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Fujimori's Lesson for Bush

by Jacob G. Hornberger

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If President Bush and Vice-President Cheney think that time is on their side with respect to crimes committed by their administration, this week's criminal conviction of former Peruvian President Alberto Fujimori should put those thoughts to rest. Returning to Peru in the hope of returning to power, Fujimori was instead put on trial and convicted of "crimes against humanity," including the killing of 25 people by military death squad.

Meanwhile, a Spanish judge, Baltasar Garzon, has opened a criminal investigation of six former Bush officials — Alberto Gonzalez, Douglas Feith, David Addington, John Yoo, Jay Bybee, and William Haynes — for torture allegations arising out of the Pentagon's operations at Guantanamo.

Garzon was the judge who secured a criminal indictment of former Chilean President Augusto Pinochet, which led to Spain's extradition request for Pinochet when he visited London. While the request was ultimately unsuccessful, Pinochet was detained in London for a year awaiting the final disposition of the request.

Some might argue that a Spanish judge has no legitimate jurisdiction over crimes committed by U.S. officials in Cuba or elsewhere. However, U.S. officials are going to be hard put convincing people of that argument.

Chuckie Taylor, the son of former Liberian President Charles Taylor, has just been sentenced in U.S. district court to serve 97 years in federal prison for torture crimes committed in Liberia. Thus, if the U.S. government has the power to prosecute, convict, and punish foreign officials for

torture crimes committed in foreign countries, how likely is it that the Bush people will convince a Spanish court (or any other foreign court) that U.S. officials cannot be put on trial for committing torture crimes in Cuba or elsewhere?

For many years, U.S. officials have endorsed the idea of an international criminal court for rulers who commit human-rights crimes. Well, except for one big exception — U.S. officials always made it clear that the court would apply only to foreign rulers, not U.S. rulers. The rationale was that the United States was different from everywhere else — here, public officials would not be able to escape justice for their crimes.

What nonsense!

Is there any effort by any U.S. Attorney's office in the country to initiate a grand-jury investigation into the torture allegations at Guantanamo, Bagram, Abu Ghraib, the CIA's black sites, and elsewhere? Is the Justice Department seeking the appointment of a special prosecutor or initiating its own criminal investigation?

Of course not. And President Obama, the self-proclaimed agent of hope and change, has already signaled his position, by essentially proclaiming: "Let's put the past behind us and move on."

Is it any wonder that so much of the world looks upon the U.S. government as a paragon of hypocrisy and double standards? How else can one look upon a regime that calls for an international criminal court for everyone else's rulers and immunity from its own rulers under the pretentious attitude of "Unlike others, we will prosecute and punish our own officials," and then, when evidence of criminal wrongdoing surfaces, proclaims "Let's put the past behind us and just move on."

My hunch is that Bush and his people will be excluding Europe from those speaking engagements that garner them hundreds of thousands of dollars. They know what happened to Augusto Pinochet. But even sitting at home here in the United States for the rest of their lives might not be totally safe in the long run. Just ask Alberto Fujimori, who just got sentenced to serve 25 years in jail for offenses committed some 15 years ago.