

ICC orders arrest of Gaddafi as NATO bombings reach 100th day

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The International Criminal Court issued an arrest warrant against Libyan leader Muammar Gaddafi Monday as NATO's bombardment of Libya continued into its 100th day.

In addition, the ICC handed down arrest warrants for the Libyan leader's son Seif al-Islam Gaddafi and the Libyan regime's intelligence chief, Abjullah al-Sanoussi.

The orders were issued in response to a 74-page indictment handed to the court in May by ICC chief prosecutor Luis Moreno-Ocampo, who based the charges of crimes against humanity largely on testimony of the so-called rebels aligned with NATO and claims made by Western security agencies.

While maintaining the pretense that Gaddafi and the other two charged are innocent until proven guilty, the ICC presiding judge Sanji Monageng of Botswana said on Monday that there existed "reasonable grounds to believe" that Gaddafi and his son are "criminally responsible as indirect perpetrators" of the killing and repression of civilians. She maintained that similar grounds existed to believe that Sanoussi bore responsibility for directing alleged crimes, in particular in the suppression of anti-government resistance in the eastern Libyan city of Benghazi last February.

The arrest order alleges that "following the events in Tunisia and Egypt which led to the departure of their respective presidents in the early months of 2011, a State policy was designed at the highest level of the Libyan State machinery and aimed at deterring and quelling, by any means, including by the use of lethal force, the demonstrations of civilians against Gaddafi's regime which started in February 2011."

Concretely, it charges that, "within a period of less than two weeks in February 2011, the Security Forces killed and injured as well as arrested and imprisoned hundreds of civilians."

It is indisputable that similar indictments could be leveled against US-backed regimes and allies in the region that unleashed bloody repression in the wake of the events in

Tunisia and Egypt. This includes the al-Khalifa royal family in Bahrain (together with its accomplices in the Saudi monarchy) and Washington's long-time ally in Yemen, President Ali Abdullah Saleh. For that matter, Egypt's ousted US-backed President Hosni Mubarak could just as well be charged for crimes against humanity for the killing, torture and repression of thousands of Egyptians in the weeks preceding his downfall.

That no such indictments or arrest orders have been issued only underscores that the International Criminal Court is a pliant tool of the US and the other major imperialist powers in pursuit of "regime change."

The arrest order was immediately seized upon by the US and its European allies as well as NATO to justify their 100-day-old war of aggression against Libya. At the same time, it serves as a means of scuttling multiple ongoing attempts to broker a ceasefire and negotiated political settlement in the North African country.

NATO's secretary general, Anders Fogh Rasmussen, claimed that the arrest order "reinforces the reason for NATO's mission to protect the Libyan people from Gaddafi's forces," adding that "NATO is more determined than ever to keep up the pressure until all attacks on civilians have ended."

Rasmussen made the statement in the immediate aftermath of another NATO bombing raid which inflicted mass civilian casualties. According to the Libyan government, NATO warplanes struck the eastern oil port of Brega, striking a restaurant and a bakery, killing 15 Libyans and wounding another 20, including both workers and customers.

The pretense that the war is being waged to "protect the Libyan people" has been shattered by repeated strikes against Libyan civilian infrastructure and the deaths of hundreds of men, women and children. NATO warplanes have now completed close to 5,000 "strike sorties", attacking on average 50 targets a day.

The US admiral who heads NATO Joint Operations Command, Admiral Samuel Locklear, recently confirmed in

Congressional testimony that a principal aim of the US-NATO bombing campaign is the assassination of Gaddafi as a means of accomplishing regime change.

The online edition of *Foreign Policy* magazine, citing Republican Congressman Mike Turner of Ohio, a member of the House Armed Services Committee, reported that Locklear told the congressional panel last month that “NATO forces are actively targeting and trying to kill Gaddafi”. This is despite the Obama administration’s claims that it is acting under the mandate of the United Nations Security Council resolution authorizing a no fly zone and protection of civilians and is not pursuing regime change.

According to Turner, Locklear also told the committee that once Gaddafi’s assassination or overthrow was accomplished, “ground troops would be needed during the immediate period of instability.”

The White House and the US State Department hailed the ICC arrest warrants. “It’s another indication that he has lost his legitimacy,” said White House spokesman Jay Carney, referring to Gaddafi. “It’s another step in this process of holding him accountable.”

State Department spokeswoman Victoria Nuland said that the “court decision underscored the gravity of what we’ve been witnessing in Libya.” She added that the US “believes that the decision to refer the case to the ICC was the right decision, that the ICC has spoken now about the need for justice and accountability.”

What hypocrisy! The United States refuses to recognize the jurisdiction of the ICC and “unsigned” the Rome Statute, the treaty that created the body, to underscore its rejection of the court. Top US officials and members of Congress have regularly denounced it as a kangaroo court that endangers US sovereignty.

While the United States rejects the jurisdiction of the ICC, it has remained actively engaged with the body, both to use it as a weapon in the pursuit of its global strategic interests, as in Libya, and to curtail any attempt to use the court to review the crimes carried out by US imperialism.

Thus the Obama administration sent a delegation to the International Criminal Court Review Conference in Kampala last year with one key objective: to scuttle the attempt to expand the court’s jurisdiction to cover the crime of war of aggression.

In the aftermath of the Second World War, Washington endorsed the finding of the Nuremberg prosecutors of former leaders of Nazi Germany that aggressive war constituted “the supreme international crime, differing only from other war crimes in that it contains within itself the accumulated evil of the whole.”

In 2010, however, it argued from the standpoint of a militarist power that over the past decade has engaged in

aggressive war against at least five different countries: Afghanistan, Iraq, Pakistan, Libya and Yemen. In the end, it was able to limit ICC jurisdiction to those aggressor states that accept the court’s jurisdiction or cases referred to it by the United Nations Security Council, where Washington wields a veto.

Like the US, Libya also refused to sign on to the ICC. Unlike Washington, however, the Libyan government does not have a veto on the UN Security Council and therefore could be referred to the court by the council, three out of five of whose permanent members--the US, China and Russia--reject the court’s jurisdiction.

Before Washington would vote to refer the Gaddafi regime to the court that the US itself refuses to recognize, it secured a categorical exemption demanded by the Obama administration of any review of actions taken by the US military or government in Libya.

Moreno-Campo, the Argentine lawyer who serves as the ICC’s chief prosecutor, has a clear understanding of his role and of the court’s subservience to the interests of Washington. One of the classified diplomatic cables made public by WikiLeaks establishes that just three months after Moreno-Ocampo assumed his position as ICC chief prosecutor in early 2003, US diplomatic officials assured the State Department: “Privately, Ocampo has said that he wishes to dispose of Iraq issues.” In other words, the ICC prosecutor saw the need to throw out hundreds of complaints that had been brought to the body over the US war of aggression against Iraq.

Since then, as the US wars in Iraq and Afghanistan, together with the drone missile attacks in Pakistan and Yemen, not to mention the bombardment of Libya, have claimed the lives of hundreds of thousands of civilians, the ICC has found no reason to bring charges of “crimes against humanity” against the US government or issue arrest warrants for George W. Bush, Dick Cheney or Barack Obama.

Israel, which has also refused to recognize the court’s jurisdiction, has likewise been spared any indictments as it has pursued wars that claimed the lives of thousands in Lebanon and Gaza, while continuing the repression of entire populations in the territories it illegally occupies.



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