

The war crimes indictment against Sudanese President Bashir

Tom Eley**10 March 2009**

On March 4, the International Criminal Court (ICC) handed down an arrest warrant for Sudanese President Omar Hassan al-Bashir, charging him with crimes against humanity and other war crimes. The ostensible basis for the charges is the ongoing conflict in the Sudanese region of Darfur, which, according to the United Nations, has killed as many as 300,000 people and displaced 2.5 million more.

Bashir is the first sitting head of state to be charged by the ICC since it commenced operations in 2002.

While Bashir no doubt shares responsibility for the catastrophe in Darfur, the charges by the ICC cannot be taken as a legitimate exercise in the enforcement of international law. Rather, the indictment is the latest in a series of war crimes procedures against leaders of former colonial nations and lesser capitalist countries who have run afoul of the major Western powers. It exemplifies the use of war crimes prosecutions as an instrument of imperialist policy in regions of strategic importance to the United States and other imperialist powers.

Not since the Nuremberg trials of the defeated German Nazi leaders have figures from a major imperialist power been tried for war crimes. Since the ICC's founding, all of its war crimes cases have been brought against African military or political figures.

The most notorious of the recent war crimes trials was the prosecution of Yugoslav President Slobodan Milosevic by the International Criminal Tribunal for the Former Yugoslavia. That indictment was handed down in May of 1999, in the midst of the US-led NATO air war that devastated Serbia and ultimately led to a US-backed "revolution" and Milosevic's ouster and arrest.

The humanitarian catastrophe in Darfur is a product of longstanding geopolitical tensions in Sudan and the

Horn of Africa, an area of great strategic importance for the major powers. Sudan holds important oil reserves in its South, where the Khartoum regime fought a two-decade civil war against separatist rebels that ended with a truce in 2005. Sudan is Africa's largest nation by area, sharing borders with ten other states. It sits astride the Red Sea across from Saudi Arabia, a critical sea transport lane from the Mediterranean to the Indian Ocean.

The context of the war crimes charges is an intensified push by the US and other imperialist and rising powers for domination of parts of the African continent, particularly those with substantial energy resources. In recent years Sudan has become the focus of growing competition for influence between the US and China.

China is the leading recipient of Sudanese oil. In return, it has provided significant investment and military supplies to Khartoum, and has defended the regime in the United Nations. The US has responded to China's growing influence in Africa and intensified activity by other powers, such as France, by developing its military capabilities on the continent with the formation of the United States Africa Command, or AFRICOM, in 2008.

Washington has welcomed the charges against Bashir. The US ambassador to the United Nations, Susan Rice, declared, "Those who committed atrocities in Sudan, including genocide, should be brought to justice." US Secretary of State Hillary Clinton said, "Governments and individuals who either conduct or condone atrocities of any kind, as we have seen year after year in Sudan, have to be held accountable."

What hypocrisy!

In the first place, the US has refused to even recognize the jurisdiction of the ICC over American

military and political personnel, in line with its assertion of a unilateral and unlimited right to intervene militarily wherever and whenever it chooses. In the 1998 UN vote that authorized the creation of the ICC, the US, under the Clinton administration, joined only Libya, China, Iraq, Israel, Qatar and Yemen in voting "no."

The US has committed war crimes far greater than those of Sudan's Bashir regime. Since the unprovoked US invasion of Iraq in 2003—launched on the basis of lies and without UN sanction—over 1.3 million Iraqis have been killed and approximately 5 million made refugees. In its "global war on terror," the US has openly committed war crimes such as kidnapping, detention without trial and torture. It routinely carries out missile strikes on civilian targets in Afghanistan and Pakistan, openly violating the territorial sovereignty of the latter with impunity.

There exists more than enough *prima facie* evidence to try President George Bush and former British Prime Minister Tony Blair for war crimes related to the destruction wrought in Iraq. When the Nazi leadership was tried in the aftermath of WWII, the charges for which they were convicted were "crimes against peace" and the launching of wars of aggression—the same essential crime that the US and British governments carried out against Iraq.

In fact, the US has declared the doctrine of preemptive war—a direct violation of international law and a justification for launching wars of aggression—to be a cornerstone of its foreign policy.

The US raises no objections to the innumerable human rights violations and killings carried out by regimes that have been, and continue to be, aligned with it. For example, American administrations, both Democratic and Republican, have systematically blocked every UN resolution criticizing Israel for its ongoing crimes against the Palestinians.

Charges of war crimes and human rights violations have become part of the arsenal of imperialist war propaganda. They were used to justify US and European interventions in the Balkans in the 1990s, aimed at breaking up Yugoslavia and weakening Serbia, culminating in the 11-week NATO air war.

In similar fashion, the tragedy in Darfur is being used today to condition public opinion for new imperialist military aggression. The call for intervention in Sudan

has been picked up and promoted by various protest groups, celebrities and newspapers, whose role, whatever the intentions of some of those involved, is to provide a "humanitarian" cover for the reactionary designs of US imperialism.

There are many indications that the Obama administration is taking a more aggressive stance toward Sudan than that which prevailed under the Bush administration. Writing in the *Washington Post* on March 5, the former Air Force chief of staff and co-chair of the presidential campaign of Barack Obama, General Merrill McPeak, called for the establishment of a no-fly zone over Sudan and hinted that it could be the first step toward a bombing campaign. Referring to Yugoslavia in the 1990s, he wrote, "[W]e ultimately saw that more vigorous action was needed to end that conflict. The same conclusion holds now for Darfur."

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