

# Tony Blair, the Iraq war and the international league of war criminals

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On December 13, a British judge withdrew an arrest warrant for war crimes issued against the former Israeli foreign minister and current leader of the opposition, Tzipi Livni. A lawyer representing 16 Palestinian plaintiffs sought her prosecution as a member of the war cabinet during Operation Cast Lead, the offensive against Gaza between December 27, 2008, and January 18 this year.

Some 1,400 Palestinians—the majority of them civilians, including 400 women and children—were killed. At least 5,000 people were injured and 21,000 homes were destroyed.

An arrest was thwarted because Livni was tipped off about the secret warrant and stayed away from Britain.

The reaction of the British government to the issuing of the warrant bordered on hysteria. It included both fawning personal apologies to Livni and promises by Prime Minister Gordon Brown, Foreign Secretary David Miliband and Commons leader Harriet Harman that the government would seek changes to British law that would prevent any warrant being issued in the future against Israeli officials.

There are obvious foreign policy reasons for Britain's rush to shield the government of Binyamin Netanyahu. Israel is a key Western ally in the Middle East and an influential voice in Washington. But there are other factors dictating the behaviour of Brown, et al.

On the same day that the warrant against Livni was cancelled, the BBC broadcast a television interview with former Prime Minister Tony Blair. In it, Blair was asked if he would still have supported the invasion of Iraq in 2003 if he had known that the Iraqi regime did not possess "weapons of mass destruction," as his government claimed at the time.

Blair at first skirted the question, but then said it would have made no difference. The issue of WMD

was only one of his concerns, he stated. "It was the notion of him [Saddam Hussein] as a threat to the region, the fact of how that region was going to change whilst he was there" that had motivated his actions, Blair said.

Even without WMD, "I would still have thought it right to remove him," he continued. "I mean—obviously, you would have had to use and deploy different arguments about the nature of the threat."

Blair went on to make clear that he had decided on a policy of pre-emptive war against a regime that had committed no hostile act with the aim of securing regime change. He told his interviewer that the issue at stake was whether the region would "evolve" in "the right way."

Blair's statements are grounds for his arraignment on charges of war crimes. In a legal case, they could be held up as *prima facie* evidence that he and his allies in the Bush administration are guilty of planning and carrying out a war of aggression.

His admission undermines his past efforts to provide a mask of international legitimacy for the Iraq war. He and the UK government could not officially commit to the Bush administration's avowed policy of regime change, because they had been warned of its illegality.

Instead, Blair and the British security services made the case that Iraq's supposed WMD presented a direct threat to Britain and its allies. On this basis, they argued that an invasion would be an act of self-defence, cynically citing United Nations resolutions on Iraqi disarmament, despite the failure of the US and Britain to obtain a resolution authorizing war from the UN Security Council.

It should also be noted that the week before Blair's interview, Sir John Scarlett, head of the Joint

Intelligence Committee at the time of the March 2003 invasion, told the ongoing Chilcot inquiry into the Iraq war that reports that Saddam Hussein possessed no weapons of mass destruction were sent directly to Blair before the invasion.

Blair's statements during his interview prompted Hans Blix, who led the United Nations inspectors looking into the WMDs claim, to state, "It sounds a bit like a fig leaf that was held up, and if the fig leaf had not been there, then they would have tried to put another fig leaf there."

Jonathan Steele, in the normally pro-Labour *Guardian*, observed, "Tony Blair's boast that he would have sought to remove Saddam Hussein even if he knew Iraq's president no longer had weapons of mass destruction brings fresh evidence that he probably committed a crime in going along with George Bush's invasion. It also puts the spotlight on Gordon Brown, David Miliband and the rest of the Labour cabinet of the time."

Steele pointed out recent precedents supporting a war crimes case against Blair. "In cases brought before the International Criminal Tribunal for Yugoslavia," he wrote, "political leaders who plotted large-scale illegal violence were described as collaborating in a 'joint criminal enterprise.'"

There is another legal precedent. At the end of the Second World War, the charges laid in the main trial at Nuremberg against 22 war criminals, including the Nazi Party leadership, were: participation in a common plan or conspiracy for the accomplishment of a crime against peace; planning, initiating and waging wars of aggression and other crimes against peace; war crimes and crimes against humanity.

The tribunal summed up its guilty verdict against the accused by explaining, "War is essentially an evil thing. Its consequences are not confined to the belligerent states alone, but affect the whole world. To initiate a war of aggression, therefore, is not only an international crime, it is the supreme international crime, differing from other war crimes in that it contains within itself the accumulated evil of the whole."

The Nuremberg principles were adopted by the International Law Commission of the United Nations to form the essential basis of international law, as embodied in the Geneva Conventions. These in turn

were substantially incorporated into British law by the Geneva Conventions Act of 1957.

Blair's admission, therefore, opens the entire Labour leadership, as well as a significant layer of the British political and military establishment, to possible prosecution for war crimes.

Little wonder that Brown and Miliband were so anxious to prevent a trial of Livni on war crimes charges. It is why, in the name of limiting the supposed "abuse" of universal jurisdiction, they are so anxious to remove from English law one of the central provisions laid down in the Geneva Conventions: the requirement that signatory nations "shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches" of the Conventions, "and shall bring such persons, regardless of their nationality, before its own courts."



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