

**Impressum**

Klaus Bung: The Glories of Democracy

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See documentation at the end of each version.

**EDITORIAL INTRODUCTION:**

It has been argued that the USA need not be subject to the newly established International Criminal Court because it is a democracy and democracies do not commit war crimes. Klaus Bung looks at this fond belief from a historical perspective.

## **Klaus Bung: The Glories of Democracy**

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Twenty centuries ago two men went to pray in the temple in Jerusalem. One was a holy man by profession, a Pharisee, the other was a bent tax collector, and he knew that he was a crook. Some say that the Pharisee was an American on a package tour to Jerusalem, but I cannot vouch for that.

The tax collector was a poor man, had six children, ailing parents, and his mother was suffering of cancer. They all needed food, clothes and medication. He had to pay their rent, and his wages were abysmally low. The only way for him to survive and look after his family was to squeeze more tax out of other poor people than they owed and to pocket some of it. The tax collector hardly dared enter the temple. He felt so unworthy. He was afraid of God seeing him and of all the good people in the temple jeering at him.

So he remained standing by the door of the temple, with downcast eyes, and just mumbled: 'Lord, I am a sinner, have mercy upon me and help my family'; and beat his breast and left.

The holy man knew that he was holy and therefore incapable of doing anything wrong and could look any upright citizen fearlessly in the eye. He said:

'In God I trust' and, hung all over with camera, camcorder, binoculars and mobile phone, he marched right up to the front of the temple where God and everybody else could see him and prayed: 'God, I thank you that I am not as other men are, extortioners, unjust, adulterers, tax evaders, dishonest accountants, speculators, or even as that tax collector.

'I fast twice in the week, my country gives generous aid to underdeveloped countries, we are a democracy and there is justice for everybody in our country, everybody has enough to eat, all races are treated equal, we love our black brethren, our soldiers are peace-loving and never harm a fly, neither at home nor abroad, Hiroshima didn't really happen or if it did, it wasn't done by a soldier but it was a scientific experiment, so it's not a war crime, and them bastards what died were yellow heathens anyway, so who cares, our Daisy Cutters are the best in the world, every gardener's delight, where they have been you don't need lawnmowers or weedkiller for at least a thousand years, hahaha, Lord-av-mercy, we embrace only just causes (and our own wives) and defend the weak all over the world. You are just, Lord, and I am sure you will reward me and my country generously for being so good, and you will punish all the bad people, especially the terrorists, drug addicts, and people who believe in a different God and who live in countries which are not nice and democratic as we are.'

Then he smiled at the Lord, felt very happy and left the temple. And the Lord smiled, for He is great and merciful, and knows a bigotted fool when he sees one. He would have said something but he couldn't get a word in edgeways, and even then, the holy man wouldn't have listened. He was far too holy for his own good - 'beyond redemption', as they say.

This incident was witnessed by Jesus and is written down in Luke's gospel (18:11-12), well, more or less.

Right now the righteous world is up in arms about the refusal of the USA to recognise the jurisdiction of the International Criminal Court (ICC). As a sovereign nation, the USA are entitled to recognise or not recognise the jurisdiction of any authority outside its own borders, and they are so strong that nobody can force them to do so. That distinguishes them from other, weaker, nations which might have similar doubts about the trustworthiness of an international court but are not strong enough to say what they think.

I have grave doubts about the reliability and impartiality of human justice (power and politics tend to come into play, especially on the international stage), however well intended, and therefore sympathise with the American stance. It is indeed possible that frivolous lawsuits are brought against American soldiers by the many people who do not like America, and this is even more likely since America, because of its military strength and at the behest of other nations, is involved in many peacekeeping, and other military, operations, about whose legitimacy there can always be a dispute.

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However, I do not like stupid and sanctimonious arguments, even if they support a stance which I understand.

On Sunday, 21 July 2002, on BBC Radio 4, the US ambassador to Great Britain, Richard Williamson, justified the American position on the ICC by saying: 'We do not think a US soldier would ever engage in an act which was a war crime.' Sancta simplicitas!

This is as naïve and daring as an American bishop saying: 'I do not think any Catholic priest would ever sexually abuse a teenage boy. Church law doesn't permit it.'

British and American politicians (both those in favour of the court, and those against) sometimes justify their views by saying: 'We are democracies. Democracies do not commit war crimes.'

The pro-ICC people conclude: Therefore we have nothing to fear from the ICC; therefore it may be recognised - to punish members of other nations.

The contra-ICC people conclude: Since we will behave well in any case, the court is not needed for our citizens and will only be used by others for malicious purposes. Therefore we should not recognise the ICC.

These innocents on both sides of the argument have forgotten the fact that even Athens, the cradle of Western democracy, was an imperialist power. It saw nothing wrong with slavery (second-class 'citizens'), committed its war crimes abroad (justice for us, injustice for foreigners), and coined the term 'barbarians' for those people of other races who spoke Greek with an Arabic or Indian accent. It proudly committed the first documented act of genocide on the Mediterranean island of Melos, which wanted to remain neutral during the war of Athens against Sparta.

The Athenians said, in the immortal words of American President George Bush Jr and his friend Jesus (Matthew 12:30): 'He who is not with us is against us.' They did not accept that the Melians had the right to remain neutral: 'Actions are governed by the principles of justice only if the parties concerned are equally strong. If the parties are not equally strong, the stronger party prevails.' Since tiny Melos trusted in the justice of its cause and did not give in, the Athenians besieged the island and eventually conquered it. 'The Melians surrendered unconditionally to the Athenians, who put to death all the men of military age whom they took, and sold the women and children as slaves. Melos itself they took over for themselves, sending out later a colony of 500 men.' (Thucydides, 5, 116). This happened 2,400 years ago, in 416 BC. The perpetrator was the world's first democracy.

The innocents who believe that democracies are incapable of war crimes also have forgotten that Britain has been a democracy for centuries, but that did not stop it during the colonial period

from committing many massacres and crimes against humanity in Africa and India. Have we democrats become saints all of a sudden?

The people I loathe most are not the criminals who know they are criminals, even if they enjoy what they are doing, but those bigots who think, who sincerely and stupidly believe, they (i.e. every bloody individual of their nationality) are a priori incapable of doing wrong.

This strikes me as an attitude which is too often found in America and makes the American establishment incapable of learning any lessons from 11 September (except that 'others' can be evil), but it is also found in British society when Britain compares itself with other races and cultures.

The 6,000 people killed in Manhattan on 11 September were incomparably fewer than the black, brown and yellow people killed under the white colonial regimes.

Between 7 October and 7 December 2001 over 3800 Afghan civilians died as a result of the American campaign, according to a research report by Professor Marc Herold, University of New Hampshire. This is partly due to the fact that the Americans do not wish to risk the lives of their own and democratic soldiers and therefore prefer to use overwhelming power from the air, which is inaccurate and increases the risk to Afghan civilians, whose lives are worth less than American lives. But these cannot possibly be war crimes because an act carried out by an American soldier or administration is, by definition, not a war crime, just like a tiger cannot commit murder.

Soon it will be the turn of the poor Iraqis to be initiated with Pentecostal tongues of fire into the democratic way of life. As a free sample they can already observe how Israel, the Western democracy nearest to them, behaves in the territories it has usurped, supported by the USA and its evangelical enthusiasts.

God save us from people who have tasted the apple of Adam and Eve and are so sure about what is good and what is evil in this world, who have the power to 'eradicate evil', and who are as convinced of their own innocence as are Osama bin Laden and his devotees are of theirs.

**DOCUMENTATION****SOME OF THE ATHENIAN ARGUMENTS  
(QUOTES FROM THUCYDIDES)**

... You should try what it is possible for you to get, taking into consideration what we both really do think; since you know as well as we do that, when these matters are discussed by practical people, the standard of justice depends on the equality of power to compel and that in fact the strong do what they have the power to do and the weak accept what they have to accept...

Actions are governed by the principles of justice only if the parties concerned are equally strong. If the parties are not equally strong, the stronger party prevails...

It is a general and necessary law of nature to rule whatever one can. This is not a law that we made ourselves, nor were we the first to act upon it when it was made. We found it already in existence, and we shall leave it to exist for ever among those who come after us. We are merely acting in accordance with it, and we know that you or anybody else with the same power as ours would be acting in precisely the same way...

The outcome:

'The Melians surrendered unconditionally to the Athenians, who put to death all the men of military age whom they took, and sold the women and children as slaves. Melos itself they took over for themselves, sending out later a colony of 500 men.' (Thucydides, 5, 116).

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#### **EDITORIAL INTRODUCTION**

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The USA have refused to recognise the new International Criminal Court, and I have some sympathy with that stance, for human justice is not always reliable and impartial, and power and politics and mischief come into play. America is involved in more international peacekeeping operations than other countries and is therefore more likely to be mischievously accused. However, I do not like silly and sanctimonious arguments.

The American ambassador to Great Britain said on BBC Radio 4: 'We do not think a US soldier would ever engage in an act which was a war crime.'

That is as naive and daring as if an American bishop were to say: 'I do not think any catholic priest would ever sexually abuse a teenage boy', or the politicians who actually do say: 'We are democracies. Democracies do not commit war crimes.'

Such people forget that the first great democracy, Athens, was also an imperialist power and committed the first documented act of genocide when it massacred all male inhabitants of the Mediterranean island of Melos it had attacked and conquered, sold the women and children into slavery and then repopulated the island with its own citizens. That happened in 416 BC.

Britain was a democracy when it exploited its colonies in Africa and India, killed many innocent people and committed acts which were no war crimes only because there was no war and the victims were not white.

Israel is a democracy and, inspired by the example of the USA, commits numerous war crimes in the territories it has usurped.

Democratic America has killed many innocent people in Afghanistan, almost as many as were killed in Manhattan on 11 September.

It is wrong and stupid to believe that our way of life is obviously and invariably superior to that of other races and cultures, and it is dangerous and provokes terrorism if a nation has, like America, the power to impose its ideology on others.

(end of article)

#### DOCUMENTATION

The following article appeared in THE GUARDIAN, London, on 12 June 2003, and is relevant to the above article. It is not intended for re-publication but is offered here for reference only.

#### THE GUARDIAN, LONDON, ON 12 JUNE 2003

##### US plays aid card to fix war crimes exemption

Ian Traynor in Zagreb  
Thursday June 12, 2003  
The Guardian

The US is turning up the heat on the countries of the Balkans and eastern Europe to secure war crimes immunity deals for Americans and exemptions from the year-old international criminal court.

In an exercise in brute diplomacy which is causing more acute friction with the European Union following the rows over Iraq, the US administration is threatening to cut off tens of millions of dollars in aid to the countries of the Balkans unless they reach bilateral agreements with the US on the ICC by the end of this month.

The American campaign, which is having mixed results, is creating bitterness and cynicism in the countries being intimidated, particularly in the successor states of former Yugoslavia which perpetrated and suffered the worst war crimes seen in Europe since the Nazis. They are all under intense international pressure, not least from the Americans, to cooperate with the war crimes tribunal for former Yugoslavia in the Hague.

"Blatant hypocrisy," said Human Rights Watch in New York on Tuesday of the US policy towards former Yugoslavia.

Threatened with the loss of \$73m (£44m) in US aid, Bosnia signed the exemption deal last week just as Slovenia rejected American pressure and cut off negotiations.

Of all the peoples of former Yugoslavia, the Bosnians suffered the most grievously in the wars of the 1990s, from the siege of Sarajevo to the slaughter of Srebrenica.

The Bosnians signed reluctantly, feeling they had no choice. Former Yugoslavia is particularly central to the US campaign to exempt Americans from the scope of the ICC because there are US troops in Bosnia and Kosovo.

Washington is vehemently opposed to the permanent international criminal court, arguing that US soldiers, officials and citizens will be targeted for political reasons, an argument dismissed by the court's supporters, who point out that safeguards have been built into the rules governing the court's operations.

Under President Bill Clinton, Washington signed the treaty establishing the court. But the US did not ratify the treaty and Mr Bush rescinded Mr Clinton's signature.

While the Slovenes have said no to the Americans, probably forfeiting \$4m in US aid, Croatia, Serbia and Macedonia are now being pressed to join the 39 other countries worldwide with which Washington has sealed bilateral pacts granting Americans immunity from war crimes.

"While the United States rightly insists that the former Yugoslav republics must fully cooperate with the [Hague tribunal], it is turning the screws on the very same states not to cooperate with the ICC," said Human Rights Watch.

Croatia is sitting on the fence, refusing to accept what the prime minister, Ivica Racan, dubbed "an ultimatum", but still hoping to reach a compromise with the US. The American ambassador in Zagreb published a letter in the Zagreb press last week warning that Croatia would lose \$19m in US military aid if it did not capitulate by July 1.

In Serbia, too, where the issue of war crimes is explosive, the US pressure is being attacked as a ruthless display of double standards.

The EU has sent letters to all the countries in the region advising them to resist the US demands and indicating that surrender will harm their ambitions of joining the EU.

Regional leaders are waiting to see what kind of offers or promises this month's EU summit in Greece makes to the region before deciding on their stance towards the ICC. One idea being floated is that the EU could make up the lost US aid money in return for Balkan refusal to toe the American line.

Although the eight east European countries joining the EU next year are expected to follow the Brussels policy and reject the US demands, the Poles in particular are also being pressed to reach an immunity deal with Washington.

Sources in Warsaw say that the US state department has made several requests in recent weeks for a deal by July 1. Poland is the biggest American ally in the region but has not yielded to the US requests.

(end of Guardian article)

### **BBC NEWS WEBSITE, 12 JUNE 2003**

#### **US pressure on Belgium: from BBC News website, 12 June 2003**

US attacks Belgium war crimes law  
US Defence Secretary Donald Rumsfeld  
Rumsfeld is not known for mincing his words

The United States has renewed controversy within Nato over Belgian legislation which makes foreigners vulnerable to prosecution for alleged war crimes.

American Defence Secretary Donald Rumsfeld warned that Washington would block further funding for NATO's new headquarters in Belgium until the legal threat was withdrawn.

US authorities have been outraged by complaints brought against General Tommy Franks - who commanded US forces in the Iraq war - and other officials under laws that allow Belgian courts to try war crimes wherever they are committed around the world.

In another development on Thursday, the United Nations Security Council granted US peacekeepers another year of immunity from prosecution by the International Criminal Court (ICC) by 12 votes to none.

Speaking after a meeting of NATO defence ministers in Brussels, Mr Rumsfeld said it did not "make much sense to make a new headquarters if you can't come here for meetings".

According to the BBC's Jonathan Marcus in Brussels, it was an unusual and blistering attack upon one of America's NATO allies - a sign that there are still some serious tensions that from time to time break through to the surface.

#### Belgian 'surprise'

The case against General Franks was filed by a left-wing lawyer on behalf of a group of Iraqis injured or bereaved in the war.

It followed similar complaints brought against former President George Bush, Vice President Dick Cheney and Secretary of State Colin Powell for their role in the first Gulf War.

#### Iraqi armour destroyed in the second Gulf War

The war in Iraq has heightened the Pentagon's sensitivity. Reacting to the US outcry, the Belgian Government rushed changes to the laws through parliament which mean any such complaints can be transferred to the country of the accused if that nation has a fair and democratic legal system.

Prime Minister Guy Verhofstadt referred the General Franks case back to the US last month, although the attorney Jan Fermon is appealing on behalf of the 19 Iraqis bringing the case.

Belgian Defence Minister Andre Flahaut said he was surprised by Mr Rumsfeld's warning, insisting the General Franks case had been rejected by his country.

Mr Rumsfeld has said American military and civilian officials need assurances they could come to Brussels without facing "harassment" from the Belgian courts.

#### UN endorsement

The US itself put forward the UN Security Council resolution which extends the immunity of states which have not ratified the

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ICC's founding statute from its jurisdiction for a second year from 1 July.

#### Reach of ICC

- 90 countries have ratified the Rome treaty that established the court
- 139 countries are signatories to the treaty

The extension was approved grudgingly as almost every speaker in the debate highlighted the unlikelihood of US peacekeepers ever being in a position where they were prosecuted by the court.

Three of the 15 Security Council members - France, Germany and Syria - demonstrated their disapproval by abstaining.

Earlier, UN Secretary General Kofi Annan warned that the legitimacy of peacekeepers would be undermined by recurrent extensions to their immunity from the jurisdiction of the ICC - the world's first war crimes court.

America is also currently drawing up agreements with individual governments which bar them from surrendering US nationals to the court and has signed nearly 40 such agreements to date.

#### 'Principle'

The deputy US Ambassador to the UN, James Cunningham, welcomed the approval of his resolution but added that, "like any compromise, [it] does not address all our concerns".

Germany, a principal proponent of the court, said its abstention was "a matter of principle".

Even the UK indicated it had differences with one of its closest allies over the issue.

"Whilst we understand US concerns about the International Criminal Court, we do not share them," said its Ambassador, Sir Jeremy Greenstock.

(end of BBC article)

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