

The Bush Administration Was an Ongoing Criminal Conspiracy Under International Law and U.S. Domestic Law

Kuala Lumpur War Crimes Tribunal

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Professor Francis A. Boyle's submission to the Kuala Lumpur War Crimes Tribunal

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Mr. President, Distinguished Judges, may it please the Tribunal.

Since the impeachable installation of George W. Bush as President in January of 2001 by the U.S. Supreme Court's Republican Gang of Five, the peoples of the world witnessed a government in the United States that demonstrated little if any respect for fundamental considerations of international law, human rights, and the United States Constitution. What the world watched instead was a comprehensive and malicious assault upon the integrity of the international and domestic legal orders by a group of men and women who were thoroughly Machiavellian in their perception of international relations and in their conduct of both foreign policy and domestic affairs. Even more seriously, in many instances specific components of the Bush administration's foreign policies constituted ongoing criminal activity under well-recognized principles of both international law and U.S. domestic law, and in particular the Nuremberg Charter (1945), the Nuremberg Judgment (1946), and the Nuremberg Principles (1950), as well as the Pentagon's own U.S. Army Field Manual 27-10 on The Law of Land Warfare (1956), all of which applied to President Bush himself as Commander-in-Chief of United States Armed Forces under Article II, Section 2 of the United States Constitution.

Depending upon the substantive issues involved, those international crimes typically included but were not limited to the Nuremberg offenses of crimes against peace: For example, Afghanistan, Iraq, Somalia, Yemen, and Pakistan, as well as their longstanding threatened war of aggression against Iran. Their criminal responsibility also concerned Nuremberg crimes against humanity and war crimes as well as grave breaches of the Four Geneva Conventions of 1949 and of the 1907 Hague Regulations on land warfare: For example, torture at Guantanamo, Bagram, Abu Ghraib, and elsewhere; enforced

disappearances, assassinations, murders, kidnappings, extraordinary renditions, “shock and awe,” depleted uranium, white phosphorous, cluster bombs, Fallujah, and the Guantanamo kangaroo courts. Notice that all of their victims were Muslims, Arabs, and Asians of Color.

Furthermore, various members of the Bush administration committed numerous inchoate crimes incidental to these substantive offences that under the Nuremberg Charter, Judgment, and Principles as well as paragraph 500 of U.S. Army Field Manual 27-10 were international crimes in their own right: planning and preparation, solicitation, incitement, conspiracy, complicity, attempt, aiding and abetting.

Finally, according to basic principles of international criminal law set forth in paragraph 501 of U.S. Army Field Manual 27-10, all high level civilian officials and military officers in the Bush administration who either knew or should have known that soldiers or civilians under their control — such as the C.I.A. or private mercenary contractors — committed or were about to commit international crimes and failed to take the measures necessary to stop them, or to punish them, or both, are likewise personally responsible for the commission of international crimes.

This category of U.S. officialdom who actually knew or should have known of the commission of these international crimes under their jurisdiction and failed to do anything about them include at the very top of America’s criminal chain-of-command: President Bush and Vice-President Cheney; U.S. Secretary of Defense Rumsfeld; Rumsfeld’s Deputy Paul Wolfowitz; Secretaries of State Powell and Rice; Director of National Intelligence Negroponte; C.I.A. Director Tenet; National Security Advisor Hadley; his Deputy Elliot Abrams; U.S. Attorneys General Ashcroft and Gonzales, both criminally responsible for the torture campaign launched by the Bush Jr. administration; and the Pentagon’s Joint Chiefs of Staffs along with the appropriate Regional Commanders-in-Chief, especially for U.S. Central Command (CENTCOM).

These Bush administration officials and their immediate subordinates were responsible for the commission of crimes against peace, crimes against humanity, and war crimes as specified by the Nuremberg Charter, Judgment, and Principles as well as by U.S. Army Field Manual 27-10. Today in international legal terms, the Bush Jr. administration itself should now be viewed as having constituted an ongoing criminal conspiracy under international criminal law and U.S. domestic law because of its formulation and undertaking of serial wars of aggression, crimes against peace, crimes against humanity, and war crimes in violation of the Nuremberg Charter, Judgment, and Principles that were legally akin to those perpetrated by the Nazi regime in Germany.

Of course the terrible irony of today’s situation is that sixty-five years ago at Nuremberg the U.S. government participated in the prosecution, punishment and execution of Nazi government officials for committing some of the same types of heinous international crimes that the members of the Bush administration inflicted upon people all over the world. To be sure, I personally oppose the imposition of capital punishment upon any human being for any reason no matter how monstrous their crimes, whether they be George Bush Jr., Anthony Blair, or Saddam Hussein. In this regard, the Defendant Tony Blair had been at all relevant times an aider and abettor, a principal-in-the-first-degree, a co-conspirator, and an accessory before, during, and after the fact to all of the international crimes committed by the members of the Bush Jr. administration. Tony Blair was an integral part and necessary component of the Bush administration’s ongoing international criminal conspiracy.

Today this Tribunal must reaffirm humanity's commitment to the Nuremberg Charter, Judgment, and Principles by holding all U.S. and U.K. government officials fully accountable under international law for the commission of such grievous international crimes. You must not permit any aspect of American and British foreign affairs and defense policies to be conducted by acknowledged "war criminals" according to the U.S. government's own official definition of that term as set forth in the Nuremberg Charter, Judgment, and Principles, U.S. Army Field Manual 27-10, the U.S. War Crimes Act, the Four Geneva Conventions and the Hague Regulations.

This Tribunal must insist upon the conviction and long-term incarceration of all U.S. and U.K. government officials guilty of such heinous international crimes. If not so restrained, the American and the British governments could very well precipitate a Third World War.

After the terrible tragedy of September 11, 2001 America and Britain have vilified and demonized and exterminated Muslims and Arabs and Asians of Color almost to the same extent that America inflicted upon the Japanese and Japanese Americans after Pearl Harbor. As the Nazis had previously demonstrated with respect to the Jews, a government must first dehumanize and scapegoat a race of people before its citizens will tolerate if not approve their elimination: witness Hiroshima and Nagasaki. In post -9/11 America and Britain, the world is directly confronted with the prospect of a nuclear war of annihilation conducted by their White Racist Judeo-Christian Power Elites against Peoples of Color in the Muslim and Arab and Asian worlds in order to steal their oil and gas.

The Crusades all over again. But this time nuclear Armageddon stares all of humankind right in the face!

This Tribunal must now lead the fight against the racist American and British dictatorial Empires! This is your Nuremberg Moment! Convict the Defendants of all crimes charged! Humanity and History demand no less of you!

Thank you.

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