

35 countries denied arms aid

US retaliates over war crime immunity demand

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In a further bid to place US officials and military personnel beyond the reach of war crimes prosecution, the Bush administration cut off military aid to about 35 countries that failed to meet a June 30 deadline for signing bilateral immunity agreements.

Washington had demanded such deals with all the countries that have signed on to the International Criminal Court (ICC), using the threat of the aid cutoff to impose its will on foreign powers that are considered US allies. At least 90 have reportedly resisted the US blackmail effort. The Bush administration claims that 51 nations have signed immunity agreements, seven of them “secretly.”

The administration also issued “waivers” for the 19 members of NATO as well as US-designated “major non-NATO allies,” including Argentina, Australia, Bahrain, Egypt, Israel, Japan, Jordan, New Zealand, South Korea and the Philippines. Also exempted was Taiwan.

The American Servicemen’s Protection Act of 2002, a measure passed by Congress, mandated the aid cutoff. The measure includes what some have dubbed the “Hague invasion clause,” a section that authorizes the US military to use “every possible means” to free any US citizen jailed on the orders of the ICC, which is based in The Hague.

The US action only underscores in the crudest possible fashion that the only form of international justice Washington will permit is that of the victor against the vanquished, of the major imperialist powers against the impoverished and oppressed nations.

This principle is already incorporated in the treaty governing the ICC’s jurisdiction, which allows any country to try its own citizens if they are accused of war crimes and reserves ICC proceedings for those cases in which a defendant’s country is unwilling or unable to do so. Even if a US official or military officer were accused of war crimes before the tribunal, the case would immediately be referred to the American courts.

Washington’s belligerent attitude toward the international court is bound up with the unilateral foreign and military policy elaborated by the Bush administration. It refuses to recognize any international law or treaty that even suggests a limitation on the US “right” to carry out military actions, occupations and repression anywhere on the face of the planet.

The aid cutoff is only Washington’s latest attack on the ICC, which was established by the 1998 Statute of Rome and was

inaugurated in March of this year. While the Clinton administration signed the treaty creating the court, it failed to seek its ratification. The Bush administration took the virtually unprecedented diplomatic action of rescinding the signature.

The total amount of military aid withdrawn is only \$47 million. This relatively small sum reflects the fact that most of the aid money for this year has already been disbursed. The real impact will come next year if either the affected governments do not capitulate, or Washington fails to rescind its sanctions. For example, Colombia, where the US is deeply involved in a counterinsurgency war that includes the deployment of US military advisors, saw just \$5 million withheld. But it faces a potential loss of \$130 million beginning next year. Far more money is funneled into the Colombian security forces through other programs.

White House spokesman Ari Fleischer insisted that the Bush administration had no intention of compromising. “This is a reflection of the United States priorities to protect the men and women in our military.”

Actually, the immunity deals sought by Washington protect not only uniformed soldiers and government officials, but all US citizens as well as foreign contractors working for the Pentagon or other US agencies. Presumably, any American mercenary engaged in war crimes in another country would be immune from prosecution, as would any foreign mercenary working under the direction of US military or intelligence.

South Africa, where Bush is scheduled to visit Tuesday, was among the nations punished for not signing an immunity agreement. Other countries losing aid include Brazil, and several countries seeking NATO membership such as Bulgaria, Croatia, Slovakia and Slovenia.

As a region, Latin America was among the hardest hit by the aid cutoff. In addition to Brazil and Colombia, Washington imposed sanctions on Belize, Costa Rica, Ecuador, Paraguay, Peru, Uruguay and Venezuela. In the Caribbean, it also halted aid to Antigua and Barbuda, Barbados, Dominica, St. Vincent and the Grenadines, and Trinidad and Tobago.

In Ecuador, Carlos Vallejo, the chairman of the parliamentary international affairs committee, declared that Ecuador should retaliate by demanding the US withdraw its forces from the Manta air base.

Venezuela's government said the US action did not affect it, as it has long since stopped receiving military aid from Washington, which has been involved in military coup attempts against the government of President Hugo Chavez.

In Uruguay, Foreign Minister Didier Operti said that the "United States has the Pinochet syndrome," referring to the former Chilean dictator who was held in Britain in 1998-99 on an ultimately unsuccessful extradition request from Spain to try him for the disappearance and killing of its citizens in Chile.

The Brazilian government said simply that any immunity agreement with the US would be contrary "to the letter and spirit of the Statute of Rome [which created the ICC] and would strike against the juridical equality of states."

For its part, the right-wing regime of Alvaro Uribe expressed confidence that it would work out an arrangement with its sponsor in Washington. A senior State Department official, Philip Chicola, echoed this view, declaring, "I believe we are nearing an understanding... Let's be clear, the government of this country is our friend, ally and partner."

The US government has shown itself increasingly sensitive to even the remotest possibility that its personnel could be subjected to international justice. These concerns, which border on paranoia, erupted last month with the threat by Defense Secretary Donald Rumsfeld to boycott NATO meetings in Brussels and withhold money from the alliance in retaliation for an indictment brought against Gen. Tommy Franks, the commander of US forces in Iraq, on behalf of 19 Iraqi victims of the US invasion.

The Belgian government had already amended the law criticized by Washington, allowing it to dismiss cases it deemed politically motivated or transfer them to courts in the defendant's home country. It had also dismissed the case brought against Franks. This was not enough, however, as the US demanded that the Belgian government make it impossible for any charges to be brought in the first place.

Bowing to US pressure, the Belgian government agreed to amend the law once again, limiting its jurisdiction to cases in which Belgian citizens or residents are directly involved. It promised other legal guarantees that would prevent US personnel from being indicted.

The tirade over the Belgian case was clearly aimed at a world audience. The Bush administration was reiterating that it will not tolerate any such pursuit of those accused of war crimes, unless it is doing the pursuing for its own geopolitical interests.

During the same weeks that it was browbeating the Belgians, Washington pushed through a vote on the United Nations Security Council to extending the exemption of all military personnel serving in UN peacekeeping operations from prosecution by the ICC.

Significantly, in drafting their original law, the Belgians cited the decision of a US federal court as the precedent. It was the Demjanjuk decision on Israel's request for the extradition of John Demjanjuk, accused of being the Ukrainian death camp guard known as Treblinka's "Ivan the Terrible," for prosecution in Israel. He was convicted, sentenced to death and subsequently acquitted on appeal based on claims that, though he was a camp guard, he was not the one identified in the original indictment.

The US court decision read: "The universality principle is based on the assumption that some crimes are so universally condemned that the perpetrators are the enemies of all peoples. Therefore, any nation which has custody of the perpetrators may punish them according to its law applicable to such offenses... Israel or any other nation...may undertake to vindicate the interest of all nations by seeking to punish the perpetrators of such crimes."

Washington recognizes no such "universality principle" today, and is quite conscious that its use of overwhelming military force to invade and occupy Afghanistan, Iraq and other countries will inevitably involve it in actions that are universally recognized as war crimes.

It is also worth noting that the US provocations over Belgium and the ICC coincide with the decision of the Mexican authorities to extradite former Argentine navy captain Ricardo Miguel Cavallo to Spain to face charges of crimes against humanity.

Cavallo, one of the chief torturers at the Argentine Navy's notorious Superior School of Mechanics torture center is charged with several murders, and 227 forced disappearances, including those of 16 pregnant women who are presumed to have been murdered after their babies were born and taken from them. He is also charged in 21 cases of torture.

He will be the first figure of a Latin American military dictatorship to be tried in a third country after being arrested in a second country where he faced no legal charges. (Cavallo was a wealthy businessman in Mexico, apparently as a result of his expropriating the property of his victims. While there, he was appointed as the head of the national vehicle registry under the previous government of Ernesto Zedillo.) The judge who sought the extradition, Baltasar Garzon, was the one who attempted to compel Britain to do the same thing with Pinochet.

Clearly, the US exerted what pressure it could to block the extradition of Pinochet, and, in the case of Cavallo, is undoubtedly doing the same. With the ongoing campaign of repression and massacres in Iraq, it cannot easily accept such precedents.

In Spain, the state prosecutor of Jose Maria Aznar's rightist government—one of the Bush administration's most prominent European allies in the war on Iraq—has joined with the defense attorneys for the captured torturer, insisting that he be freed on the grounds that the Spanish courts have no jurisdiction to try the case.



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