

## ICC — 'Western kangaroo court'

by Olley Maruma via rialator - Southern Times, South Africa *Sunday, Mar 15 2009, 8:23pm*  
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In Africa, the International Criminal Court (ICC) at the Hague is considered by many to be a Western kangaroo court set up to hound, jail and silence African and Third world leaders who refuse to submit to the grip of Western hegemony and domination. The court's recent indictment of President Omar al Bashir of Sudan, has only provided more evidence to give credence to this view.



The court was established in July 2002 as a permanent tribunal to prosecute individuals for genocide, crimes against humanity and war crimes. The statute establishing it proclaimed that the court could only prosecute crimes committed on or before the day it came into being.

Although the official seat of the court is at the Hague, its proceedings may take place anywhere in the world. One hundred and eight states are members of the court. Among those that have refused to join are China, Russia, India and the United States.

For the leader of a country to be tried by the court, the case has to be referred to it by the United Nations Security Council. This was not the case with al Bashir's case.

The widely held negative view of the ICC was neatly summed up by Miguel d'Escoto Brockman, the president of the United Nations General Assembly. Hitting the nail on the head, Brockman dismissed the ICC's indictment on Al Bashir as "absurd and politically motivated".

"A few people with a very dubious past and with very little credibility pretend to know better than the whole African Union," Brockman observed. "This is absurd and really not an adequate way to deal with this issue."

Brockman noted that for international justice to regain its credibility, "it would be important to begin by indicting people from powerful nations, not to pick on the smaller ones".

Will the leaders of the West listen to him? Your guess is as good as mine. What I can do is provide Brockman with specific cases of recorded atrocities committed in Europe by Britain, the United States and their European allies to see if indictments can be brought at the ICC against those who committed them.

I fear though it will be a futile exercise because as I mentioned before, the ICC is a Western kangaroo court devised to continue the Western imperialism and hegemony of the 19th century by other means.

Before itemising the cases, let me give the background to the atrocities.

When in 1999 Britain and the United States bombed Yugoslavia and Kosovo for several weeks in violation of United Nations' rules, multitudes around the world justly protested that what the NATO allies were doing was criminal because they had not exhausted the diplomatic option.

To many it appeared as if Bill Clinton and Tony Blair wanted to wage war against Slobodan Milosevic in order to boost their images and international standing as tough, strong and decisive leaders.

One could understand why Clinton, who had been a draft dodger as a young man, had decided to wage war against the demonised and embattled Milosevic. He wanted to divert press and public attention from his scandalous affair with Monica Lewinsky, as depicted in the satirical Hollywood movie, Wag The Dog.

What was baffling was why Blair, who had been a longhaired advocate of nuclear disarmament in his youth, had decided to drop cluster bombs on the innocent civilians of Yugoslavia.

On March 24, 1999, NATO attacked Serbia with bombers and cruise missiles. The "war" marked the first time in over 50 years that European powers had attacked another European country.

The bombing and missile attacks initially occurred nightly, then day-and night, going on for 11 weeks.

The bombing caused major damage to Yugoslav society. NATO deliberately bombed water and power supplies, hospitals and prisons, knowing full well that without electricity and water, the people of Yugoslavia would suffer great hardship and that some would die.

Their objective was to alienate Slobodan Milosevic's government from the majority of the Serbian population, in the hope that they would acquiesce to "regime change" as the only solution to their intolerable predicament.

Under international law, the war was illegal from the beginning, even though its perpetrators knew that deliberate infliction of suffering upon civilians is a war crime.

Before that, Serbs and Albanians had long lived together in harmony in Kosovo.

At the end of the 1980s, Slobodan Milosevic made the mistake of trying to enhance his power by inducing in the Serb minority in Kosovo fear of the Albanian majority. His objective was to kill in its infancy the Albanian movement for secession and the break-up of the Federation of Yugoslavia. His actions prompted the Albanians into organising themselves into paramilitary units, the Kosovo Liberation Army (KLA), which attacked the Serbian police. The Serbs retaliated. The hostilities escalated.

The Albanians had a brilliant idea: provoke the Serbs to murder, play it up in the Western media, cry "Hitler!" and "Genocide" and, who knows, Western moralists would fall for it and become instant allies.

The Serbs fell for it. The Serb police ambushed a KLA operation which was smuggling arms over the border from the Albanian mainland. The next day Albanian gunmen entered a bar in Pec and sprayed the occupants with machine gun fire, killing six Serbian teenagers. In the village of Racak the KLA killed four Serbs. The Serbian police attacked a village to which the KLA attackers had fled, killing 15 Albanians. A few days later, numerous Albanians were found dead in a ravine near the village. William Walker, the head of the Kosovo Verification Mission, was invited to see the bodies. Without any conclusive proof, and in front of Western television crews, he declared in shocked tones that the Serbian police and army were responsible for the "massacre."

The KLA initiated battles in civilian areas knowing that the Serbs would retaliate and civilians would be killed. The ensuing incidents gave the US the green light to present itself as the defender of international morality and to enter the conflict on the side of the KLA. The KLA plan had worked. Before the world knew what was happening, a civil war was in progress.

Many in the world were stupefied. They could not understand how such a series of seemingly unremarkable incidents could lead to the degeneration of a full scale war against Serbia. Either the war was the result of cynical calculation by the United States and its Western allies, or it was the result of amazing stupidity. Many concluded that it made sense as part of a US plan for the military domination of Europe and, perhaps, eventually Russia, under the guise of a NATO operation. Was the US aiming to acquire a military stronghold in the heart of Europe from which it could, if when necessary, threaten any European or Middle Eastern nation with the devastation of Yugoslavia and Iraq as examples to those not inclined to accept US domination? After all, Yugoslavia was the last hold-out in Eastern Europe against the neo-liberal economic system which the West had always wanted to impose on this traditionally socialist country.

Following the defeat of Serbia, Milosevic was abducted by NATO commandos and taken to the Hague for trial for having committed "crimes against humanity." That the United States, which is not a member of the ICC, was the principal organizer of Milosevic's trial at the Hague exposed the fraud of the entire enterprise. America had waged war in the Balkans in order to achieve the hegemony of American capitalism over a strategic region. It was her penultimate act in the burial of communism which had begun with the collapse of the Soviet Union in 1988. Her ambitions in the Balkans had nothing to do with "multi-ethnic democracy," human rights or justice.

Here are some of the feeble excuses offered by NATO officials for the killing of innocent Serbian civilians during the intensive bombing of their country.

"The pilot attacked what he believed to be military vehicles," said Shea, spokesman for NATO, as reported on April 15 1999, by the BBC. "He dropped his bomb in good faith, as you would expect of a trained pilot from a democratic country.....The bomb destroyed the lead vehicle which we now believe to have been a civilian vehicle."

"NATO deeply regrets" the death of five people when missiles fell 600 metres short of their target and hit residences in the mining town of Aleksinac on April 5.

"NATO deeply regrets" the death of at least ten people when NATO jets hit a Yugoslav passenger train travelling from Belgrade to Salonika on a bridge near Leskovac on April 12.

"NATO deeply regrets" the deaths of 80 people which occurred when NATO attacked two refugee columns in Western Kosovo on April 14.

"NATO deeply regrets" the death of twenty civilians which occurred when a laser-guided bomb lost

its target lock over Surdulica on April 27.

"NATO deeply regrets," the deaths of 39 civilians killed when a NATO missile hit a bus crossing a bridge at Luzane on May 1.

The question is: were these not atrocities against innocent Serbians crimes against humanity? After all, all these victims were not military threats to the cowardly NATO fight pilots who were bombing them from a safe distance of 2000 feet high! And if they were war crimes, why has the ICC never bothered to mount a prosecution against the Western leaders who were ultimately responsible for their commission? After all if Milosevic committed any war crimes, he did it before July 2002. One can only come up with one conclusion: that at the Hague there is one law for powerful leaders of the West and another for the feeble leaders of other nations.

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