

Mladic and international justice: Age of deception. Who are the War Criminals?

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Global Research, June 02, 2011

Al-Ahram Weekly 2 June 2011

Theme: [Law and Justice](#), [US NATO War Agenda](#)

Mladic's upcoming trial in The Hague reminds us that international justice is a complicated business, however simple its motives, writes Ratko Mladic, the most wanted fugitive of the International Tribunal for the Former Yugoslavia (ICTY), was arrested last week after 16 years on the run. As former commander of the Republika Srpska Army from 1992-96, he was indicted by the ICTY following the capture of Srebrenica in July 1995, and charged by ICTY Judge Richard Goldstone with genocide, crimes against humanity and violations of laws and practices of warfare from 1992 to 1995 in Bosnia and Herzegovina. The same indictment charged Radovan Karadzic, president of the Republika Srpska and Mladic's supreme commander.

From May 1992, Bosnian Serb forces under the command of Mladic took control of the self-proclaimed Serbian Republic of Bosnia and Herzegovina (since renamed Republika Srpska). Thousands of Muslims fled to Bosnia and Herzegovina government-controlled territory including Srebrenica and Sarajevo, and by 1995, after attacks on these areas, 8,000 Bosniaks, primarily Muslim, had been killed.

The ICTY has tried other Serbs, including Mladic's deputy Radislav Krstic (sentenced in 2001 to 46 years later reduced to 35), Biljana Plavsic (sentenced in 2002 to 11 years), Serbia's ex-president Slobodan Milosevic (died during his trial in 2006), and Momcilo Krajisnik (sentenced in 2008 to 20 years). Karadzic was finally arrested in Belgrade in 2008. His trial began in 2009, but he refuses to acknowledge the jurisdiction of the court or enter a plea, claiming there is a conspiracy against him.

Crimes were committed in the break-up of Yugoslavia, as is always the case in a civil war. But the Mladices were pawns in a geopolitical game in the Balkans, with the main actors in European capitals and in Washington. Milosevic's self-defence is the stuff of legend, and Karadzic called the tribunal a "court of NATO" disguised as a court of the international community.

Even ignoring the criticism that these trials are in effect show trials by the victors, if the ICTY is truly impartial, the fact remains that charges similar to the ones against Mladic and Karadzic can be levelled word-for-word at US president George W Bush for "violations of laws and practices of warfare" in undertaking an illegal war against Iraq. Egypt's Mohamed ElBaradei has done precisely that, both in his memoirs *The Age of Deception: Nuclear Diplomacy in Treacherous Times* and on US television, where he bravely charged that Bush administration officials should face international criminal investigation for the "shame of a needless war" in Iraq.

And just as Mladic will be prosecuted for ethnic cleansing and killing “on political, racial and religious grounds”, so should be the entire political elite of Israel during the past six decades, for blatant ethnic cleansing “on political, racial and religious grounds”. Many Europeans and even a few Americans have tried to do just that by launching civil suits against various Israeli and American politicians and military officers in recent years. Bush, for one, has been notably absent from Europe in drumming up sales for his own memoirs *Decision Points*.

There is no International Tribunal for the United States and/or Israel, and little likelihood of this happening. On whether former British prime minister Tony Blair could be tried for war crimes, Hans Blix, who headed the UN inspection team to investigate Iraq’s supposed WMDs, said, “Well, yes, may be so. It’s not very likely to happen.” He testified to the illegality of the war at the British Iraq War Inquiry board last year but to no avail. Attempts to impeach Bush were similarly brushed aside by Congress.

However, citizens’ arrests and legal measures by Palestinians, Iraqis and Westerners in European courts will continue — at least until Zionist forces in Europe succeed in pushing through legislation protecting the criminals, as is presently in the works in Britain.

Mladic’s forces “seized and held over 200 UN staff members as hostages ... to deter further air strikes in those areas where the hostages were being held,” the indictment states. But what about the dozens of UN peacekeepers that Israel has targeted and killed since the first UN force rushed in to put out the serial fires lit by Israel from 1948 on? As it invaded Egypt in 1967, Israeli bombers killed 14 UN peacekeepers stranded there, without any fallout. “Some of the hostages were assaulted and otherwise maltreated during their captivity,” the indictment of Mladic states. I’m sure the ghosts of those UN peacekeepers would much prefer to have been merely maltreated.

What would a comparable indictment of the US and Israel sound like? ElBaradei estimated that hundreds of thousands of Iraqis have needlessly died due to the invasion. Israel has ethnically cleansed hundreds of thousands of Palestinians, killed tens of thousands, jailed and tortured more tens of thousands as political prisoners. Mladic’s crimes pale in comparison.

The ICTY was an ad hoc tribunal set up by the UN Security Council in 1993, reminiscent of the Nuremberg tribunal following WWII to try Nazi war criminals. It functions in tandem with the ICC, the world court proposed in 1919 but only ratified in 2002 following the end of the Cold War. Since then, the ICC is the body that investigates crimes against humanity or illegal wars where local courts are found wanting.

Given the inability of US and Israel to face up to their crimes, the ICC would therefore be the appropriate body to prosecute Americans and Israelis, but they are conveniently not members, unlike all of South America, half of Africa, all of Europe, even the Palestinian National Authority.

The US has blackmailed and bullied any country it could to sign so-called “Article 98 agreements”, supposedly providing immunity to US citizens in those countries from any indictments by the world court. In 2003, the US stopped military aid to 35 offending countries (among them nine European countries). In 2005, Angola became the 100th country to cave in to US pressure. Amnesty International and the European Commission Legal Service argue that these agreements are not valid, though no one has yet dared to test that claim.

So far the International Cricket Council (excuse me, the International Criminal Court) has undertaken six investigations — all in Africa, the latest being in Libya, or what’s left of it after more than two months of NATO bombing. While NATO countries led by France and Britain pursue a clearly illegal war against Libya, the ICC bizarrely charges not them but Libya leader Muammar Gaddafi and his son Saif Al-Islam — the victims of the Europeans’ criminal invasion — with crimes against humanity. This, despite the cozy relationship enjoyed by Britain, France and the hapless Gaddafis until a few months ago. The ICC is the empire’s watchdog rather than its conscience, let alone the world’s conscience.

Referring to Iraq, though he could just as easily been referring to the destruction of Yugoslavia or Palestine, ElBaradei asks, “Do we, as a community of nations, have the wisdom and courage to take the corrective measures needed, to ensure that such a tragedy will never happen again?” Sadly, the answer is no. Again under UN auspices, Judge Goldstone attempted to bring Israel to justice after its invasion of Gaza in 2009, but ended up running for cover after yet another illegal US-Israeli war — this time of words — against a supposedly “self-hating Jew”.

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