

## Protecting Israeli war crimes. Nuggets from a Nut House: From Netanyahu to Mladic

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*The nuggets keep piling up as the United States continues its course toward the abyss, pulling the rest of the world with it. Imagine, 29 standing ovations for Benjamin Netanyahu's May 24th speech by the members of the U.S. congress, who once again displayed their loyalty to a foreign state, their contempt for international law, their racism, and their support of Israeli apartheid and serious ethnic cleansing. Joseph Biden has stated publicly that he is "a Zionist" and that both when a member of the Senate and as Vice President helping Israel was his highest priority ("the center of my work as a United States Senator and now as vice president of the United States.").*

It is now routine for U.S. politicians to openly pledge allegiance to Israel, and they readily turn over large resources to Israel at the same time as they are reducing them for U.S. citizens. (This applies fully to President Obama, who bragged to AIPAC that "Because we understand the challenges Israel faces, I and my administration have made the security of Israel a priority. It's why we've increased cooperation between our militaries to unprecedented levels. It's why we're making our most advanced technologies available to our Israeli allies. And it's why, despite tough fiscal times, we've increased foreign military financing to record levels. That includes additional support - beyond regular military aid - for the Iron Dome anti-rocket system.")

The U.S. political leadership is also guilty of protecting Israeli violations of international law, war crimes, state terrorism, and disregard of UN resolutions and court decisions, including consistent support for Israel's systematic dispossession (ethnic cleansing) operations. How indignant these politicians (and the mainstream media) were over dispossession and ethnic cleansing in civil war-ridden Yugoslavia in the 1990s, and what a contrast with the standing ovations for ethnic cleansing carried out inside the tail that wags the flea-ridden dog! The words, behavior and actions of the fleas, if done in support of an Arab-dominated state, would be found immoral, in violation of anti-terror laws, and treasonous. The racist double-standard here is breathtaking.

Similarly, it is striking to see how the rule of law has been rendered so clearly inoperative in other matters supposedly bearing on "national security." It is notable how readily and completely a leader like Obama, an expert on constitutional law, and one who had so explicitly committed himself to return us to that promised land, has followed in its abandonment in what Tom Engelhardt aptly calls a "post-legal" state. ("Are We Living in Post-Legal America?," TomDispatch.com, May 30, 2011). This is applicable across the board: no prosecutions for authorizing or carrying out torture; for illegal spying on U.S. citizens; or for illegal war-making. In fact the Obama administration has engineered the renewal of the U.S. Patriot Act and has made no attempt to eliminate the 2006 Military

Commissions Act. It has aggressively pursued war protesters and extended executive privilege to the right to assassinate U.S. citizens at will. With the Libya war, the administration has carried out a straightforward violation of the War Powers Act requirement that congress must sanction a war not in self-defense, an action that Obama had specifically promised to avoid.

The war against Libya is also one more U.S.-NATO war of aggression in violation of the UN Charter. It is true that the global war lords did get the Security Council to vote them powers to protect civilians under Security Council Resolutions 1970 and 1973, but both before and after these resolutions were passed the NATO-mafia war lords had announced “regime change” as their goal. And they have been extending their bombing raids throughout Libya, killing civilians on an ever-increasing scale, and certain to do to Libya what the United States has done to Iraq (mass killing, mass refugee generation, and devastation).

## **Mladic and Impunity**

It is a bit mind-boggling to see Human Rights Watch, Richard Goldstone, Ban Ki-moon, and a stream of pundits and officials claim that the arrest of Ratko Mladic shows that the world has conquered “impunity.” This was also supposedly proved by the International Criminal Court’s (ICC’s) issuance of indictments of, and then arrest warrants for, Gaddafi and one of his sons and brother-in-law. Kofi Annan had already announced years ago that with the creation of the ICC impunity was at an end, and here we can see its Kafka-esque truth as officers and leaders of tiny states on the U.S. hit-list are brought to book! The brazenness of these claims is breathtaking.

In March 2003 George Bush and Tony Blair invaded Iraq in violation of the UN Charter and were responsible for the million or more Iraqi deaths that followed. The leader of the ICC, Luis Moreno-Ocampo, was repeatedly asked to investigate and pursue this crime, but he found that the “threshold of gravity” was not reached in this case for proof of “willful killings.” This was all just collateral damage, and not deliberate! (Actually, even in Texas if you shoot and kill somebody while going after a different target, you are guilty of murder.) But the relatively tiny killings by Gaddafi in response to a rapidly growing and at least partly foreign-sponsored armed insurgency were willful and demanded a rush-to-action. No white person has ever been indicted by the ICC under this new anti-impunity regime—and of the 20 persons who had been indicted through mid-2011, all 20 were African, the three Libyans being the only non-black Africans. And by another amazing coincidence, two of the greatest black African killers, Paul Kagame ( Rwanda ) and Yoweri Museveni ( Uganda ), who happen to be U.S. clients, have also not been indicted. In short, the real impunity rule, of long standing, is that leaders of the Western great powers who have not been defeated in war (as Hitler was), and their clients, have impunity. Their targets do not.

When Milosevic was first indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) in May 1999, he was accused of responsibility for some 340 victims, only 45 of them having died in the months prior to NATO’s bombing war (from March 24 on) in the almost surely mythical “Racak massacre” of January 15, 1999 (see “Mythical Bloodbaths” in Herman and Peterson, *The Politics of Genocide* [Monthly Review Press, 2010]). But in considering a petition that NATO leaders be indicted for its killings of civilians in its 1999 bombing war, this was ruled out by Carla Del Ponte on the grounds that (1) these

killings were not deliberate, and (2) with only 500 admittedly killed by NATO, this was too few to constitute crimes of war—that is, whereas for Milosevic, the “threshold of gravity” was 340 deaths, for NATO, 500 was too small (see the superb discussion in Michael Mandel, *How America Gets Away With Murder* [Pluto Press, 2004], Chap. 6). In short, these cases had nothing to do with justice but reflected the same dichotomy of impunity for the de facto aggressor violating the UN Charter, on the one hand, and sure guilt for the Great Power’s target by that Power’s corrupt agent, the ICTY, on the other hand (see John Laughland’s *Travesty: The Trial of Slobodan Milosevic and the Corruption of International Justice* [Pluto Press, 2007]).

When the arrest of Ratko Mladic in the Serbian village of Lazarevo was announced on May 26, this was generally greeted as a positive achievement for international justice, given the uniformity, passion and assurance of the media, and even a substantial contingent of supposedly liberal and left analysts, that he was a murderous villain. But this reflects a remarkable propaganda system, that can swallow and honor real mass killers like Clinton, Bush, Blair, Kagame, and Sharon, and yet in the former Yugoslavia pursue Milosevic, Karadzic, and Mladic, but not Croatia’s wartime President Franjo Tudjman, nor the Bosnian Muslim’s wartime President Alija Izetbegovic, nor the former Kosovo Liberation Army leader become the newly independent Kosovo’s Prime Minister Hashim Thaci. In a civil war context there are always nasty episodes of ruthless killings, and the multi-sidedness of this in the Balkan wars was very briefly revealed in single *Washington Post* and *Toronto Star* profiles of the Muslim commander of Srebrenica, Naser Oric, who openly bragged to John Pomfret and Bill Schiller of an episode in which he killed 114 Serbs, showing these reporters videos of beheaded victims. The Serb analyst Milivoje Ivanisevic listed the names of 3,262 Serbs killed in the Srebrenica vicinity prior to the July 1995 “massacre,” a large majority civilians (2,382). These have been “disappeared” in the discussions of Srebrenica, helping make the July killings inexplicable except for some ethnic cleansing or even genocidal plan.

There is nothing comparable to Oric’s admissions to Pomfret and Schiller in any evidence ever used to implicate Mladic. His initial Srebrenica-related indictment for “genocide” by the ICTY in November 1995 preceded their gathering of any evidence on Srebrenica (not even a single grave was investigated until 1996), and when the ICTY forensic analysts finished their collection and evaluation of grave evidence in 2002, the manner of death in the vast majority of the 1,919 sets of mortal remains exhumed up to that point was unclear, but the majority of the relative small number of remains whose manner of death could be determined (477 sets, or 24.8 percent) were likely combat victims rather than victims of executions. (See the two chapters that Ljubisa Simic contributed to the volume edited by Stefan Karganovic, *Deconstruction of a Virtual Genocide* [Belgrade: Srebrenica Historical Project, 2011], pp. 69-88, and pp. 89-104.)

There were evidently hundreds of executions, but Mladic’s role in ordering these executions was surely no clearer than Oric’s role in ordering the deaths of many more Serb civilians in the Srebrenica area prior to July 1995. The main “evidence” of any Mladic role in Srebrenica executions was given in the testimony of Drazen Erdemovic, a mercenary and truly “protected witness” of the ICTY, whose performance (and ICTY protection—against verification) is actually a high point in showing the thoroughgoing politicization of the ICTY and hence of the compromised case against Mladic. (About which, see the devastating account in Germinal Civikov’s *Srebrenica: The Star Witness*, Trans. John Laughland [Belgrade : NGO Srebrenica Historical Project, 2010], reviewed by me in *Z Magazine*, January, 2011.)

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