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WHY WON'T THE ICC MOVE AGAINST TONY BLAIR ON WAR CRIMES?

European-directed Court goes after Sudan yet again, but refuses to open investigation into British violations of international law

The International Criminal Court's addition today of allegations of genocide against President al-Bashir of Sudan following a decision by the International Criminal Court's appeals chamber, will come as little surprise to observers of this largely European-financed and politically dominated organisation.

It is no coincidence that this announcement was made at a time when Tony Blair's illegal war against Iraq is once again in the spotlight because of the Chilcott inquiry into Britain's invasion of that sovereign country. It is extraordinary that the ICC prosecutor, Luis Moreno-Ocampo, has so far refused to open any investigations into well-documented allegations of war crimes committed by British forces during the course of the occupation. ICCwatch director, Marc Glendening, in the light of the ICC's decision, has written to Mr Ocampo to ask him to now justify his apparently selective commitment to the international rule of law.

ICCWatch claims that there is one so-called 'international law' for European and western countries, and their leaders, and another quite different legal standard for Third World nations such as Sudan and its President. So far the ICC prosecutor has only opened investigations on citizens coming from African countries. He refuses to even publicly account for why he will not investigate British politicians and military personnel.

It has often been said that the ICC is an instrument of European foreign policy designed to make highly selective, politically motivated interventions on behalf of western interests. Over 60% of the ICC's funding comes European countries, it works closely organizationally with the EU, and an overwhelming majority of its senior staff are Europeans.

In the case of Sudan, the ICC is attempting to facilitate regime change from outside by removing an elected head of state, even though there is no legal or moral justification for this.

Sudan, as a self-governing nation, free from British colonial rule since 1956, has not signed the Rome Statute, the treaty that brought the ICC into

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existence. Its citizens do not, therefore, according to article 34 of the 1969 UN Vienna convention on treaties, come under its jurisdiction. The Vienna convention, in keeping with articles 1 and 2 of the UN Charter guaranteeing the right to equal sovereignty of member countries, states that international treaties can only be binding on those countries that have signed them.

The United Kingdom has signed the Rome Statute and its citizens – such as Tony Blair – are subject to the ICC.

While it is somewhat convenient for Britain and other western powers that under the Rome Statute the ICC cannot investigate the supreme and traditional international crime of waging wars of aggression against sovereign nations – the basis of the Nuremberg trials following World War II – the ICC can investigate British citizens for war crimes and crimes against humanity in relation to Iraq during and since the 2003 invasion. Few expect that will ever do so.

The late UK foreign minister, Robin Cook, once famously said: "This is not a court set up to bring to book prime ministers of the United Kingdom or presidents of the United States".

For more information concerning *ICCwatch*'s critique of the International Criminal Court, please refer to **www.iccwatch.org**

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