

By Nicolas J. S. Davies From [Consortium News](#) | Original Article



President George W. Bush and members of his national security team in Iraq in 2007

In the past week, Burundi and South Africa have joined Namibia in declaring their intention to withdraw from the jurisdiction of the International Criminal Court (ICC). They are likely to be followed by a parade of other African countries, jeopardizing the future of an international court that has prosecuted 39 officials from eight African countries but has failed to indict a single person who is not African. Ironically, African countries were among the first to embrace the ICC, so it is a striking turnaround that they are now the first to give up on it.

But it is the United States that has played the leading role in preventing the ICC from fulfilling the universal mandate for which it was formed, to hold officials of all countries accountable for the worst crimes in the world: genocide; crimes against humanity; and war crimes – not least the crime of international aggression, which the judges at Nuremberg defined as “the supreme international crime” from which all other war crimes follow.

As the ICC’s founding father, former Nuremberg prosecutor Benjamin Ferencz, lamented in 2011, “You don’t have to be a criminologist to realize that if you want to deter a crime, you must persuade potential criminals that, if they commit crimes, they will be hauled into court and be held accountable. It is the policy of the United States to do just the opposite as far as the crime of aggression is concerned. Our government has gone to great pains to be sure that no American will be tried by any international criminal court for the supreme crime of illegal

war-making.”

The U.S. has not only refused to accept the jurisdiction of the ICC over its own citizens. It has gone further, pressuring other countries to sign Bilateral Immunity Agreements (BIA), in which they renounce the right to refer U.S. citizens to the ICC for war crimes committed on their territory.

The U.S. has also threatened to cut off U.S. aid to countries that refuse to sign them. The BIAs violate those countries’ own commitments under the ICC statute, and the U.S. pressure to sign them has been rightly condemned as an outrageous effort to ensure impunity for U.S. war crimes.



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Resistance to U.S. Impunity To the credit of our international neighbors, this U.S. strategy has met with substantial resistance. The European Parliament overwhelmingly passed a resolution stating that BIAs are incompatible with E.U. membership, and urged E.U.- member states and countries seeking E.U. membership not to sign them.

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Fifty-four countries have publicly refused to sign BIAs, and 24 have accepted cut-offs of U.S. aid as a consequence of their refusal. Of 102 countries that have signed a BIA, only 48 are members of the ICC in any case, and only 15 of those countries are on record as having ratified the BIAs in their own parliaments.

Thirty-two other ICC members have apparently allowed BIAs to take effect without parliamentary ratification, but this has been challenged by their own country's legal experts in many cases.

The U.S. campaign to undermine the ICC is part of a much broader effort by the U.S. government to evade all forms of accountability under the laws that are supposed to govern international behavior in the modern world, even as it continues to masquerade as a global champion of the rule of law.

The treaties that U.S. policy systematically violates today were crafted by American statesmen and diplomats, working with their foreign colleagues, to build a world where all people would enjoy some basic protections from the worst atrocities, instead of being subject only to the law of the jungle or "might makes right."

So current U.S. policy is a cynical betrayal of the work and wisdom of past generations of Americans, as well as of countless victims all over the world to whom we are effectively denying the protections of the U.N. Charter, the Geneva Conventions, the U.N. Convention on the Rights of the Child and other multilateral treaties that our country ignores, violates or refuses to ratify.

Avoiding the jurisdiction of international courts is only one of the ways that the U.S. evades international accountability for its criminal behavior. Another involves an elaborate and well-disguised public relations campaign that exploit the powerful position of U.S. corporations in the world of commercial media.



Whitfield, Robert. "The US military's role in the 2002 invasion of Iraq." *US military's role in the 2002 invasion of Iraq*. 2002. Web. 10-25-16. <http://www.usmilitary.com/2002/10/25/16>



President Barack Obama, Oct. 25, 2014, hands with U.S. troops at Ramstein Airfield in east Germany. (AP Photo/Andrew H. Guthrie)



Detainees at Guantanamo Bay, Nov. 2003, in orange jumpsuits, kneeling in a line. (AP Photo/Andrew H. Guthrie)