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The International Criminal Court (ICC) Does Not Prosecute War Criminals

By Stephen Lendman

June 25, 2015



The International Criminal Court (ICC) was established to prosecute culpable individuals for crimes of war, against humanity and genocide.

Its mandate calls for “end(ing) impunity for the perpetrators of the most serious crimes of concern.”

US and Israeli officials are guilty of the highest of high crimes. Yet none of their officials ever were held accountable – not by their own courts or the ICC.

The international body operates on the principle of complementarity. It can only prosecute when governments won't or can't – even against officials of non ICC-member countries like America and Israel.

On December 31, 2000, Bill Clinton signed the Rome Statute of the ICC. Over 130 other countries are members. Clinton lied saying “(t)he US has a long history of commitment to the principle of accountability...and for bringing to justice perpetrators of genocide, war crimes, and crimes against humanity.”

America commits these crimes and others against one country after another, as well as persecuting its own most disadvantaged people in violation of international and constitutional laws.

It partners with the high crimes of key allies like Israel. When Bush succeeded Clinton, his Under Secretary of State for Arms Control and International Security John Bolton stripped off the mask of US accountability by unsigning the Rome Statute – an unprecedented political act.



More followed, including enactment of the American Service-Members Protection Act (the so-called Hague Invasion Act).

It prohibits providing funds to the ICC and authorized the president to use “all necessary measures (including force) to protect United States military personnel and other elected and appointed officials of the United States government against criminal prosecution by an international criminal court to which the United States is not party.”

At the same time, over 100 other nations were pressured to sign Bilateral Immunity Agreements assuring they'd never surrender a US official or soldier to the ICC.

The court functions as an imperial tool. It targets officials of Western designated states like Sudan's Omar Hassan al-Bashir, former Libya leader Muammar and his son Saif al-Islam Gaddafi.

Or special Western tribunals are established to accomplish the same thing – against Iraq's Saddam Hussein, Yugoslavia's Slobodan Milosevic, and Liberia's Charles Taylor among others.

The principle of universal jurisdiction (UJ) holds that certain crimes are too grave to ignore – including genocide, crimes of war and against humanity.

Under UJ, nations may investigate and prosecute foreign nationals when their country of residence or origin won't, can't or hasn't for any reason.

Israel used it to prosecute, convict and execute Adolph Eichmann. A US court sentenced Charles Taylor's son, Chuckie, to 97 years in prison.

Britain used a Spanish court provisional warrant to apprehend Chilean dictator Augusto Pinochet, hold him under house arrest for 18 months, and set a precedent, making other heads of state and top officials potentially vulnerable.

Pinochet's bogus ill health claim sent him home – damaged, disgraced but unaccountable. No one deserves impunity for high crimes demanding accountability. Article 7 of the Charter of the Nuremberg International Military Tribunal states:

“The official position of defendants, whether as Head of State or responsible officials in Government departments, shall not be considered as freeing them from responsibility or mitigating punishment.”

Following through is another matter entirely – never against Western or Israeli officials so don't expect justice now.

On April 1, Palestine joined the ICC. Months earlier, a court prosecutor began a preliminary investigation of violations “in the occupied Palestinian territory, including East Jerusalem since June 13, 2014” – focusing on Israel's 2014 summer Gaza war (Operation Protective Edge).

It's strictly procedural with no commitment for further action. Palestine intends filing crimes of war and against humanity charges against Israel at the ICC on or about June 25 - over last summer's Gaza war and illegal settlements.

ICC investigators are working to determine if Israeli crimes were committed warranting prosecution. A court statement said:

“As part of its preliminary examination activities, the Office of the Prosecutor conducts field visits as it has done in the past with other situations under preliminary examinations.”

“From the outset, the prosecutor has consistently made clear that the situation in Palestine will not be treated any differently from the others.”

“Therefore, the office as per normal practice, is considering a visit to the region during the course of its preliminary examination. Contrary to media reports, no date has been confirmed and further planning is required.”

UN Security Council members can delay ICC action up to two years. Russia and China indicated they’ll veto efforts to do so.

The Monday released UN Commission of Inquiry (COI) report and earlier independent investigations clearly proved grave Israeli high crimes against peace during last summer’s Gaza war.

It bears repeating. The ICC is a notorious imperial tool. Expect Palestinians denied justice like always. Expect no Israeli officials convicted of high crimes they committed demanding accountability.