

Justice for Some: The Geopolitical Reality of Impunity

By Stephen Zunes

The extradition of former Yugoslav president Slobodan Milosevic to The Hague could be seen as a triumph for the worldwide movement for human rights. Never before has a sitting head of state been indicted for war crimes—nor been subsequently put to trial before an international tribunal.

However, this victory is tempered by several factors.

First of all, the Serbian government handed over Milosevic under extreme duress, violating Yugoslavia's high court ruling against such an extradition, so as to receive desperately needed foreign aid. On the one hand, it is a good precedent that the international community was willing to apply such pressure in order to bring a war criminal to justice. On the other hand, the aid money being withheld was largely reconstruction aid for which NATO countries had a moral and arguably legal responsibility to provide as a result of the widespread damage to the country's infrastructure during the eleven-week bombing campaign in 1999. Even long-standing proponents of the Kosovar Albanian freedom struggle were appalled at NATO's overkill attacks on civilian targets in Yugoslavia.

As a result, the Serbian population, many of whom would have been quite willing to have him put on trial within their own country, feel they are victims of a vengeful and hypocritical West. This may make it harder rather than easier for the Serbs to face up to their own moral responsibility for their country's role in the repression in Kosovo, Bosnia, and elsewhere.

A related problem is that there is no International Criminal Court in which to try war crimes. The United States has refused to support international efforts to create such a multilateral, permanent tribunal, insisting

instead on relying upon ad hoc arrangements to address war crimes in specific conflicts, such as in the Balkans. This creates the perception that Milosevic and other Serbian war criminals are being punished for being on the losing side of a war and for opposing the same Western powers that were largely responsible for setting up this tribunal.

Though Milosevic and other war criminals from the Balkans may be brought to justice through such proceedings, the perceived one-sided nature of the tribunal will not likely have the political impact as would a truly international and permanently constituted tribunal. As a result, Serbian nationalists and others will have a much harder time acknowledging the culpability of their leaders for war crimes and will make them more likely express their revenge than any regret.

Another problem is that United States, perhaps the strongest backer of The Hague Tribunal and of the Milosevic prosecution, has been among the biggest supporters of other governments led by war criminals. Though they have never been formally indicted, it is widely accepted that a number of U.S. allies, including Suharto, the former dictator of Indonesia, and current Israeli prime minister Ariel Sharon, have engaged in war crimes in recent decades.

Suharto oversaw the deaths of at least a half million Communists and other leftists during his ascension to power in 1965 and led his country's 1975 invasion of East Timor, resulting in the deaths of at least 200,000 civilians, one-third of the country's population. Throughout this period, the U.S. poured in hundreds of millions of dollars worth of military and economic aid, while top U.S. officials publicly denied atrocities by Indonesian forces.

Ariel Sharon, as a young commander in 1953, led a commando group that massacred 69 civilians in the Palestinian town of Qibbya. In the late 1960s, he oversaw the assassination of hundreds of Palestinians in the occupied Gaza Strip. As Defense Minister in 1982, he led the Israeli invasion of Lebanon, which included systematic attacks against civilian targets, and helped facilitate the massacre of 2,000 civilians by Phalangist militiamen in the refugee camps of Sabra and Shatila. His current government has engaged in gross and systematic human rights violations in the occupied territories and he has included in his cabinet advocates for the mass deportation of the

Palestinian population in Israeli-controlled territories. Despite this record, on February 13, the U.S. House of Representatives, in a near-unanimous vote, congratulated Sharon for his election victory. Sharon's government is the largest single recipient of U.S. foreign aid, including military equipment that has been used in attacks against civilians. Military aid to his government is scheduled to increase despite these gross human rights abuses.

The message seems to be that a war criminal will only be brought to justice if he challenges U.S. foreign policy prerogatives. If a war criminal is an American ally, he is not only safe but will be openly supported.

In short, the extradition and likely conviction of Milosevic will remain only a partial victory as long as the United States opposes the establishment of an International Criminal Court and uses the prosecution of war criminals as a sinister political tool, not as a universal principle of justice.

Stephen Zunes <zunes@usfca.edu> is an associate professor of politics and chairperson of the Peace & Justice Studies Program at the University of San Francisco. Zunes is also a senior analyst and the Middle East and North Africa editor at Foreign Policy In Focus.

The Republican Rule

<http://www.fpif.org/republicanrule/index.html>

Essays Include:

Robert Cutler
Karen Hansen-Kuhn
Chris Hellman
Neil Hicks
Chris Toensing
Tomas Valasek
Carol Welch
Ian Williams

A First Glance at Bush's Policy Toward Russia
Bush's Trade Policy: The NAFTA Express
What Can We Expect from the Penatagon?
The Bush Administration and Human Rights
Bush's Middle East Policy: Look to His Advisors
George W. Bush and the "Other" Europe
Republican Rule and the IFIs
The United Nations: Beating Around the Bush

And Many Others!

Profiles Include:

Richard Lee Armitage
Paul O'Neill
Richard N. Perle
Colin Powell
Condoleezza Rice
Donald Rumsfeld
George Schultz
Paul Wolfowitz
Ann Veneman
Robert B. Zoellick