

Obama, Biden are war criminals under UN Charter

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Bush, Cheney, White House counsel (and later Attorney General) Alberto Gonzalez and others were found guilty earlier this month of war crimes... As it turns out, Bush and Gonzalez needn't have worried. Though Obama, when initially campaigning in 2008 for the presidency, vowed that he wanted to restore the respect for the law and the Constitution, once elected President, he and his attorney general Eric Holder quickly made it clear that they were 'looking forward, not backward.'"

Most Americans, their minds focused at the moment on the tragic slaughter of 20 young children aged 5 and 6, along with five teachers and a school principal in Connecticut by a heavily-armed psychotic 21-year-old, are blissfully unaware that their previous president, George W. Bush, along with five key members of his administration, were recently convicted in absentia of war crimes at a tribunal in Kuala Lumpur, Malaysia.



US President Barack Obama (foreground) and Vice President Joe Biden

They are unaware because the US corporate media have ignored the story, just as that same corporate media have failed to note that the crimes of which Bush, Vice President Dick Cheney, former Defense Secretary Donald Rumsfeld and five White House lawyers, were convicted all could apply equally well to current President Barack Obama and his administration.

Bush, Cheney, White House counsel (and later Attorney General) Alberto Gonzalez and others were found guilty earlier this month of war crimes and crimes against humanity relating to the executive orders that launched the wars against Iraq and Afghanistan, as well as of authorizing and failing to punish torture and other war crimes by US forces, including the military and the CIA.

But as international law expert Francis Boyle, a professor of law at the University of Illinois, notes, under the Geneva Convention, failing to take action to prosecute those guilty of war crimes such as the "Crime against Peace" (invading a country that does not pose an imminent threat to the attacker), and torture, are war crimes in and of themselves.

Speaking last week at a Summit Conference on Human Rights held at the University of the Sacred Heart in the US island colony of Puerto Rico, Boyle said US authorities, including President Obama, are engaged in an "ongoing criminal conspiracy under international law"

both to cover up and protect criminals like Bush, Cheney and Rumsfeld, and to continue the commission of war crimes by the US government.

Support for both the Malaysian Tribunal's judgment against Bush, Cheney et al, and for Boyle's charges against Obama and his administration, comes, interestingly, from President Bush's own White House counsel Gonzalez. As I noted in my book *The Case for Impeachment* (St. Martin's Press, 2006), about Bush's and Cheney's war crimes and impeachable offenses, Gonzalez, writing in a Jan. 25, 2002 memo in support of the torture of captured terrorist suspects, warned President Bush that "it is difficult to predict the motives of prosecutors and independent counsels who may in the future decide to pursue unwarranted charges based upon" the Geneva Conventions and the War Crimes Act.

He went on to caution that in the event that the president were some day so prosecuted and convicted of war crimes, the potential penalty could "include the death penalty." In the same memo, sounding more like a mob lawyer than a judicious legal advisor, Gonzalez told the president that as the president's legal counsel, he was making a determination that torture of suspected Al Qaeda and Taliban captives would be legal in order to provide the president and his staff with legal cover that "substantially reduces the threat of domestic criminal prosecution under the War Crimes Act."

As it turns out, Bush and Gonzalez needn't have worried. Though Obama, when initially campaigning in 2008 for the presidency, vowed that he wanted to restore the respect for the law and the Constitution, once elected President, he and his attorney general Eric Holder quickly made it clear that they were "looking forward, not backward," and that there would be no prosecutions or indictments for war crimes of any Bush administration people.

The thing is, at that moment, both President Obama and AG Holder became war criminals themselves under the UN Charter and the Nuremberg Principles, which declare that covering up war crimes by prior government and military leaders, and failure to prosecute such war crimes, are in themselves war crimes.

But as Boyle noted in his address in San Juan, P.R., Obama, Vice President Joseph Biden, and the various secretaries of defense and state, the head of the CIA and the Pentagon Chiefs of Staff, as well as other Obama administration personnel, are also guilty of perpetrating ongoing war crimes themselves.

Boyle accuses the Obama administration of continuing to conduct a "bogus" war on "international terrorism" including the ever escalating campaign of drone strikes in Pakistan, Afghanistan, Somalia, Yemen and other jurisdictions. He termed the president's program of "targeted killings," in which President Obama himself draws up the "kill list," to be simply a case of "pure murder" under both traditional British common law and international law, and says these attacks constitute a "Crime against Humanity under Article 7(1)(a) of the Rome Statute for the International Criminal Court."

It would seem that it is unlikely Nobel Peace Laureate Obama will be prosecuted by any country, at least while he remains president, but the recent Malaysian tribunal conviction of Bush, Cheney and several Bush administration legal advisors suggests there could be similar tribunals and convictions of current administration personnel in years to come.

While America's outsized military and economic power for now make it unlikely any retired American leaders will find themselves in the dock at the Hague like war criminals from Serbia, Bosnia or Rwanda, it is possible that these kinds of charges and convictions could, at a minimum, make them, like former Nixon administration Secretary of State and National Security Advisor Henry Kissinger, reluctant to travel internationally in their dotage.

Dave Lindorff is an award-winning American investigative journalist. He graduated from Wesleyan University in 1972 with a BA in Chinese language. He then received an MS in Journalism from the Columbia University Graduate School of Journalism in 1975. He has worked for a number of major US news organizations, including the Los Angeles Daily News, the Minneapolis Tribune and Business Week, where he served for five years as a correspondent for Hong Kong and China. He is author of a number of books, including *Killing Time* about the case of death-row prisoner and journalist Mumia Abu-Jamal, and *The Case for Impeachment* about the Bush/Cheney administration, and is founder of the online newspaper *ThisCantBeHappening.net*.

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