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Once again on war crimes and war criminals

On Wednesday, US President Joe Biden accused Russian President Vladimir Putin of being a war criminal.

This historically weighted charge was made as an off-hand remark. A reporter asked Biden if he thought Putin was a war criminal as the president was leaving a crowded event. “No,” Biden responded and shuffled off camera. The clip was cut and then Biden returned, asking the reporter to repeat the question. “Oh,” Biden said with a wave of his hand, “I think he is a war criminal.” His voice carried all of the seriousness of a man who changed his mind and decided he wanted a side of fries with his hamburger.



Former Presidents Jimmy Carter, Bill Clinton, Barack Obama, and George W. Bush

Biden's statement was in keeping with the incendiary and provocative language that Washington has repeatedly used to escalate the conflict with Russia over Ukraine. That Biden returned to the camera to make this statement demonstrates a calculated choice to personalize and heighten tensions for the purposes of propaganda. There is an irreversible character to such statements.

The accusation tossed off by Biden is among the gravest possible. Raised against the president of a country, the charge encompasses not simply culpability for acts of criminality during the conduct of the conflict, but rather the far greater crime of launching a war of aggression, a crime against peace. The launching of such a war is the ultimate cause of all ensuing bloodshed and war crimes.

Judged by this rigorous standard every American president of the past 30 years has been a war criminal.

The legal bases for this principle rest on the charges of war crimes brought against former leaders of Nazi Germany in the Nuremberg trials and former leaders of the Japanese Empire in the Tokyo trials at the end of World War II. The trials established the international legal principle that plotting and launching a war of aggression was "a crime against peace." This was enshrined as Principle 6(a) in the Nuremberg Principles by the United Nations Human Rights Convention in 1950.

The lead prosecutor at the Nuremberg trial in 1946, Robert H. Jackson, wrote, "If certain acts of violation of treaties are crimes, they are crimes whether the United States does them or whether Germany does them, and we are not prepared to lay down a rule of criminal conduct against others which we would not be willing to have invoked against us."

But while the United States was instrumental in drawing up these universally binding international legal precedents, Washington has since done everything possible to ensure that these principles never applied to its own actions.

The International Criminal Court (ICC) in The Hague was established in 1998 with the signing of the Rome Statute to prosecute crimes of genocide, war crimes and crimes of aggression. The United States for years delayed and obstructed the creation of this court,

and was one of seven countries that refused to sign its charter. While accusing Putin and its other geopolitical enemies of “war crimes” and even “genocide,” the United States rejects the authority of the ICC and refuses to acknowledge its jurisdiction over its political and military leaders, or any of its combatants.

Washington speaks of a “rules-based international order” with the voice of a pompous and crooked judge, arbitrarily imposing on the rest of the world laws that it flagrantly violates.

The wars launched by the United States in the last 30 years—Iraq, Yugoslavia, Afghanistan, Iraq again, Syria, Yemen, Libya—have all, by the Nuremberg definition, been wars of aggression plotted by war criminals. The violation of the Nuremberg Principles was codified as US policy in the National Security Strategy of the Bush administration in 2002, which asserted the right of the United States to take unilateral military action against another country without presenting credible evidence of self-defense.

Washington declared that it no longer needed to meet the historically established standard, born of the bloody experiences of two world wars, that the threat of imminent attack was necessary to justify military action. To assert that they perceived the possibility of a threat was sufficient grounds to justify invasion. War was the naked instrument of policy.

David North, chair of the International Editorial Board of the *World Socialist Web Site*, speaking at Trinity College in Dublin in 2004, argued that “the promulgation of the doctrine of preventive war in September 2002, and its implementation in March 2003 with the launching of an aggressive war against Iraq, represents nothing less than the unequivocal repudiation by the United States of the legal principles that were enforced against the Nazi ringleaders at Nuremberg and, therefore, the criminalization, in the full and most profound legal sense of the word, of American foreign policy.”

With manufactured claims of non-existent weapons of mass destruction and the universal mandate of a “war on terror,” Washington reduced entire civilizations of the Middle East and Central Asia to rubble. Millions died and millions more were driven from their homes.

Each of these wars was a crime against peace. Not one of these countries posed any threat to the United States. You could not ask for a more textbook definition of a war of aggression than those launched by Washington over the past 30 years.

The International Tribunal at Nuremberg in 1945 declared “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 only from other war crimes in that it contains within itself the accumulated evil of the whole.”

The wars of aggression of Clinton, Bush, Obama and Trump contained the accumulated evil of the torture in Abu Ghraib and Guantanamo, the drone bombing of children at play, villages leveled by precision missiles and refugees drowned in the Mediterranean. Baghdad crumbled beneath the shock and awe of unstinting US bombing; Fallujah burned with white phosphorus.

The American mass media is complicit in these crimes. They never challenged the government’s assertions, but trumpeted its pretexts. They whipped up a war-frenzy in the public. Pundits who now denounce Putin were ferocious in demanding that the United States bomb civilians.

George Will wrote in the *Washington Post* on April 7, 2004, “Regime change, occupation, nation-building—are a bloody business. Now Americans must steel themselves for administering the violence necessary to disarm or defeat Iraq’s urban militias...”

Thomas Friedman wrote in the *New York Times* in 1999 of the bombing of Serbia under Clinton, “It should be lights out in Belgrade: every power grid, water pipe, bridge, road and war-related factory has to be targeted... [W]e will set your country back by pulverizing you. You want 1950? We can do 1950. You want 1389? We can do 1389 too.”

Biden labels Putin a war criminal in the midst of a new media hysteria. Never referring to the actions of the United States, never pausing for breath, the media pumps out the fuel for an ever-expanding war.

If charges are to be made against Putin, whatever criterion is applied to him must be brought to bear against other leaders, and, above all, against the American presidents.

Hubris and hypocrisy stamp every statement from Washington with an audacity perhaps unique in world history. Its hands bathed in blood up to the elbows, US empire gestures at its enemies and cries war crimes.

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