

“Unlawful Enemy Combatants” and the International Criminal Court

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Theme: [Law and Justice](#)

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In order to better prosecute his bogus “war on international terrorism,” under the pernicious influence of Federalist Society Lawyers President Bush Jr. personally resurrected a long-defunct World War II era legal category of dubious provenance denominated “unlawful enemy combatant,” which was soon thereafter superseded by the Four Geneva Conventions of 1949.

Bush Jr. has used this quasi-category to create an anti-matter universe of legal nihilism where human beings (including U.S. citizens) can be disappeared, detained incommunicado, denied access to attorneys and regular courts, tried by kangaroo courts, executed, tortured, assassinated and subjected to numerous other manifestations of State Terrorism. This Bush Jr. category of “unlawful enemy combatants” negates almost the entirety of the post-World War II regime for the International Protection of Human Rights established by the U.N. Charter in 1945 and most of the major international human rights treaties derived therefrom, which are too numerous to list here.

Bush Jr.’s gross mistreatment of “unlawful enemy combatants” also violates several basic protections of the United States Constitution and in particular the Bill of Rights, again too numerous to list here.

At a minimum, those responsible Bush Jr. administration officials, including the President himself, run the risk of international and U.S. domestic criminal prosecution for violating the Third and Fourth Geneva Conventions of 1949. No wonder that the Bush Jr. administration has done everything humanly possible to sabotage the International Criminal Court.

Note:

[1] See Francis A. Boyle, “Bush’s Banana Republic,” CounterPunch, Oct 11, 2002; Jordan J. Paust, “There Is No Need to Revise the Laws of War in Light of September 11th,” American Society of International Law Task Force on Terrorism (ASIL Webpage: Nov. 2002); Jordan J. Paust, “Antiterrorism Military Commissions: Courting Illegality,” 23 Michigan J. Int’l L. 1 (Fall 2001).

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