

# Pre-Emptive Invasion and International Law

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“Every ten years or so, the United States needs to pick up some small crappy little country and throw it against the wall, just to show the world we mean business.”<sup>1</sup>

Attributed to Michael Ledeen

## Introduction

In his article, “Thank God for the death of the UN: Its abject failure gave us only anarchy: The world needs order,” published in the *Guardian* on March 21, 2003, Richard Perle writes that Saddam Hussein will go down but will take the United Nations down with him.

It is not Saddam who took down the UN. It is the United States government. The UN was created in 1948 in the US State Department and already entirely crafted, including the dreadfully unfair, unilateral Security Council, so that in San Francisco when the Latin American countries requested the changing of terms regarding the veto power, the US said, sorry, no.

Since its very inception, the UN has been an extension of US capitalism, intervening in world conflicts only when it was in the financial interests of the US to do so, and not intervening (as in Darfur) when it has not been in US interests to do so. (The Khartoum government cooperates with US oil companies taking oil out of Sudan.) And finally, in March, 2003, it was in US financial interests to bomb Baghdad, so they went ahead and did so, ignoring the UN Security Council. In so doing, it is the US government that first created the UN, then used the UN for its own interests, and when the Security Council in 2003 did not accede to its threats, bribes and demands, it finally ignored the Council and thus rendered the Council and the UN an impotent, obsolete entity.

Perle ridicules the pleas of weapons inspectors for more time to find WMD. In fact, they never found any WMD. That is 100,000 dead Iraqis later, they never found any WMD. It was the UN Security Council alone, according to international law, which could legitimize the use of force, that could decide on the justness of a nation starting a preemptive war. Perle asks the question: Is the Security Council capable of ensuring order and preventing anarchy? In fact, what has the US created in Iraq and Afghanistan if not anarchy and civil war as never seen before? Perle constantly refers to the ‘coalition of the willing.’ How about the ‘coalition of exploiters’? Perle insists that, “We will not defeat or even contain fanatical terror unless we can carry the war to the territories from which it is launched. This will sometimes require that we use force against states that harbor terrorists, as we did in destroying the Taliban

regime in Afghanistan.”<sup>2</sup> Perle further writes:

*“The most dangerous of these states are those that also possess weapons of mass destruction... The chronic failure of the Security Council to enforce its own resolutions is unmistakable: it is simply not up to the task. We are left with coalitions of the willing. .. we should recognize that they are, by default, the vest hope for that order, and the true alternative to the anarchy of the abject failure of the UN.”*

Clearly, Perle is laying the groundwork for the new Bush Doctrine of pre-emptive/preventive invasion of other nations whenever and wherever it pleases. The ‘coalition of the willing’ is a euphemism for the US government and whichever other governments it bribes or blackmails to join their imperialist invasions.

## **Pre-emptive and Preventive War**

“If we judge [the war of aggression by the US against Iraq] by the standards laid down by the Nuremberg Tribunal that judged the Nazis after World War II, it is the [supreme international crime](#).” Michael Mandel

We should understand that it is not called the “supreme crime” for nothing. Scholars and journalists alike have struggled to distinguish between the two terms, ‘preemption’ and ‘prevention.’ It is critical to make a legal and moral distinction. According to Steven Barela, international law is a body of largely unenforceable laws shared between nations so as to better predict the conduct and actions between those nations.<sup>3</sup> It is the attempt to codify what is considered as normative interaction. Essentially, nations think that they should do unto other nations what they would like those nations to do unto them, and vice versa – they should not do to other nations what they do not want those nations to do unto them. With this collective mindset, nations are able to sit down together and create laws that will protect the community of all nations without infringing upon their individual cultures, morals or religions.

Another distinction needs to be made with regard to the forming of international law. Sometimes laws are passed because they will benefit the heads of nations and the elite of those nations without bringing any benefit to the common people. As they benefit only a handful of people, they can be considered as unethical treaties. This point needs to be taken into consideration when discussing the distinction between preemptive and preventive wars. The US government’s own Department of Defense dictionary provides the following definitions:

**“Preemptive attack:** An attack initiated on the basis of **incontrovertible** evidence that an enemy attack is **imminent**.”

**“Preventive war:** A war initiated in the **belief** that military conflict, while not imminent, is inevitable, and that to delay would involve great **risk**.”<sup>4</sup>

These two distinct definitions indicate that the US Department of Defense itself recognizes two different levels of self-defense. There is a marked difference here in the terminology: ‘incontrovertible’ versus ‘belief’; ‘imminent’ versus ‘risk’. (In view of these definitions, it seems in hindsight a complete mystery as to how the US government managed to convince the American people, and Congress, that an attack of war by Saddam Hussein was

'incontrovertible and imminent.) Both the terms "preemptive" and "preventive" invasion come under the category of what is referred to as "anticipatory self-defense." Hugo Grotius, in his seminal work, *On the Laws of War and Peace*, stated:

*"The danger must be immediate, which is one necessary point. Though it must be confessed, that when an assailant seizes any weapon with an apparent intention to kill me, I have a right to anticipate and prevent the danger. For in the moral as well as the natural system of things, there is no point without some breadth. But they are themselves much mistaken, and mislead others, who maintain that any degree of fear ought, to be a ground for killing another, to prevent his SUPPOSED intention."*<sup>5</sup>

Grotius clearly recognized the danger of misuse of anticipatory self-defense by immoral persons. He realized that a cut-off line was required. In fact, if the people deciding that cut-off line are not moralists, exactly therein lies the danger in the use of the term "preemptive invasion." Clearly, in the case of Mr. Bush invading first Afghanistan and then Iraq, it was a grossly immoral, selfish group of men seeking greater riches abroad through imperialist invasions. Emmerich de Vattel wrote one century after Grotius on the same topic, as follows:

*"It is safest to prevent the evil when it can be prevented. A nation has a right to resist an injurious attempt, and to make use of force and every honorable expedient against whosoever is actually engaged in opposition to her, and even to anticipate his machinations, observing, however, not to attack him upon vague and uncertain suspicions, lest she should incur the imputation of becoming herself an unjust aggressor."*<sup>6</sup>

Both Grotius and de Vattel show equal concern for the misuse of anticipatory self-defense to commit straight aggression and invasion of other countries for selfish ends. As Professor Clinton Hewan often reminds his students, it took the United Nations more than 30 years to ratify a definition of the term "aggression," and the reason it took so long was because year after year the United States refused to ratify the definition agreed upon by the General Assembly. Again and again it sought that leeway by which it could invade other nations.

On June 1, 2002, Mr. Bush gave a graduation speech at the US Military Academy at West Point. The attack on Afghanistan had gone well, and Bush now alluded to the "Axis of Evil" (Iraq, Iran and North Korea) and also to the need for preemptive invasions beyond Afghanistan. However, the reasons he provided fitted better the definition of prevention and not preemption. Does the American public know the difference? Not at all. Thus evolved the "Bush Doctrine," which provided the basis for preemptive attacks on any nations Bush saw fit to attack - any nation he considered as terrorist or harboring terrorists - or oil. One could postulate that this doctrine was invented due to the fear of the Bush administration and the American people after 9/11. In the case of fear, we can refer to the words of Roman historian Titus Livy, who said:

*"In the effort to guard against fear, men cause themselves to be feared, and we inflict upon others the injury which has been warded off from ourselves, as if it were necessary either to do or to suffer wrong."*<sup>7</sup>

Bush's entire public basis for preemptive invasion of Iraq was based on his presented fact that Iraq had egregious weapons of mass destruction that Saddam was going to use in an imminent strike on the US - a strike that was supposed to happen any day or any minute. This was the huge lie perpetrated by the Bush regime from just days after 9/11. This was the huge lie that caused innumerable books to be written about the lies of Mr. Bush. In

the October 2002 National Security Strategy produced by the White House, we read the following:

“The United States has long maintained the option of preemptive actions to counter a sufficient threat to our national security. The greater the threat, the greater the risk of inaction — and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy’s attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively.”<sup>8</sup>

Was there any evidence that such an imminent attack by Iraq was going to take place on American soil? Were any memos found, any emails intercepted, or telephone calls overheard which could give verification to an imminent attack by Iraq? No, there were not. It was pure speculation. Rather, it was all lies made up by Cheney et al because they were itching for the money to be made from oil as well as reconstruction contracts. Raze the land to the ground and bring in Halliburton, Bechtel, Chase Bank, Citibank and Monsanto to rebuild the country in the neocon exploitative, capitalist image. Rebuild by awarding huge contracts to all these multinational corporations. When Tim Russert interviewed Mr. Bush on Meet the Press on February 8, 2004, and Russert asked him about launching preemptive war without ironclad evidence, Bush said:

*“The fundamental question is: Do you deal with the threat once you see it? What - in the war on terror, how do you deal with threats? I dealt with a threat by taking the case to the world and said, ‘Let’s deal with this. We must deal with it now.’*

“I repeat to you what I strongly believe, that inaction in Iraq would have emboldened Saddam Hussein. He could have developed a nuclear weapon over time - I’m not saying immediately, but over time - which would have then put us in what position? We would have been in a position of blackmail.

*“In other words, you can’t rely upon a madman, and he was a madman. You can’t rely upon him making rational decisions when it comes to war and peace, and it’s too late, in my judgment, when a madman who has got terrorist connections is able to act.”<sup>9</sup>*

In fact, although Bush used the term “preemptive war,” based on the evidence concocted by his administration, if that evidence had been legitimate, the word ‘preventive’ should have been used, not ‘preemptive.’ Suppose the Security Council had passed the resolution allowing Bush to go to war and invade Iraq. That would have made his preemptive invasion legal according to international law. However, would not the invaded country have a voice in the matter, an opinion? In the interest of justice, should they also not be consulted? The fact that terrorism is widespread today is a direct result of countries being invaded, neglected or exploited by other powerful countries for their wealth (oil, minerals, etc.), while leaving the local people impoverished, starving or dead, in the name of the invading country getting that wealth at all costs, including human costs. Terrorism is the effect of feeling helpless and hopeless amongst the persecuted and oppressed people. When the oppression is less, terrorism will not grow and flourish. But where persecution and oppression is more, there also terrorism will grow.<sup>10</sup> If the people are not allowed to protest against their government or against any exploitative institution in a peaceful manner, an orderly, civilized manner, if in doing this they are oppressed and have their skulls cracked open by policemen, then those people will have no alternative but to take to the path of terrorism and guerilla

warfare. Terrorism takes birth when oppressed people perceive the injustice being done to them and see no legal solution, see no appropriate end to their oppression. Hence, when looking at international law, when discussing the issue of preemptive versus preventive invasion, we need to see the condition of the people in the area proposed for invasion. And if a powerful state invades another nation, if the people of that nation take to terrorism in the face of a mighty military engine engulfing their land, we should understand it and not judge it.

The Bush Doctrine was a major departure from existing strategies and policies as well as a departure from international law. Bush was abortively trying to legitimize an illegitimate attack on another sovereign nation, with the express purpose of removing its internationally recognized leader and governmental infrastructure. He did this without authorization from the UN Security Council. Bush committed an aggression against a state that had not committed any prior act of aggression against the United States. This act of aggression was not carried out by a multilateral force. It was carried out by one country, which happens at present to be the world's mightiest military power. According to Article 51 of the UN Charter, this attack could only be legal if decided on by the Security Council. It was not. German Chancellor Gerhard Schroder declared that Germany would not support a US act of aggression unless it were approved by the UN Security Council. In response, Bush and Company developed new definitions of the term "self-defense," saying that today it includes preemptive invasion against "potential aggressors."<sup>11</sup> Repeatedly Bush asserted that the traditional strategies of nuclear deterrence and containment were inadequate for the present. But, he provided no evidence. On occasion the White House has spoken of the need for a second preemptive attack, this time on the Bushehr nuclear power plant in Iran. On other occasions it has spoken of the need to contain Hugo Chavez and "bring democracy" to Venezuela.

### **Nuclear Deterrence and Containment Policies**

The Nuclear Deterrence and Containment Policies were adopted by President Harry Truman during the 1940s and altered to some extent by Dwight D. Eisenhower in the following decade.<sup>12</sup> Would these policies not have been adequate to manage the present dangers to the United States since 9/11? In the late 1930s three physicists, Leo Szilard, Edward Teller and Eugene Wigner fled from Hungary to the United States to escape Nazi persecution.<sup>13</sup> These three men compelled Albert Einstein to send a letter to President Franklin D. Roosevelt requesting that the US government develop the atomic bomb before another country does so. Later Robert Oppenheimer, Niels Bohr and Henry Stimson expressed the same view that they hoped developing the atomic bomb would serve as deterrence to other countries and prevent those countries from using nuclear weapons on the US. During the following four decades (1940s to 1980s), the US and USSR developed what was known as the TRIAD, comprising a mix of three strategic nuclear delivery systems: "(1) long-range bombers; (2) land-based Intercontinental Range Ballistic Missiles (ICBMs); and (3) nuclear powered submarines carrying Submarine Launched Ballistic Missiles (SLBMs)."<sup>14</sup> Since the 1980s these systems have had to be upgraded in synchronization with the upgrading of these systems maintained by the USSR. Thus Mutual Assured Destruction (MAD) was developed and recognized between the two countries, and this constituted the Nuclear Deterrence. The systems continue to be updated. In June 2004 President Putin declared that Russia was adding maneuverable warheads to its long-range missiles. He did this because Bush had opted to deploy an "initial anti-ballistic missile defense." Both sides continued to maintain pre- and post-launch invulnerability of its

nuclear weapons. Hence, for more than half a century the US government has practiced Nuclear Deterrence and Containment. Thanks to numerous theories that evolved around nuclear deterrence, a set of benchmarks evolved, which are as follows:

1. "Nation X must have developed and deployed weapons of mass destruction, most importantly, nuclear weapons.
2. "Nation X must have developed and deployed the means to deliver the weapons of mass destruction, most importantly nuclear weapons;
3. "The leaders of Nation X must be willing to suffer unimaginable damage to themselves, their families, and their nation's populace and productive capacity as the consequence of attacking the United States, thus triggering a horrific American nuclear retaliation; or,
4. "In lieu of (2) above, the leaders of Nation X must believe their scientists have developed and deployed anti-aircraft and anti-ballistic missile defenses of such capability the US retaliatory strikes would utterly fail; or,
5. In lieu of (2) above, the leaders of Nation X must believe their scientists have developed and deployed a nuclear first strike system of such capability that, if used, would prevent the United States from launching a second strike retaliatory response; or
6. "The leaders of Nation X must be so mentally deranged that they are incapable of comprehending point C. above, or they believe that points (1), (2), (3), (4) and (5) actually exist when in fact they do not."<sup>15</sup>

There is no evidence whatsoever to indicate that even a single one of these benchmarks was present in the period leading up to March, 2003. While Bush (or more likely Cheney and Rumsfeld, as Bush never reads), probably fully cognizant of these points, purposely repeated on public television in various speeches that Saddam is a madman (see earlier in this paper Bush's statement to Tim Russert), in fact there was no proof at all that Saddam was a madman. He was a cruel man who did not hesitate to have people tortured and killed. But there is no evidence to suggest that he was "mentally deranged." This was simply concocted by Cheney et al to fit the above stipulations. And of course, the politically illiterate American public swallowed his words hook, line and sinker, and repeated to all friends, neighbors and colleagues that Saddam was a madman planning at any moment an imminent attack on the US with weapons of mass destruction. How gullible are the people! With no evidence of any of the above points, there was hence no rational reason for Bush to switch from the long-standing Nuclear Deterrence and Containment Policies option to the new Bush Doctrine of Preventive/Preemptive War. After the Gulf War and consequent continuous bombing by the US, Iraq was in no position to attack even its neighbours let alone the United States. Yet, in speech after speech after 9/11, Bush kept laying the groundwork for a justified preemptive invasion. In his State of the Union in 2002, he said, "[The United States of America will not permit the world's most dangerous regimes to threaten us with the world's most destructive weapons.](#)"<sup>16</sup> At the Commencement Address at the US Military Academy on June 1, 2002, Bush said:

"Deterrence - the promise of massive retaliation against nations - means nothing against shadowy terrorist networks with no nation or citizens to defend. Containment is not possible when unbalanced dictators with weapons of mass destruction can deliver those weapons on missiles or secretly provide

them to terrorist allies.”

Certainly the term “shadowy terrorist networks with no nation” along with “unbalanced dictators” are inflammatory. The entire statement would strike immense fear in the hearts of the gullible, unsuspecting populace. This strategy worked well for Hitler. As the masses continue to remain in apathetic ignorance, any leader can employ the same tactics to strike fear into the populace. Once the people are full of fear, they become like sheep and can be herded in whatever direction the leader wants. In his speeches, Bush constantly referred to imminent danger and imminent threat, saying that “we” will have to take preemptive action, but gave no evidence at all. The term “imminent danger” was used again and again solely to incite fear in the masses.

## United Nations Charter

The UN Charter does not bring absolute clarity with regard to the legality of preemptive or preventive invasion. However, the very first words of the UN Preamble state: “We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind...” Hence we can say that one of the prime goals for the creation of the United Nations was to limit the use of force by one nation against another nation. This was a direct result of experiencing the unbounded horrors of World Wars I and II. Article 2 of the Charter states that “all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” And again, Article 51 talks about the “inherent right of individual or collective self-defense if an armed attack occurs...” It is clear here that self-defense is to take place only in the event of an armed attack, and not otherwise.

### Article 51 of the UN Charter

*“Nothing in the present Charter shall impair the inherent right of individual or collective self-defence **if an armed attack occurs** against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this **right of self-defence** shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”*

However, in the same Article 51, it states that the final authority for going to war lies with the Security Council, on whether a member state should proceed with the use of force against another state. If the Security Council votes against a particular nation going to war, it will become illegal as per the UN Charter and hence international law for that nation to proceed. The UN Security Council voted against the United States invasion of Iraq in March 2003. Hence, as per international law, it was an illegal invasion. Article 51 indicates clearly that the right of self-defence is born when an attack occurs. It says nothing about the right of self-defence in the absence of any attack.

Article 2, Section 1 of the UN Charter states that “The Organization is based on the principle of the sovereign equality of all its Members.” Section 3 states: “All Members shall refrain in

their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.” The United Nations Charter is the bedrock, if you will, of international law. It states clearly at the very beginning of the Charter that nations are not to use force against other nations. Nations are not to wage wars of aggression against other nations. The words pre-emptive or “preventive” do not appear in the UN Charter. However, it becomes clear when reading the Articles that one of the prime reasons for creation of the Charter was to prevent the use of force between countries. There was no preemptive threat of attack by Saddam Hussein. In hindsight, the idea was preposterous. There were no Weapons of Mass Destruction (WMD). There was hardly any military arsenal to speak of in Iraq after the 1990 Gulf War. Iraq was one of the last countries in the world that could have attacked the United States. But, Iraq had oil. Hence, once we understand by studying the facts around the invasion that Iraq was not an eminent threat, we have to move on, considering then what were the real intentions of US invasion of Iraq. The real intention of all wars is that wars make a handful of rich men obscenely rich. Money alone drives men to start wars.

As Steven Barela says, preemptive use of force is legitimate “as long as tremendous discretion accompanies preemptive action to ensure that the threat is both certain and imminent.”<sup>17</sup> Preventive war will not come in the same category as preemptive, simply because the reasons are speculative rather than definitive. Speculation is unverifiable and cannot be substantiated. Of course, in this author’s opinion, the reasons given by Bush for preemptive war on Iraq were neither speculative nor definitive. They were lies. They were not even driven by fear. They were driven by imperialist conquest of another nation’s oil wealth.

The UN Charter stipulates that the use of force is almost entirely forbidden unless the state intending to engage in use of force has the prior authorization of the Security Council. There are 15 members of the Security Council, 5 of whom are permanent and the remaining 10 are rotating. Article 24 of the Charter states that the Security Council is to have “primary responsibility for the maintenance of international peace and security,” and that problems that arise are to be solved first and last by “negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.” (Article 33).<sup>18</sup> If two nation states cannot solve their disputes alone, they are required to take the dispute to the Security Council. (Article 37). Only after all other strategies have been tried and have failed, is a nation allowed the use of force (Article 42) but then too, only with the authorization of the Security Council.

UN Resolutions 678 and 687 never permitted the US to take military action, either alone or in a so-called coalition of the willing. Resolution 578 authorized the unilateral use of force but this authorization related only to the first Gulf War that took place in 1990. It had no relevance to Bush’s illegal invasion of 2003. In 1990 thousands protested that even though Resolution 678 authorized capitulation of Iraq “by any means necessary,” invasion was simply not necessary. It can also be said that the Resolution was invalid because the UN had not exhausted all the above-mentioned peaceful means of conciliation and capitulation. Furthermore, Resolution 678 and the eleven Resolutions preceding it said not one word about weapons of mass destruction, which again demonstrates that it had no relevance to the illegal 2003 invasion.

On November 8, 2002, the Security Council passed Resolution 1441. This Resolution made big and unreasonable demands on Iraq at the instigation of the US. But, this resolution also made no mention of authorizing any state(s) to attack Iraq if Iraq failed to comply with these



demands. It states simply that non-compliance by Iraq “will be reported to the Council for assessment.” The Resolution also stated that Iraq would “face serious consequences as a result of its continued violations of its obligations.” Even here, though, the Resolution did not state what those consequences were. And here is where Bush and Company deliberately misled the American people by implying that he had the God-given authority to decide what were those consequences. The clause “by any necessary means” was never even included in Resolution 1441 as it had been in Resolution 678, although not lack of trying. The US included it in an earlier version, and other Council members rejected the statement. Hence, to wage a war of aggression based on a huge public distortion of Resolution 1441, was a crime beyond measure. This was the greatest hoodwinking of the American people. In summary, neither Resolution 678, 687 or 1441 gave the US any authorization to go to war. The bottom line is that all members of the Security Council knew exactly what Bush was trying to do. They knew that Bush was going to attack Iraq regardless of whether he got their permission or not. By ignoring their decision, their veto of his war of aggression and proceeding to commit carnage and destruction on a helpless people, Bush rendered the United Nations an impotent, obsolete body. Hence, it was not, as Perle claims, Saddam Hussein who brought down the UN. It was George Bush, whose crimes against humanity make Saddam’s crimes look like peanuts.

When Bush lost the Security Council vote, he tried a new strategy - the “right of self-defense” in Article 51, which allows the use of force without Security Council approval, however that use of force is to be only used in the event of an “armed attack.” There was no armed attack. Hence, by twisting and manipulating international law and particularly the UN Charter, and now Article 51, Bush began his supreme international crime with a “shock and awe” vengeance, with a hell-bent lust to kill and wreak as much havoc and suffering as he could. This is the real Mr. Bush, behind all the photo-ops. As Professor Clinton Hewan says of the Bush regime, they are inhuman. It runs in their genes!

### **Illegality of Iraq Invasion**

“America’s war on Iraq in 2003 was its third illegal war in just under four years. Each one was a blood horror, but the Iraq war distinguished itself both [for its bloodiness](#) and for the flagrancy of its illegality. It was virtually certified as illegal by a defeat at the Security Council so unspinnable that President Bush had to back down from his boast to make the members “show their cards” by forcing a vote. (Michael Mandel)”[19](#)

The illegality of the Iraq war is clearly documented in the archives of the Security Council. The United States was unable to provide a single moral justification for a preemptive or preventive attack. Consequently, only 4 of the 15 members of the Security Council voted for war on Iraq. The very reason for the birth of the United Nations was to stop the scourge, the wanton death and cruel destruction of human beings. The Preamble to the UN Charter states that we the peoples of the United Nations determined:

*“to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrows to mankind, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and For These Ends, to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest...”*

Weapons inspectors reported there was no risk of Iraq attacking the US or its

allies. Intervention on humanitarian grounds was a joke propagated by Bush, in view of unbounded massacres by US troops during the Gulf War, and in view of ten years of economic sanctions and nonstop bombings by the US air force, causing close to a million children in Iraq to die of disease and starvation.

Without the approval of the Security Council, as per the UN Charter, the US invasion of Iraq became a war of aggression, because it did not come in the category of self-defense and was not authorized as absolutely necessary "in the collective interest of international peace and security." According to the Nuremberg Tribunal, a war of aggression is the [supreme international crime](#).

It is true that the US Congress authorized Bush to wage his war of aggression, which made the war legal as per present American practice but illegal as per the War Powers Act of the US Constitution. Furthermore, this never made it legal as per international law. In international law, any war of aggression constitutes a war crime and crimes against humanity. As Mandel points out, the Nazi war was legal for the Nazis. But we are talking about international laws, which imbibe the highest standard available and are legally and morally higher than the domestic laws of any one country. As Principle II of the Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal states: "The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed that act from responsibility under international law."<sup>20</sup> The worst aspect of this supreme international crime waged by Bush and Company is that it remains highly probable he will never be punished for his crimes. When the invasion first took place, Amnesty International and Human Rights Watch were vociferous about observing the laws and customs of war, but they never declared outright to the media that this war of aggression was illegal.<sup>21</sup> Why not? Did they not dare to say it? In the very beginning, the Bush administration committed innumerable lesser crimes, such as displaying Saddam Hussein on television, sending hundreds of prisoners to Guantanamo and declaring the place a Geneva Conventions-free zone, calling civilian hits as "collateral damage," using cluster bombs, killing numerous journalists, including Al-Jazeera headquarters in Baghdad, all intentionally, to suppress the truth of their war crimes. The mainstream as well as independent media harped immensely on the lesser crimes. In most cases, except for the writings of a handful of great journalists such as John Pilger, Robert Fisk and Dahr Jamail, the entire illegality of the war was avoided.

There were no weapons of mass destruction. This was determined before the invasion took place by weapons inspectors. It was determined again one and then two years after the invasion when the US military never found a shred of evidence of weapons of mass destruction anywhere in Iraq.

In the National Security Strategy of the United States, the Bush doctrine is further unveiled with the aim of using the right to self-defence. There was no attack from Iraq. There was no evidence of weapons of mass destruction. In this case, international law would look upon the so-called Bush doctrine as a piece of moral, legal rubbish. If the lives of people in other countries are of equal value as the lives of Americans, there is no way that international law would support the US engaging in preemptive invasion without any evidence to support that invasion, because of the massive fatalities and injuries that would be sustained. In fact, it would make the perpetrators of that invasion the real terrorists rather than the nation being attacked. The Bush Doctrine, as Dr. Mandel points out, is just a sick veneer for the real doctrine that says Might Makes Right. It says that any country can engage in preemptive invasions, but it so happens that the US is the only nation state powerful enough to succeed

in such an invasion. It has huger stockpiles of weapons of mass destruction than all other counties of the world put together. If self-defense was applicable to Mr. Bush's war, then there should be "universalizability,"<sup>22</sup> which means that any country should be able to attack in the name of self-defense. But Mr. Bush did not intend for this universal stance. He thought for his wars alone.

### **Illegality of Afghanistan Invasion**

"Every nation in every region now has a decision to make: Either you are with us or you are with the terrorists."

George Bush, September 11, 2001

This state terrorism is what Naom Chomsky refers to as "wholesale terrorism." The attack on Afghanistan was a wholesale terrorist act. As indicated in the quote above, Bush was aiming his attack not just at Afghanistan but at anybody who dared to not join his holy crusade.<sup>23</sup> His attack was meant to make clear to the world that nobody had better mess with him and his friends. So did we have "deterrence" in this attack, or did we have "terror"? Wholesale terror? Arundhati Roy gave a fitting reply to Mr. Bush when she said, "... the people of the world do not need to choose between a Malevolent Mickey Mouse and Mad Mullahs."<sup>24</sup>

The right of self-defense was the main argument used by Bush for invading Afghanistan. But here also, no armed attack by Afghanistan on the US occurred that justified the US invading Afghanistan. None of the 19 hijackers that took part in 9/11 were from Afghanistan. This point was also conveniently missing from the mainstream media, again because the neo-cons had set their sights on Afghanistan long before 9/11. They wanted the oil and the opium. They needed to be able to use 9/11 for this invasion, to implement their pre-existing plans. In this connection, we need to seriously consider the possibility that the real perpetrators, the organizers of 9/11 may be much closer to the White House than previously thought.

We already confirmed earlier that for one state to use military force against another state, one of three factors must be present: (1) The use of force must be authorized by the UN Security Council, or (2) the use of force must be an act of self-defense in the face of an armed attack by another nation. (3) The use of force can be justified as "humanitarian intervention." The Security Council never authorized the invasion of Afghanistan. The Council passed two resolutions in the fall of 2001: Resolution 1368 on September 12th and Resolution 1373 on September 28th, 2001. Neither resolution gave even indirect or implicit authorization to invade Afghanistan. Both resolutions condemned the attack of 9/11. Resolution 1373 outlined legislative, administrative and judicial steps to be taken to suppress global terrorism.<sup>25</sup> But, neither resolution sanctioned the use of force by the US against Afghanistan. In fact, nether resolution even mentions the word 'Afghanistan'. As Mandel says, "... the September 2001 resolutions, with their non-committal perambulatory invocations of the right to self-defense, authorized everything but the use of force."<sup>26</sup> As regards the third factor, humanitarian intervention, this reason does not apply in the case of all US invasions. All US invasions in history are carried out not for humanitarian purposes but to enrich the Empire. When the US invaded Afghanistan in 2001, the country was in the midst of a famine. The combination of starvation plus relentless US carpet-bombing caused scores of thousands of nameless civilians to die.

Returning again to the right to self-defense, this right has strict requirements which include carrying out such an invasion only in the face of an armed attack, and not otherwise! The use of military force, with all its horror-filled ramifications on human lives, must be avoided at all costs, and hence the meticulous wording of the Articles of the UN Charter regarding use of force and right to self-defense. We need to again remind ourselves why the UN Charter came into being. As stated in its Preamble, its main objective was to avoid the horrors of war. As Shrii Sarkar has said, so long as there is animality in human beings, there will be war. He said, "Fight is the essence of life, but war is something brutal... War is the blackest spot of human character. Man must fight but not war, because war destroys so many people and so many relics of civilization."[27](#) Hence, out of respect for the dignity of humanity, the use of force must be allowed only in the cases of extreme emergency, or out of dire necessity. When the Nazi regime tried to claim at the Nuremberg Tribunal that their invasion of Norway was based on the right of self-defence, it was rejected. For nation A to use the right of self-defence against Nation B, then Nation B must have already attacked Nation A. This was simply not the case in Afghanistan. Or in Iraq. Two illegal wars. Two supreme international crimes in the space of two years. And both wars in all their horrors, with all their human sufferings, continue. We stated earlier in this paper, the UN provides many alternatives to the use of force: negotiation, enquiry mediation, conciliation, arbitration, and judicial settlement. As early as September 19, 2001, Taliban leader Mullah Omar[28](#) publicly denied any Afghan involvement in 9/11. He also offered to negotiate a settlement with the US, to even include the extradition of Osama bin Laden He wrote:

*"We have told America that we deny Osama's involvement in the latest incidents in America... However, we repeatedly put forward proposals concerning ways of solving Osama bin Laden's issue. We have told America that if it has any evidence of Osama bin Laden's guilt, it should be given to the Supreme Court of Afghanistan, so that we can take action in the light of it. America has rejected all of this. We have proposed to America to let representatives of the Organization of Islamic Conference come to Afghanistan to assess Osama Bin-Laden's activities for its satisfaction. But this has been rejected by America also...If the American Government has some problems with the Islamic Emirate of Afghanistan they should be solved through negotiations."[29](#)*

The United States ignored everything. They ignored the rational pleas of both Afghanistan and Iraq, who wanted their countries saved from the unbounded horrors of war. The US was hell-bent on invasion.[30](#) The US had a prior agenda to achieve, which was to enrich Empire. Hence, they avoided and bypassed all non-military alternatives, and soon began their cowardly bombings from 30,000 feet above the ground. The US deliberately sought war and manufactured illegal reasons, and most of all spoke crazy, nonsensical rhetoric in the American media to put so much fear into the hearts of the people that the American populace gave blind support to the illegal invasion of Afghanistan. The people did not think of the horrors to unfold on the Afghan people. They thought only of their own safety, their own freedom from harm. Is this the way to think? Is this the mindset of a so-called higher, advanced civilization? The US government didn't give a damn about international law. What they did give a damn about was expanding their own personal empires, with cold, callous indifference of the human cost. Today millions of people around the world hate America. They hate it for its arrogance. They hate it for the horrible sufferings it metes out daily in Afghanistan, Iraq and Guantanamo. They hate Americans because Americans are too politically dense to understand why the rest of the world hates the US.[31](#) One hundred Nobel Prize winners protested the invasion of Afghanistan, writing: "...the most profound danger to world peace in the coming years will stem ... from the legitimate demands of the

world's dispossessed for the wider degree of social justice that alone gives hope of peace."[32](#)

### **Cowardly Complicity of the International Criminal Court**

The International Criminal Court (ICC) took birth on July 1, 2002 with the creation of the Rome Statute amid great media attention. It was the culmination of a process that began with a splendid founding conference in Rome in 1998, which culminated in the requisite sixtieth state ratification in April 2002. The judges of the ICC were sworn in during March 2003 and the prosecutor was elected the following month. By April 2003, 89 nations had ratified the Treaty of the Rome Statute. [33](#) The 18 judges were as follows: five from NATO countries (UK, France, Germany, Italy and Canada), three from Bush's Coalition of the Willing (Costa Rica, Latvia and South Korea), South Africa, then Brazil, Bolivia, Trinidad and Tobago, and Mali and Ghana. These countries are not going to take up a fight with the US because they are miserably impoverished states. So who decided on these particular judges and why is everything catered to and controlled by American Empire? This was organized by Clinton, not by Bush. But then, Clinton was also a perpetrator of Empire. He was just a little smoother on the edges than Mr. Bush. The prime organizer of the ICC conference and Statute creation was Philippe Kirsch of Canada. He was formerly representing Canada at the Hague in the ICJ. But, he was busy defending the very persons whom Amnesty International (and Michael Mandel) wanted convicted for supreme international crimes. So now the picture becomes ever more clear with regard to the useless ICC. The US has fixed it both in the Security Council and now in the ICC so that there is "perpetual impunity for the supreme crime for the world's leading practitioners of it."[34](#)

The Preamble of the ICC Statute declares that "the most serious crimes of concern to the international community as a whole must not go unpunished," and ICC wishes to "put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes."[35](#) However, interestingly, one crime is missing from the ICC. It is the "supreme international crime" - the crime of "war of aggression." The Rome Statute includes (1) genocide, (2) crimes against humanity and (3) war crimes. But, it left out "wars of aggression" completely, although it is a clear part of international law as far back as the Nuremberg Charter. Leaving it out means that the ICC has no jurisdiction to decide on cases of "wars of aggression." This can be amended but only after seven years have passed! At that time, if it is proposed as an amendment to the initial Statute, seven eighths of the ICC members would need to approve and ratify the amendment.[36](#) The second point regarding this potential amendment to have jurisdiction over "wars of aggression" is: it would only apply and affect states who accept the amendment. If a state (the United States is the blatant example!) does not accept the amendment, then the ICC would have no jurisdiction over it. Hence, Michael Mandel writes:

*"In other words, no jurisdiction over the supreme crime until almost everybody agrees, and then an exemption for any signatory who wants it. It is no secret that this huge hole in the statute was intended as an inducement to the United States to ratify it. According to the President of the Conference, Italian Judge Giovanni Conso: 'The United States did not want this crime to be included in the Statute,' and it was 'to convince the United States' that the formula was adopted of a 'two-phase solution in which the crime of aggression was included as a heading while the definition and the elements constituting the crime were to be elaborated on at a later stage.'"*

Is this not an utter mockery of justice? And does this not render the ICC completely impotent

from its very inception? In spite of all this excessive catering to the US, the US still refused to vote for the Statute – along with China, Libya, Iraq, Israel, Qatar and Yemen, while 120 nations ratified it. The US insisted that for every crime of aggression and in fact for every aspect of the Court’s jurisdiction, the US wanted prosecution to be conditional upon “prior Security Council certification.” And of course, the permanent members of the Security Council would be exempt from being declared as rogue states, and hence exempt from prosecution on any count. The fatal flaw of the ICC is that once again it was hatched from inside the United Nations, which is basically nothing more than a pawn, a tool, of the United States. In this scenario, there will be no justice, and no utilitarian value of the ICC. Rather, it will be a vehicle to perpetrate injustice, by singling out persons of lesser countries (witness Milosevic) alone for punishment. It is comparable to the US court system in which the rich get off free as a lark, while the poor and overwhelmingly black and Hispanic populations, end up in prison or on death row.

In April 2003, Bush introduced an Act into Congress that contained a “Prohibition of United States Military Assistance to Parties to the International Criminal Court,” unless they enter into section 98 agreements as follows:

## **Article 98 Agreements and the International Criminal Court**

The Political-Military Bureau at the State Department leads the United States’ worldwide campaign to secure bilateral non-surrender (“Article 98”) agreements protecting American citizens from the International Criminal Court (ICC) and provides the public with information in order to clarify the United States’ position on the ICC.

Then in July 2003, the US made good on this threat by threatening to cut off military aid to more than 35 countries who were receiving aid at that time. The same law prohibits cooperation with the ICC by all levels of American government. Amnesty International, Human Rights Watch and the Coalition for the International Criminal Court have all condemned these Article 98 agreements and refer to them as “US Impunity Agreements,” because they are illegal and “inconsistent with the ideals of the Rome Statute.”<sup>37</sup> So much for the Statute, and so much for any potential justice to be derived at the feet of the ICC! The new International Criminal Court (ICC) was specifically established to try people for war crimes. But, the Court’s statutes have been so written that they do not even have jurisdiction over the supreme crime of starting an illegal war.<sup>38</sup> They have jurisdiction only over lesser crimes such as crimes against so-called laws and customs of war. It is a mockery of justice. It shows that the ICC is an impotent, hence fraudulent court. Mr. Bush does not even need to take a break from his golf games, Crawford vacations and endless photo-ops.

When the famous Belgian “universal jurisdiction” law was invoked by the Iraqi people against General Tommy Franks for his deliberate slaughter of civilians, it was discovered that this law had just been changed so that all charges would henceforth be sent for “investigation” to whom? The United States!<sup>39</sup> Hence, we see that even at the international level, the United States gets off scot free with its supreme international crimes – which it goes on repeating and increasing. At present the Pentagon is purported to have a list of more than 60 countries “suitable” for preemptive invasion by the US. With the US at present having the role of Empire, it will never be convicted for its crimes. It means that for the present, international criminal law is rendered impotent except against smaller, relatively defenseless nations. International lawyers around the world denounced the invasion of Iraq

as illegal. It made no difference to the relatively small group of neocons and their protagonists in the White House whose agenda was carved out since the early 1990s in the [Project for the New American Century](#).

## **Consequence of Wars of Aggression**

*“War is essentially an evil thing. Its consequences are not confined to the belligerent states alone, but affect the whole world. To initiate a war of aggression, therefore, is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.”*

### *Nuremberg Tribunal*

Millions of people around the globe in the months leading up to March 2003 demonstrated in public protests against the imminent US invasion of Iraq. Clearly, the common people understood the horrors to come, the horrors of any war, the death, destruction, the [pains and agonies of the people](#). To carry out an act of preemptive war, international law says that danger must be imminent. In fact, the only factor imminent leading up to March 2003 was the drastic, cruel war of aggression planned and then perpetrated by Mr. Bush. In every country except the US, the common people opposed the forthcoming invasion of Iraq. Even in Britain, US’s co-invader, the people were vehemently against the war, reflected by 51 to 39 percent as per the American Pew Research Center.<sup>40</sup> The common people globally had that much awareness that this war was being fought for the same reasons as any other war: to maintain empire; to maintain and expand private wealth; to gain strategic economic and political power, which certainly included the oil of Iraq. British journalist Robert Fisk described the consequence of US wholesale terrorism as follows:

“It was an outrage, an obscenity. The severed hand on the metal door, the swamp of blood and mud across the road, the human brains inside a garage, the incinerated skeletal remains of an Iraqi mother and her three small children in their still-smouldering car. Two missiles from an American jet killed them all – by my estimate, more than 20 Iraqi civilians, torn to pieces before they could be ‘liberated’ by the nation that destroyed their lives. Who dares, I ask myself, to call this ‘collateral damage?’”<sup>41</sup>

Bush, Rumsfeld, Cheney, Gonzales, Blair, Straw and many others are guilty of the supreme international crime of war of aggression that contains within itself the accumulated evil of the whole, as stated by the Nuremberg Tribunal. Who will hold a trial for these men and who will judge and sentence them to lifelong prison for their supreme crimes? Will any country step forward to do this work for humanity? Will any country step forward to remove the imminent danger these men present to the world? In Bush’s Texas, one murder led to the lethal injection chamber. Bush has thousands upon thousands of deaths on his bloody hands. Who will walk Mr. Bush, Cheney, Gonzales, Blair and Straw to the lethal injection chamber? Let them not receive it. Let them live in perennial fear of imminent receipt of that injection!

Iraq Body Count is an international research group that is scientifically documenting civilian casualties in Iraq. As of August 2003, they estimate close to 8,000 civilian deaths with 20,000 wounded. Many of these were killed in the initial “shock and awe” invasion, so glamorously portrayed on American television sets as simply stunning fireworks. The US military gunned down civilians in their homes during the night, gunned them down in their cars, and as they walked along the road. The US military bombed wedding parties, bombed

farmers sleeping in their beds at night in small villages, bombed schools with little children inside trying to learn about the world from textbooks. The esteemed British medical journal *Lancet* calculated that more than 100,000 Iraqi civilians have been killed by the US military in Iraq. The mainstream media, in their complicity with the Bush regime, virtually ignored this report. In Baghdad the murder rate after US invasion was more than ten times the pre-invasion era.[42](#)

After the initial shock and awe bombing, the US military stood back and watched while massive looting, crime and sabotage took place.[43](#) Hospitals, schools, power plants and offices were stripped clean by thieves made hungry from ten years of sanctions. Within just a few months, UNICEF reported that child malnutrition in Baghdad had doubled compared to what it had been before the invasion. This was due to no clean drinking water and no electricity (collateral damage from the invasion). In one case, the people were so desperate for water, they emptied barrels full of radioactive waste at a nuclear power facility and filled them with drinking water for their families.[44](#)

[Depleted uranium dust](#) permeates the air, the soil and the water of Iraq, and it will pollute the land and water and poison the people for centuries to come. It is irreparable damage. No amount of reparations made by the United States in the future will undo this damage. Already in Afghanistan mutated babies are born, sometimes with two heads or one eye or no mouth – endless deformities caused by depleted uranium poisoning.

In the war on Afghanistan, spanking new technologies were used by the US military. Pilotless “Predator” aircraft with their “Hellfire” missiles were used to kill civilians on the ground. “Bunker busters” were used to penetrate the caves and eliminate everybody inside. City infrastructures, homes, and mosques have been razed to the ground. Hundreds of thousands are wounded and crippled. Thousands of women have no man to take care of them because their men have been killed or taken to Abu Ghraib for torture, for crimes they never committed. The women are left penniless and have to beg from their neighbors for food for their children each day.

## **Justice**

“We will tear down the apparatus of terror and we will help you to build a new Iraq that is prosperous and free. In free Iraq there will be no more wars of aggression against your neighbors, no more poison factories, no more executions of dissidents, no more torture chambers and rape rooms. The tyrant will soon be gone. The day of your liberation is near.” George Bush

Will there be any justice for the war crimes of Bush, Cheney, Rumsfeld et al? Even John Yoo is mightily complicit for his providing, in full arrogance, the so-called legal justification to commit all these crimes. Will the victims see any justice in their lifetime? Will even the first step be taken towards justice? The people of America, the people of Iraq and Afghanistan, the survivors of Guantanamo need to file a massive class-action suit against all those complicit in this supreme crime. They need to charge them with war crimes, providing all documentation that has been collected by the Brussels-based World Tribunal on Iraq. The biggest problem today in international criminal law is that there is a gaping hole when it comes to discussing the legality or illegality of war, and to discussing the difference between wars of aggression and wars of self-defence. Let the World Tribunal on Iraq, with its “jury of conscience,” replace the courts of the ICJ and the ICC, and let this genuine jury,



representing justice, representing the common people, try and convict the perpetrators of the supreme international crimes. Let them rebuild what the UN and international criminal law left by the wayside as their members lost their spine.

Hopefully, when an honest, independent government is elected by the Iraqi people to rule their country, a government that has no ties to the United States and Britain, then the people of Iraq can file suit with the ICC through this new, independent and just government. The people of the United States can likewise file suit with the ICC through their federal government. If the then government does not cooperate, then they can file suit through any cooperating non-governmental organization. In both cases, the people need to demand reparations from the American and British governments. Esteemed philosopher and humanitarian Shrii Prabhat Ranjan Sarkar has this to say about the tyrants who wage wars and those who witness those tyrannies:

“Even if there is a good formal relation with a neighbor, but it becomes apparent that he intends to murder his wife, in that case what should be the duty of the other neighbours? Will they keep their mouths shut or sit back with folded hands considering the situation a purely domestic affair? Will they assist in the establishment of static peace by not obstructing the murder of that woman? No, humanity does not permit this. It is desirable for them to break open the door, enter into the house and give protection to the woman in question. Thus they should help to establish sentient peace by taking necessary action against the oppressor. If any country perpetrates atrocities on its minorities or attacks any weak neighbor, then the other neighbors should take up arms, and by mobilizing the required force they should restrain the tyrant in order to establish sentient peace. That is why people who want to restore sentient peace will have to make continual efforts to acquire strength. It is impossible for goats to establish sentient peace in the society of tigers. Those who hold the view that non-violence is non-use of force sadly can neither establish sentient peace, nor can they defend hard-earned freedom. There may be deceit in their non-violence and there may also be diplomatic attempts to conceal their weaknesses, but I am sorry to say it is never possible for them to establish sentient peace.”[45](#)

*Shrii Prabhat Ranjan Sarkar*

What Shrii Sarkar is demanding from us is a representative world government to end once and for all the era of superpower tyranny. Any empire, be it Roman, British, American or Chinese, is a crime in action. Light dawned in Europe when its people demand an end to the arbitrary lawless violence of its aristocracy and monarchs. Today we have seen the global aristocracy of the Security Council of the wealthiest nations surrender power to a global tyranny of America. Just as national democracy ended this era, so in our time we need a world government based on economic democratic societies to end forever this dark age of international “state of nature.” In 1776 King George III ruled over America. He also had free elections. However, those Americans did not want to live in a land occupied by British soldiers in British military bases. They did not want their economy controlled by British businessmen who bribed Parliament, just as now Halliburton pays off Cheney and Congress. Today President George Bush II has become the universal tyrant. The reaction to his crimes is ushering in the demand for a global democracy in which no country will invade and pillage another country while simultaneously blaspheming the ideals of freedom and democracy. Today the death knell of international law via the lawless invasions of America echoes in the hearts of humanity as the birth pangs of a new era of universal freedom under a representative world government. Mr. Bush has by his barbaric deeds created the absolute

imperative today for people to work towards the creation of this new world body.

## Notes

1 Remark attributed to Michael Ledeen, holder of the Freedom Chair at the American Enterprise Institution, by his friend and colleague, National Review editor Josiah Goldberg, in *National Review Online*, 23 April 2002, cited in Michael Mandel's book, *How America Gets Away with Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity*, London: Pluto Press, 2004.

2 Richard Perle, "Thank God for the death of the UN: Its abject failure gave us only anarchy. The world needs order," *The Guardian*, Friday March 21, 2003.

3 Steven J. Barela, "Preemptive or preventive war: a discussion of legal and moral standards," in *Denver Journal of International Law and Policy*; 12/22/2004.

4 Steven J. Barela, etc.

5 Hugo Grotius, *On the Law of War and Peace*, Book II, Chapter I, 1625.

6 Emmerich de Vattel, *The Law of Nations or the Principles of Natural Law, Book II, Chapter IV* (1758, <http://www.lonang.com/exlibris/vattel/vatt-204.htm>)

7 Grotius, supra note 4, at Book II, Chapter V, in Steven J. Barela, etc.

8 The National Security Strategy of the United States of America, supra note 18, in Steven J. Barela, etc.

9 Meet the Press (NBC television broadcast, Feb. 8, 2004)

10 Prabhat Ranjan Sarkar, *Shabda Cayanika, Part I*, Kolkata: Ananda Marga Publications, 1985.

11 Crimes of War Project: "Iraq and the 'Bush Doctrine' of Pre-Emptive Self-Defence," Intro by Anthony Dworkin, August 20, 2002. <http://www.crimesofwar.org/expert/bush-intro.html>

12 Robert M. Lawrence, "Preventive/Preemptive war doctrine cannot justify the Iraq war," *Denver Journal of International Law and Policy*; 12/22/2004.

13 Ibid.

14 Ibid.

15 Ibid.

16 George Bush State of the Union Address (Jan 29, 2002). <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>

17 Steven J. Barela, etc.

18 Michael Mandel, *How America Gets Away with Murder: Illegal Wars, Collateral Damage*

and Crimes Against Humanity, London: Pluto Press, 2004, p. 12.

19 Ibid, p. 4

20 <http://www.un.org/law/ilc/texts/nurnberg.htm>

21 Michael Mandel, *How America Gets Away with Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity*, p. 7

22 Ibid, p. 21

23 Ibid, p. 45

24 Arundhati Roy, "Confronting Empire," *ZNet Magazine*, January 28, 2003.

25 Michael Mandel, *How America Gets Away with Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity*, p. 33.

26 Ibid, p. 35

27 Prabhat Ranjan Sarkar, *Baba in Fiesch*, Copenhagen: Proutist Universal Publications, p. 144.

28 Mullah Omar was also a terrorist put in power earlier by the Pakistani ISI and the CIA.

29 "Taleban leader protests Bin Laden's innocence." BBC News, 19 September 2001.

[http://www.news.bbc.co.uk/1/hi/world/south\\_asia/1552483.stm](http://www.news.bbc.co.uk/1/hi/world/south_asia/1552483.stm)

30 As can be seen in the 1989 US invasion of Panama, in Iraq also the Pentagon was keen to try out some of their latest weapons - incendiary bombs, cluster bombs, white phosphorus, laser weapons - on a non-Caucasian, helpless, powerless sea of humanity.

31 As Peter Singer has said, nearly one hundred years ago (1914) a Serbian terrorist killed Austrian-Hungarian royalty. Serbia was a haven for terrorists who plagued the Austro-Hungarian empire. Austria-Hungary took advantage of these facts to invade Serbia. America's leaders protested against this predatory war on terrorism. Today America, like Austria-Hungary of the past, is an empire in decline, unleashing a bloodbath on the world in a desperate attempt to relive its youth.

32 "Our best point the way," *Toronto Globe and Mail*, 7 December 2001, p. A21.

33 Michael Mandel, *How America Gets Away with Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity*, p. 207.

34 Ibid, p. 209

35 Rome Statute of the International Criminal Court, 17 July 1998, Preamble,

[www.un.org/law/icc/statute/romefral.htm](http://www.un.org/law/icc/statute/romefral.htm)

36 Michael Mandel, *How America Gets Away with Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity*, p. 208.

37 Ibid, p. 210

38 Ibid, p. 7

39 Ibid, p. 9

40 Ibid, p. 5

41 Robert Fisk, "It was an outrage, an obscenity," *Independent*, 27 March 2003.

42 Michael Mandel, *How America Gets Away with Murder: Illegal Wars, Collateral Damage and Crimes Against Humanity*, p. 24.

43 Ibid, p. 4

44 Ibid, p. 24

45 Prabhat Ranjan Sarkar, *Prout in a Nutshell, Part III*, Kolkata: Ananda Marga Publications, 1987, p. 12.

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