

War Criminals Must Be Held Accountable, Whether in Russia, the U.S. or Elsewhere

Thursday 24 March 2022, by [GOODMAN Amy](#), [MOYNIHAN Denis](#) (Date first published: 17 March 2022).

"I think he is a war criminal," President Joe Biden [said](#) Wednesday of Russian President Vladimir Putin. Biden was responding to a reporter's question following a White House event. Earlier, the International Court of Justice in The Hague, ruling on a complaint filed by Ukraine, directed Russia to "immediately suspend the military operations that it commenced on 24 February 2022 in the territory of Ukraine." The vote on the court was thirteen in favor, with Russia and China against. On the same day, International Criminal Court (ICC) Prosecutor Karim Khan visited Poland and Ukraine as part of his investigation into possible war crimes, crimes against humanity and genocide in Ukraine. His investigation bypassed the usual months-long authorization process at The Hague after 39 member nations of the ICC requested expedited action.

The Rome Statute, the UN treaty that governs the ICC, has 123 signatory nations, but neither Russia nor the United States is among them, rejecting the court's jurisdiction. Ukraine is also not a party to the ICC, but has allowed it to investigate events within its territory from November, 2013 onward, encompassing the violent Euromaidan protests and the ensuing armed conflict in the Donbas region.

"I wish to send a clear message," ICC Prosecutor Khan said in a statement. "If attacks are intentionally directed against the civilian population: that is a crime that my Office may investigate and prosecute. If attacks are intentionally directed against civilian objects, including hospitals: that is [also] a crime."

Accounts of the staggering brutality of the invasion increase daily. In Mariupol, a maternity and children's hospital was bombed last week. This week, also in Mariupol, the Donetsk Regional Theater of Drama was hit. Hundreds of civilians, including children, were sheltering there. The Russian bombardment of Ukrainian civilians has been wanton and relentless, and has included the use of [cluster bombs](#). Overall deaths among the civilian population are estimated well into the thousands. More than 3 million people have fled the country, with UNICEF estimating that the war has created one child refugee per second.

Shortly after Biden called Putin a war criminal, his administration walked back the statement. State Dept. spokesperson Ned Price and White House Press Secretary Jen Psaki said Biden was "speaking from the heart," while the official U.S. government process to assess war criminality was ongoing.

There is good reason for Washington officialdom to be circumspect with accusations of war crimes. If a man in the Kremlin can be charged with war crimes for ordering an illegal invasion, what is to stop the same charges from being levied against a man in the White House for doing the same thing? Former President George W. Bush did just that in 2003. Bush said in a statement on February 24th, "I join the international community in condemning Vladimir Putin's unprovoked and unjustified invasion of Ukraine."

Historian Andrew Bacevich knows a thing or two about war. He was a U.S. Army officer in Vietnam. His son, also an Army officer, was killed in Iraq in 2007.

“Not for an instant would I want to minimize the horrors that are unfolding in Ukraine today and the deaths and the injuries inflicted on noncombatants,” Bacevich [said recently on the Democracy Now! news hour](#). “But let’s face it, the numbers are minuscule compared to the number of people that died, were displaced, were injured as a consequence of the U.S. wars in Iraq and Afghanistan...in the vicinity of 900,000 deaths resulted from our invasion[s]. I understand that Americans don’t want to talk about that, don’t want to remember that, the political establishment wants to move on from that. But there is a moral dimension to the Ukraine war that should cause us to be a little bit humble about pointing fingers at other people.”

Indeed, Biden’s own Ambassador to the UN, Linda Thomas-Greenfield, had to [edit](#) her March 2nd remarks to the General Assembly. She said, “We have seen videos of Russian forces moving exceptionally lethal weaponry into Ukraine, which has no place on the battlefield. That includes cluster munitions and vacuum bombs – which are banned under the Geneva Convention.”

The phrase, “which has no place on the battlefield” was struck from the transcript, reflecting the U.S. refusal to sign the Convention on Cluster Munitions. The U.S. used cluster bombs in Vietnam, Laos, Cambodia, Iraq and as recently as 2009 in Yemen in an attack that killed 55 people.

If international law is to count for anything, it must be enforced equally. No one, in Russia, the United States or elsewhere, is above the law. The United States should join the civilized world and sign the international treaties on the ICC, cluster munitions, and landmines.

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