



Star LAW analysis



LAW alter views

## The PoWs debate-America crying foul

LAW WATCH

NOTHING more clearly illustrates the double standard of America's war against Iraq than Washington's reaction to the news that US soldiers have been captured. Last Sunday, Secretary of Defence Donald Rumsfeld quickly invoked international law in condemning Iraq's treatment of American prisoners of war and its use of civilians as human shields. As soon as the Americans were shown on television, Rumsfeld denounced Iraq for violating the Geneva accords, which govern the treatment of prisoners of war. But Rumsfeld's hypocrisy here is enormous. For two years, the Bush administration has ignored and violated international law and thus has undermined the very legitimacy of the treaties and principles that constitute the law of nations.

### Camp X-Ray in Guantanamo

Rumsfeld ruled that PoWs captured by the Americans in Afghanistan more than a year ago have no rights, and can be caged like animals at Camp X-Ray in Guantanamo, Cuba. Footage of 300 PoWs airlifted out of Kabul - with bags over their heads and chains on every conceivable part of their body - was jubilantly shown on American TV. The pictures were posted on the Pentagon's website. That was OK. That was broadcast to satisfy the understandable American desire for revenge for the attack on the Twin Towers.

### The evil can do no 'right'!

Rumsfeld has criticised Iraq's use of civilians as shields against attack at its military and political facilities. Although he is right that this is despicable behaviour, he cannot legitimately invoke international law to govern how a war should be fought when the war itself is a clear violation of international law.



Yet, it is not OK for Saddam Hussein to take a leaf out of the Yankee book. When he does, he is "evil, evil" and his actions are an outrage. But 18 months on, the Pentagon's PoWs - including nine Britons - are held as hostages in Camp X-Ray with no access to lawyers or diplomatic representation. Tony Blair connived in their unlawful treatment, as last night he joined the chorus of condemnation of the Al Jazeera film. At least the relatives of Edgar from Texas and James Reilly from New York know where their loved ones are. At least they can hope for their release as part of any deal to end hostilities.

### The other side of the coin

What Saddam is doing is degrading. The Geneva Convention forbids the deliberate humiliation of PoWs. However, that equally applies to US led forces. Potential violations haven't only been on the Iraqi side.

Photographs and televised images of Iraqi prisoners in US custody have also been widely distributed in recent days. The Washington Post on

government and disarm it. Our war in Iraq fits in none of the prescribed situations where it is lawfully permissible.

### Two wrongs do not make a right

Legal experts say using prisoners of war for propaganda purposes is a violation of the letter and spirit of the Geneva Conventions, which set humanitarian rules for the conduct of war. The International Committee of the Red Cross, which monitors compliance with the Geneva accords, has urged both sides in the war to avoid the release of images of POWs to the media.

But two wrongs do not make a right, particularly in the moral maze of this war. The Americans cannot go round screaming "breach of convention" when it happens to their own, while they humiliate prisoners of the Afghan war on a daily basis. American culture seeks to deny suffering, Islam, a religion of the desert, almost revels in it. That's why this conflict is more than simply a clash of arms.

acts in close co-operation with the Christian fundamentalists, who now control the Republican party and who have a hidden anti-Semitic agenda.

The anti-Semites will point to another obvious fact: Israel is the only country in the world where not one single politician nor any part of the media has raised their voices against the war. While millions march all over the world, only one single anti-war demonstration, organised by Gush Shalom and some other peace organisations, has taken place in Israel. It attracted 2500 people.

In the struggle between Bush and world opinion, the government of Israel has chosen Bush. On the face of it, that seems sensible, since Bush has might on his side and sides with Sharon. But in the long run, it may turn out to be the wrong bet.

The pope's divisions

"How many divisions does the pope have?" Stalin asked sarcastically when told that the Holy Father objects to his actions. Today, the question is: how many divisions does world public opinion command?

All over the world, the public opposes the war. There is an immense majority against it even in countries whose leaders have joined Bush's "coalition". For the first time, there is something that can be called "world opinion".

Only the future will tell if this constitutes a real force. Thomas Jefferson, one of the fathers of American democracy, once said that no country could conduct its affairs without "a decent respect for world opinion."

Perhaps the 21st century will witness a struggle between the brute force of a mighty military-economic super-power and world public opinion, assisted now by modern technology.

Mercenaries

This is a war fought by mercenaries. The fighters are professional soldiers, the sons of the poor, many of them black. Therefore it is easy for middle class citizens, and especially the Republican voters, to approve of the war. It is not their sons who will be killed.

In the past, the European left demanded the abolition of the professional army and the introduction of general conscription. At the time, that was a "progressive" idea. When the left put on weight, it forgot all about it.

The Vietnam war was still fought by drafted soldiers. Resistance to the war grew when the body bags started to arrive. George W. Bush, who supported the war with all his heart, took no part in the fighting. Father arranged a job for him back home. He was just another shirker.

Jefferson again: "Indeed, I tremble for my country when I reflect that God is just."

Uri Avnery is a free-lance writer and analyst.

## FACT file

# Some critical thoughts about the war

### URI AVNERY

The troubles of the occupation will start after the fighting is over. Here is a personal story and its lessons:

On the fourth day of the 1982 Israeli attack on Lebanon, I crossed the border at a lone spot near Metulla and looked for the front, which had already reached the outskirts of Sidon. I was driving my private car, accompanied only by a woman photographer. We passed a dozen Shiite villages and were received everywhere with great joy. We extracted ourselves only with great difficulty from hundreds of villagers, each one insisting that we have coffee at their home. On the previous days, they had showered the soldiers with rice.

A few months later I joined an army convoy going in the opposite direction, from Sidon to Metulla. The soldiers were now wearing bullet-proof vests and helmets, many were on the verge of panic.

What had happened? The Shiites received the Israeli soldiers as liberators. When they realised that they had come to stay as occupiers, they started to kill them.

When the Israeli troops entered Lebanon, the Shiites were a down-trodden, powerless community, held in contempt by all the others. After a year of fighting the occupiers, they became a political and military power. The Shiite Hizbullah is the only military force in the Arab world that has beaten the mighty Israeli army.

Sharon is the real father of the Shiite force in Lebanon. Bush may well become the father of Shiite power in Iraq. The Shiites, 60% of the Iraqi population, have been until now down-trodden and powerless. When they will realise that the Americans intend to stay, they will start a deadly guerrilla. Bush does not intend to leave Iraq, as Sharon did not intend to leave Lebanon.

Then what? America will argue that Iran, the great Shiite neighbour, is behind the Shiite guerrilla. In Iran there is a lot of oil. That's the next target.

### Blood for oil

George Bush is a primitive man, but the people behind him are far from being stupid. They are the oil barons and the arms industry giants. They want to do what great powers have always done: use their military might in order to acquire economic hegemony. In simple words: to rob the poor peoples in order to enrich themselves even more.

The military occupation of Iraq will last many years and secure for America the control over the vast oil reserves of Iraq, as well as the Caspian Sea reserves and all the Arab oil. That will give it control over the world's economy and prevent the emergence of a competing, independent European economic bloc. America is fighting against Europe as much as against Iraq. That is part of the reason for Europe's angry response.

### Germany

Germany is against the war. Against any war. In no

other country was the anti-war outburst so authentic, emanating from the innermost feelings of the masses.

And who is furious about this? Israel, the country of the Holocaust survivors. How do they dare, these damn Germans, to object to the war?

A sad irony of history: all German TV stations show citizens, intellectuals and ordinary folk, who pray for peace, all Israeli TV screens show retired generals, obviously enjoying themselves, discussing with great relish how to employ giant bombs and other instruments of death.

### Intoxication of power

This is the first war of the 21st century, and it bodes ill.

That is what happened to the Roman Empire. That is what happened to Napoleon and Hitler. The intoxication of power knows no boundaries. And no one of these was in the situation of the United States now: alone in the world, without enemies that can stand up to it.

### A Jewish war?

The anti-Semites proclaim that this is not a war for American interests, but for Israel. As proof, they point to the group of American Jews that took a leading part in initiating this war, people like Paul Wolfowitz, Richard Perle and Douglas Feith at the Defence Department, Elliott Abrams at the National Security Council (as well as Ari Fleisher at the White House and even Dan



This century has inherited from its predecessor a world containing one sole super-power. America has no competitors, no possible combination of other forces can measure up to it. It can literally do what it wants, and now it is doing just that openly and brutally.

When America won its cheap and easy victory in Afghanistan, using smart bombs and suitcases filled with cash, it was clear it could not stop itself anymore. A huge machine like that wants to go on fighting and is searching for an enemy. Now it's Iraq. Who next? Iran? North Korea?

Kerzer, the US ambassador in Tel-Aviv). These people support Sharon and the extreme right in Israel, some of them speak Hebrew, a group of them has acted as advisors to Benjamin Netanyahu, when he became prime Minister. Together with the two non-Jews, Cheney and Rumsfeld, they pushed Washington into the war. Thus say the anti-Semites.

That is true by itself, but this is first and foremost a war for American interests. However, Bush and Sharon believe that American and Israeli interests are practically identical. The Jewish war group in Washington

## Invasion of Iraq US vs The world

SURESH JAURA

AFTER the "Moment of Truth" speech at Azores, it seems Bush realised the truth that in spite of all the 'arm-twisting and bribery' to get the support of the non-permanent nations, the U.N. resolution won't pass in the Security Council. Then came the Ultimatum to Iraqi President Saddam Hussein and his sons to leave Iraq with a deadline of March 19 at 8 p.m. thereby making Chief U.N. weapons Inspector, Hans Blix's report to an open session of the Security Council, on March 19, irrelevant. Within less than 2 hours of the expiry of the ultimatum, the U.S. led 'illegal and unjust' Invasion of Iraq, or Operation Iraqi Freedom, depending on what you call it, began with the launch of the first set of missiles to 'take out Iraqi leadership'. The propaganda and psychological war will go side by side, as was evident, with the first rumour about the 'death', 'defection' or 'capture' of Tariq Aziz, Iraq's Deputy Prime Minister, and his 'reappearance' to 'deny the American lie'.

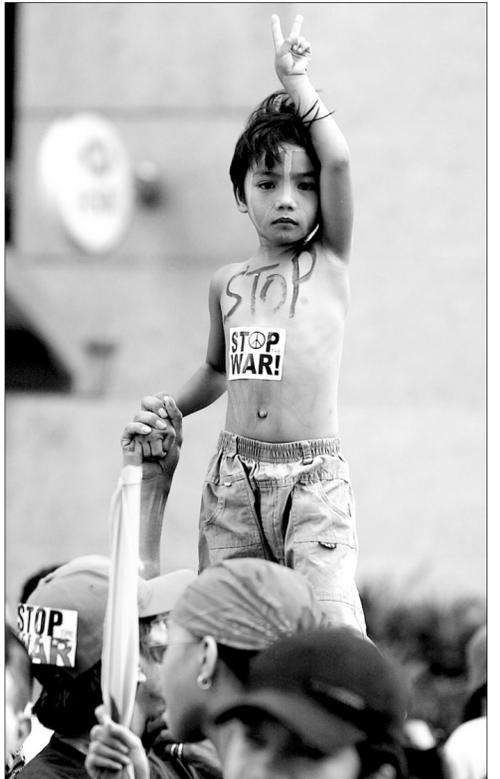
With the 'rolling of the dice' by Bush, the U.S. has added another nation to the list of nations that it has invaded since World War II. All the rallies around the world in the last few weeks against war on Iraq seem to have no meaning for Bush and his main supporter, Tony Blair. Bush's reaction to the world-wide anti-war demonstrations was, "Size of protest it's like deciding I'm going to decide policy based upon a focus group."

Bush, the born-again Christian, prays for God's Blessings for America and his war. "We are told that President Bush is a deeply religious man and as we know, it is indeed a dangerous and volatile cocktail when religion and politics are mixed," Toronto-area MP, Karen Kraft, said in the House of Commons.

"We must ask ourselves why a deeply religious man refuses to listen to the pleas from the world's religious leaders and the prayers of millions of protesters across the planet, including the prayers coming from the lips of American citizens," she said.

"War is never just another means that one can choose to employ for settling differences between nations," Pope John Paul II said in a reference to Iraq in his annual New Year address to diplomats accredited to the Holy See.

"War cannot be decided upon, even when it is a matter of ensuring the



common good, except as the very last option and in accordance with very strict conditions," he said. Even recently, the pope has been giving statements against any war. Nobody can doubt his commitment to religion.

Bush's assertion in his 4-minute speech from the Oval Office, immediately after the launch of missiles, that the U.S. "has no ulterior motive in Iraq" is not believed by anybody in the Arab world or the world at large. He is considered a "Bully on the Block".

Senator Edward Kennedy has this to say, "We can not be bully in the world's schoolyard and expect co-operation, friendship and support from the rest of the world."

According to an international poll, released by Paris-based, IPSOS group, of 1000 people each in each of the Group of Seven countries, Russia and Spain, majority of the people in most of the countries, feel that their leaders should not follow the foreign policy direction of U.S. foreign policy.

Is it any surprise that France, Germany and Russia, America's closest allies in Europe, have refused to support the U.S.? As for the 40 nations or so, which U.S. claims to be supporting it, "most of them are small, poor, with no power and dependent on U.S. in some or the other way... it is not a 'Coalition of the Willing' but a 'Coalition of the Coerced'," said John Kavanaugh of the Institute of Policy Research. Despite all the assertion of support and legitimacy, U.S., "the giant of the world, the mightiest power in the world", is up against the whole world in its latest adventure.

\*Suresh Jaura is the Publisher and Managing Editor of the South Asian Outlook e-Monthly, based in Toronto. He is also Managing Editor North America of the Global South. www.GlobalSouth.net.

### Corresponding Law Desk

Please send your mails, queries, and opinions to:  
 post - Law Desk, The Daily Star, 19 Karwan Bazar, Dhaka-1215; telephone 8124944, 8124955, 8124966; fax 8125155, 8126154; email dslawdesk@yahoo.co.uk; interactive email lawdesk20@hotmail.com