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NATO's Libya War - A Nuremberg Level Crime

By Stephen Lendman

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The US/UK/French-led war on Libya will be remembered as one of history's greatest crimes. It violates the letter and spirit of international law and America's Constitution.

The Nuremberg Tribunal's Chief Justice Robert Jackson (a US Supreme Court Justice) called Nazi war crimes "the supreme international crime against peace."

His November 21, 1945 opening remarks said:

"The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored, because it cannot survive their being repeated."

He called aggressive war "the greatest menace of our times."

International law defines crimes against peace as "planning, preparation, initiation, or waging of wars of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing."

All US post-WW II wars fall under this definition.

Since then, America waged direct and proxy premeditated, aggressive wars worldwide, killing millions in East and Central Asia, North and other parts of Africa, the Middle East, and Europe, as well as Central and South America.

Arguably they exceed the worst of Nazi and imperial Japanese crimes

combined, including genocide, torture mass destruction of nonmilitary related sites, colonization, occupation, plunder and exploitation.

Third Reich criminals were hanged for their crimes. America's remained free to commit greater ones, notably today against Iraq, Afghanistan, Pakistan, Yemen, Somalia, Palestine, and the ongoing Libya atrocity - a scandalous "supreme international crime against peace," demanding justice not forthcoming.

In fact, US war criminals are considered *hostis humani generis* - enemies of mankind. War crimes are against the *jus gentium* - the law of nations. Established international law addressed them, including the UN Charter. It's unequivocal explaining under what conditions violence and coercion (by one state against another) are justified.

Article 2(3) and Article 33(1) require peaceful settlement of international disputes. Article 2(4) prohibits force or its threatened use. And Article 51 allows the "right of individual or collective self-defense if an armed attack occurs against a Member....until the Security Council has taken measures to maintain international peace and security."

In other words, justifiable self-defense is permissible. However, Charter Articles 2(3), 2(4), and 33 absolutely prohibit any unilateral threat or use of force not:

-- specifically allowed under Article 51;

-- authorized by the Security Council; or

-- permitted by the US Constitution only amendments ratified by three-fourths of the states can change.

In addition, three General Assembly resolutions also prohibit non-consensual belligerent intervention, including:

-- the 1965 Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty;

-- the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations; and

-- the 1974 Definition of Aggression.

Moreover, various post-WW II Conventions, including the four Geneva ones and their Common Article 1 obligate all High Contracting Parties to "respect and ensure respect for the present Convention in all circumstances;" namely, to apply its principles universally, requiring High Contracting Parties "search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts."

At Nuremberg, the concepts of individual and command criminal responsibility were addressed, the Tribunal Principles holding that "(a)ny person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment....(c)rimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit (them) can the provisions of international law be enforced."

The Rome Statute's Article 25 of the International Criminal Court (ICC) codified this principle, affirming the culpability of persons committing crimes of war and against humanity.

In addition, commanders and their superiors are specifically culpable if they "either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes, (and) failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecutions."

Moreover, Nuremberg established that immunity is null and void, including for heads of state, other top officials, and top commanders. Further, genocide, crimes of war and against humanity are so grave that statute of limitation provisions don't apply.

As a result, every living past and present US president, top and subordinate officials, and Pentagon commanders involved in war(s) should be prosecuted for their crimes before a special Nuremberg-type tribunal, holding them fully accountable.

Genocide, other forms of mass murder, targeted and indiscriminate destruction, and other crimes of war and against humanity are too intolerable to go unpunished.

Nonetheless, America and its conspiratorial allies commit them - today, horrifically against Libya, a small nonbelligerent country being terrorized, destroyed, and plundered lawlessly in the name of "liberation."

America is the lead offender, committing what its 1996 War Crimes Act calls "grave breaches," defined as "willful killing, torture or inhuman treatment, including biological (or other illegal) experiments, willfully causing great suffering or serious injury to body or health."

As a result, Libya is an ongoing atrocity, a Nuremberg level crime, one of history's greatest.

Yet on August 22, Obama had the audacity to say America, its "allies and partners in the international community (are committed) to protect the people of Libya, and to support a peaceful transition to democracy."

In fact, unspeakable war crimes are being committed to "protect the people of Libya." Included are civilians being terror bombed daily, to break their

morale, cause panic, weaken their will to resist, and inflict mass casualties and punishment.

However, Geneva and other international laws forbid the targeting of civilians. The Laws of War: Laws and Customs of War on Land (1907 Hague IV Convention) states:

-- Article 25: "The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited."

-- Article 26: "The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities."

Article 27: "In sieges and bombardments, all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes."

The besieged should visibly indicate these buildings or places and notify an adversary beforehand. Given today's intelligence and high-tech capabilities, belligerents can easily identify civilian and military targets.

Fourth Geneva Convention protects civilians in time of war. It prohibits violence of any type against them and requires treatment for the sick and wounded.

In September 1938, a League of Nations unanimous resolution prohibited the:

"bombardment of cities, towns, villages, dwellings or buildings not in the immediate neighborhood of the operations of land forces....In cases where (legitimate targets) are so situated, (aircraft) must abstain from bombardment" if this action indiscriminately affects civilians.

Long ago Washington trashed international and constitutional laws, planning for Libya what's ongoing in Iraq and Afghanistan - conquest, colonization, occupation, plunder and exploitation, excluding any form of democracy it reviles, including at home.

Major Media Scoundrels Lead Role in America's Wars

When America goes to war, its media are key, reporting disinformation, propaganda, managed news, and straight Pentagon handouts instead of real information, commentaries and analysis people deserve.

In the lead, The New York Times operates as the equivalent of an official information and propaganda ministry, posing as independent journalism.

August 24 was no exception, writers David Kirkpatrick and Alan Cowell headlining, "Qaddafi Defiant After Rebel Takeover," saying:

"Rebel fighters scoured Tripoli on Wednesday in their continued search for an elusive and defiant" (Gaddafi) after NATO landed them on Tripoli's shores with orders to terrorize and loot. They've taken full advantage, what Kirkpatrick and Cowell didn't explain.

Instead they gloated about a "rebel victory" very much not won, especially because nothing from Times or other major media reports is credible. Repeatedly they've been caught lying.

Other same day Times reports headlined:

"Libyans Rejoice in a Castle Filled With Guns and the Trappings of Power," referring to Gaddafi's Bab al-Aziziya compound they reportedly stormed with no verification of precisely what's going on.

"Waves of Disinformation and Confusion Swamp the Truth in Libya," referring mainly to what it calls "a republic of lies," not its own shameless daily propaganda, making everything it reports suspect, unreliable, or falsified.

"Airstrikes More Difficult as War Moves to Tripoli," ignoring NATO's ongoing terror bombing, including Apache helicopter gunships machine-gunning civilians on Tripoli streets, making it unsafe to be out when they're flying.

"After the Revolution, Hurdles in Reviving the Oil Sector," leaving unexplained Western plans for Libya's oil, excluding rivals China and Russia, as well as falsely calling Washington's insurgency a "revolution."

It's standard New York Times policy to represent wealth and power interests, betraying readers in the process who deserve better.

Fabricating Celebratory Tripoli Street Euphoria

On August 23, Metro Gael's Global Research.ca's article headlined, "The Libya Media Hoax: Fabricating Scenes of Jubilation and Euphoria on Green Square," providing another example of media lies, saying:

It "will surely go down in history as one of the most cynical hoaxes committed by corporate media since the manipulated pictures of Iraqis toppling Saddam Hussein's statue" after America's 2003 invasion.

Shamefully, Al Jazeera committed the latest fraud, airing fake live Green Square celebrations, its reporter, Zeina Khodr declaring, "Libya is in the hands of the opposition."

She lied and knew it. In fact, Al Jazeera's footage was "an elaborate and criminal hoax. The report had been prefabricated in a" Doha, Qatar studio.

Qatar is a NATO coalition member, its troops on the ground aiding insurgents along with US and UK special forces.

Libyan intelligence knew about the fake footage in advance, warning about it ahead of its release on "Rayysse state television."

The idea is old and familiar - to create an illusion of non-existent mass support for NATO and insurgents Libyans revile. It's done to diffuse popular resistance against them.

The full article can be read through the following link:

<http://www.globalresearch.ca/index.php?context=va&aid=26155>

It explains a classic PsyOps deception, this time aired by an alleged trusted source, showing it's as corrupted as the rest, lying instead of reporting accurately.

A Final Comment

Mahdi Nazemroaya is a friend, a Middle East/Central Asian analyst, a Center for Research on Globalization (CRG) research associate, and a regular Progressive Radio News Hour contributor.

Providing accurate reports from Tripoli, he got death threats. Two other friends - Lizzie Phelan and Franklin Lamb, as well as other independent journalists also faced recriminations for doing what corporate media scoundrels don't - their job.

In an email, Mahdi said: "I am afraid I will be executed in cold blood."

That's been the NATO-wrought danger in Libya, notably in Tripoli, being carpet bombed and strafed by helicopter gunships, machine-gunning civilians in cold blood.

On August 24, CRG Director Michel Chossudovsky wrote about Mahdi, saying:

In Libya for over two months, he was dedicated to "honest factual reporting, with a concern for human life, in solidarity with those Libyan men, women and children who lost their lives in bombing raids on residential areas, schools and hospitals."

He literally risked his life doing it, telling this writer he had to stay supportively for the people he so much cares about. That commitment goes way beyond good journalism and analysis. It's an expression of character too few others have.

Mahdi has it, so do Lizzie, Franklin, and other honest journalists who went to a war zone to report truths - fully, accurately, and courageously, "challeng(ing) the lies of the mainstream media," said Chossudovsky.

In so doing, they "threaten the NATO-media consensus," in the process jeopardizing their own safety.

NATO wants to make Libya an Orwellian society in which "War is peace. Freedom is slavery," and "Ignorance is strength." Orwell also said: "During times of universal deceit, telling the truth is a revolutionary act."

It's also a courageous one when done at great personal risk. Mahdi, Lizzie, Franklin, and others reporting accurately are true heroes, supporting Libyans and free people everywhere while putting themselves in harm's way.

It doesn't get any more heroic than that!

Note:

On August 24 at 4PM Tripoli time, the International Red Cross rescued (or negotiated the release of) over 30 journalists trapped inside the city's Rixos Hotel. A ship heading to Tripoli's seacoast will take them out of the country.

Reports from the London Guardian, CNN, and other corporate media sources falsely claimed Gaddafi loyalists held them hostage, when, in fact, they were threatened by insurgent hooligans.

Hopefully, they're now safe, but won't fully be until heading home out of harm's way.

An overnight email from Mahdi said:

"In the Corinthia Hotel now. Will head to Malta then home via Europe."

Further updates will follow.

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Also visit his blog site at sjlendman.blogspot.com and listen to cutting-edge discussions with distinguished guests on the Progressive Radio News Hour on the Progressive Radio Network Thursdays at 10AM US Central time and Saturdays and Sundays at noon. All programs are archived for easy listening.

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MainPage