality of all States!"

Given the hypocritical pressure exerted by imperialist regimes⁷ and the cacophony of the toe-the-line corporate media over cyclone-ravaged Myanmar, a statement by Charvin is cautionary:

Humanitarianism as an alibi is the worst of all perversions practiced today. It can be avoided only by protesting the humanitarianism.

... With humanitarian interventionism without the consent of the parties involved, humanitarian law, which to that point had been universal, becomes a law of inequality.

Professor Barbara Delacourt rues the militarization of humanitarianism. She quotes Bush's "we intervene in Iraq in order to make them respect 17 UN resolutions." This is astounding

because of the US's overt hypocrisy vis-à-vis Israel, which is a far more flagrant violator of UN Security Council resolutions and, yet, receives support and cover from the US.

Professor Antoine Bernard, a specialist in international public law, says the tools to tackle impunity are missing, as is the political will to tackle impunity. He calls for a strengthening of the ICC and emphasizes the importance of prosecuting anyone, including state or government heads, which, according to Bernard, is permitted by Article 27 of the Rome Statute.

Attorney Nuri Albala adds, "What is fundamental to universal jurisdiction is the fact that all of humanity is victimized by crimes against humanity, and hence that these crimes can be judged anywhere."

Lawyer Roland Weyl charges that the "United States institutionalizes impunity" when it pressures other states to drop laws on universal jurisdiction. He warns that unequally applied humanitarian law may have anti-humanitarian effects; he reveals a secret clause of the Rambouillet Agreements required privatization of the Serb economy, something unconnected with human rights, which eventually served as a pretext to destroy Serbia.

Canadian law professor Ann Bartholomew claims that US violations of international law are designed to "reconstitute the law itself."

She sees overcoming the bystander effect among citizens of empire as crucial, and deplores the lack of outrage to known widespread violations of human rights and humanitarian law. She argues "'non-resistance' to empire is a moral and political failing."

In the vein of Bartholomew, theoretical physicist Jean Bricmont concludes, "In the absence of a genuine international force, the only thing that could limit the impunity of powerful states is the actions of their own citizens."

Sociology professor Pedro A. García-Bilbao warns, "The fact that crimes which are classified as serious under international law are being committed is cause for concern; but repeated impunity is even worse." Repeated impunity leads the transgressor to believe himself above the law.

Is there hope on the horizon? Ramsey Clark's effort to move a case for impeachment against Bush was put on the congressional agenda by Democratic congressman Dennis Kucinich, who pledged to keep reintroducing the measure until the House Judiciary Committee voted on it.⁸ But a Kucinich pledge is lightly regarded by many progressives who remember well how he betrayed his progressive support base by endorsing the pro-war presidential contender John Kerry. Thus it was no surprise when Kucinich voted against his own measure (along with the Democrats), dismaying his constituents.⁹

In another recent happening, the US Supreme Court ruled that rights of prisoners at Guantanamo Bay were being violated by the government.¹⁰ A distraught looking Bush disagreed with the judgement but relented, "We'll abide by the Court's decision."

Virginia Sloan of Constitution Project President hailed it a tremendous victory for the system of checks and balances. Michael Ratner of the Center for Constitutional Rights said it was a critical decision and predicted most of the detainees would be released for lack of evidence against them.

Impunity is a book that a single book review cannot do justice to (pun unintended). [Clarity Press](#) translated *Impunity* into English, so its vital message could reach a wider audience. For a Table of Contents and acquisition information, go [here](#).

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