

## African Leaders Continue to Defy the ICC American Duality Complex

Noam Chomsky, was certainly quite true when he said “For the powerful, crimes are those that others commit.” Strong nations have always sought to gain dominance. The major powers assert one set of rules for themselves and a different set for other states, as if international law were only for the weak. A just, rules-based global order has long been touted by powerful states as essential for international peace and security. Yet there is a long history of world powers flouting international law while using it against other states.

The overall impression, the United States leaves behind is that, while it wants other countries to observe international law, they are happy to ignore these codes when it suits them. In other words, although, the United States has consistently emphasized the importance of the international legal system, it has simultaneously distanced itself from many established principles of international law and the institutions that implement them. US position vis-à-vis the ICC, stands as a stark and a landmark testimony.



Ironically, US initially supported the idea of an international mechanism to prosecute war crimes, however, Washington ultimately withdrew support when it became clear that, it would not be able to wield its veto over possible cases.

Denying the ICC, the very right to prosecute US nationals for war crimes, the Bush administration not only did suspend Clinton's signature, but it has also negotiated agreements with more than 100 countries, aimed at preventing the surrender of US personnel to the ICC. President Bush further signed legislation cutting aid to certain countries that refused to immunize Americans from court proceedings, besides, authorizing the use of military force, to free any Americans, should they ever be arrested by the court. What a mockery!

In his article ‘Ambassador for all war crimes except our own’ , featuring American duality complex, the American Charles Brown, ridicules the appointment of Clint Williamson, as U.S. Ambassador-at-Large for War Crimes Issues in June 2006 until September 2009 , in order to advise U.S. policy responses to atrocities committed in areas of conflict and elsewhere throughout the world. Indicating that Mr. Williamson's scope of work includes former Yugoslavia, Rwanda, Sierra Leone, Cambodia, Iraq (crimes committed by the former regime, not under the ensued American occupation), Sri Lanka, and Georgia. Mr. Charles wonders in derision " there was one important country missing from that list, one responsible for some of the worst war crimes of the past eight years: our own. "

The fracas which clouded President Al-Bashir's legitimate intention to travel to New York in 2013, to attend the UN's meetings, and the ensued visa denial by the American Administration, which was primarily prompted by the very ICC issue , not only set forth, yet another serious violation of the principles and purposes of the Charter of the United Nations, in reminiscence of the most high profile visa refusal to the late President Yasser Arafat in 1988, but more importantly, has laid bare, the American brazen hypocrisy and double standards.

To that effect, last week's farcical walk out, of the American and Western envoys in Uganda, during President Museveni swearing-in, was a typical hypocrisy on display; the tendency to condemn the conduct of others, while ignoring the failings of their own.

Africans today, having fully internalized such fact, are increasingly more disenchanted and rather disillusioned with the ICC. They are no longer susceptible to the brainwashing of the western corporate media. Conspicuously realizing, that mass murderers' wars, waged primarily against weak nations, in Iraq and Gaza, just to name a few, were based on absolute lies and deceit.

In fact President Museveni's remarks against the ICC, do indeed resonate with the AU's extraordinary Heads of State Summit held on October 2013, which raised the spectre of mass disengagement from the court, with calls for a unified position to leave the ICC en masse, unless it stopped its questionable and hypocritical focus on Africa and African leaders.

“We refuse to be carried along in a vehicle that has strayed off course to the detriment of our sovereignty, security and dignity as Africans,” Kenyan President Kenyatta said, in a statement before the AU summit in February this year, proposing a roadmap for the withdrawal of African nations from the ICC. Likewise, the Pan African Parliament (PAP) of South Africa, has added its voice, to the growing calls for Africa to dump the ICC, lambasting the Netherlands-based court of being used by imperialist Western nations to undermine and humiliate African leaders.

The ICC, overwhelmingly funded by European Union states, is quietly infamous today in Africa, as a racial foreign policy instrument, directed by Africa's former European Colonial Powers, focused exclusively on Africa. In contrast, ICC shamelessly turns a blind eye to "real" Western and Israeli war criminals and mass murderers on the loose, with no plans or intentions to bring them face justice, despite the fact that against most of whom, rock-solid legal claims were established in their respective countries. Hence, ICC's reputation has been irretrievably damaged and marred by its racism, blatant double standards, hypocrisy, corruption and serious judicial irregularities.

More importantly, ICC is increasingly seen today in Africa, as a sinister instrument to fuel and prolong devastating civil wars in Africa. It has been argued, for example, that the ICC's involvement in Uganda destroyed peace talks in that country, intensifying the conflict, which then spread into three neighboring countries. By the same token, Darfur should not be an exception.

In his article "Is Anything LEFT in International Law?" Thomas M. Franch (An American lawyer, law professor, and expert on international law) features America's pervasive contempt for international law. Mr. Thomas openly accuses the right-wing of American politics, for not only being currently in ostensible control of American foreign policy, but also for being behind US rejection of the idea that, international treaties can be binding on the world's only superpower, on the top of which, comes the right to unleash war when it suits the ruler's definition of the national interest. That doctrine was truly manifested perhaps in Iraq and Afghanistan just to name a few.

In the same context, it's time to recall with great pain, how in one rainy but peaceful nights of Khartoum in August 1998, the American Cruise Missiles, leveled to the ground, Al-Shifa factory; Sudan's biggest pharmaceutical factory, in suburb of the capital Khartoum, depriving Sudanese people of a factory which used to meet 60% of their pharmaceutical needs by then, for allegedly producing chemical weapons, the very charge which was soon proved to be simply "a mistake" like other subsequent American devastating mistakes, based on faulty intelligence data.

Almost 18 years have passed ever since, and Al-Shifa tragic saga, still left in limbo, in the aftermath of Sudan's simple and legitimate proposal; that a professional UN team, should visit the debris of the factory to investigate the American claims. It was sadly nipped in the bud, and eventually vetoed by the very aggressor, in yet another typical American arrogance and contempt for international law. Time and time again, against the power of law, the law of power sadly prevails.

Despite the fact that, shortly after the 10th anniversary of the Iraq War, both George W. Bush and Tony Blair have openly apologized for the Iraq War, saying the conflict was "a mistake." A mistake that devastated a country, and resulted in loss of one million lives and eventually affected the entire region with bloodshed, violence and destruction of cradle of civilizations.

18 years after being bullied by the US, the people of the Sudan, have been hitherto eying the long awaited consolation. Helplessly unable to secure neither an apology nor the compensation. At the end of the day, it is incredibly hard to believe that any genuine "intelligence" was wrong, par contre, it is incredibly easy to believe today that in Iraq Sudan and elsewhere, the "intelligence" were manufactured.

However, and against all odds, the standing debris of Al-Shifa factory, shall go down in history, as a moral stigma and a stereotype of a repugnant American aggression, when it lashes out against the innocents and then arrogantly denies admitting its errors and making full restitution.

On the other hand, war crimes and torture by US troops in Afghanistan, Iraq (Abu Ghraib), and Guantanamo, were conducted under the doctrine of "command responsibility." US administration has created the conditions for U.S. troops to commit war crimes and torture by sidelining and disparaging the Geneva Conventions, by approving interrogation techniques that violated the Geneva Conventions as well as the Convention against Torture, and by approving the hiding of detainees from the International Committee of the Red Cross.

From the earliest days of the war in Afghanistan, Secretary Rumsfeld was on notice through briefings, ICRC reports, human rights reports, and press accounts that U.S. troops were committing war crimes, including acts of torture. However, there is no evidence that he ever exerted his authority and warned that the mistreatment of prisoners must stop. Had he done so, many of the crimes committed by U.S. forces could have been avoided.

The current US administration has done little to demonstrate that it is holding the top officials who gave the orders to torture accountable. Groups like the Advocates for U.S. Torture Prosecutions say that the United States is shielding those responsible, which is in direct violation of its CAT obligations.

Let us refer in conclusion to the article 'You must follow international law (Unless You're America) by Alfred McCoy, who is regarded as one of the world's leading historians, where he says "...Washington, more than any other power, created the modern international community of laws and treaties, yet it now reserves the right to defy those same

McCoy adds " So Washington is now well into the second decade of an endless War on Terror that seems the sum of its exceptions to international law: endless incarceration, extrajudicial killing, pervasive surveillance, drone strikes in defiance of national boundaries, torture on demand, and immunity for all of the above on the grounds of state secrecy. Yet these many American exceptions are just surface manifestations of the ever-expanding clandestine dimension of the American state. "

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