Kenya: AU and Arabs Protest Over Cheney Crimes

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The African Union and the Arab League seem fond of whining instead of acting. Their dealings with the International Criminal Court at The Hague illustrate.

Here are two cases. One is the 2009 UN Security Council-sanctioned ICC's indictment of Sudanese President Omar al-Bashir for crimes against humanity, war crimes, et al, in Darfur. The other is the ICC's indictment of Libya's Muammar Gaddafi early this year on similar charges.

In Al-Bashir's case, the AU argued Al-Bashir in custody would worsen the situation in Darfur and threaten Southern Sudan's inevitable march to secession.

Consequently, the AU officially rebuffed the ICC. A few member states followed suit; most remained a la The Beatles' "really nowhere man ... sitting on his nowhere place ..."

If by remaining free meant Al-Bashir would mend his ways in Darfur, evidence remains non-existent. In the case of Southern Sudan, Al-Bashir simply ran out of disruptive options.

On its part, the Arab League argued the ICC decision on Al-Bashir was "unbalanced." The Sudanese judiciary, the League also said, was competent to handle the crimes he allegedly authorized committed in Darfur.

That's stretching credulity. Any Sudanese lawyer or judge wagging a finger at Al-Bashir might as well have wished to become dinner for the Nile River crocodiles.

When it came to Gaddafi, the Arab League turned vengeful. Having long parted ways with Gaddafi, the League left his fit to his Brothers in black Africa, where he had self-styled himself "king of kings" and financially ingratiated himself as such.

In rebuffing the ICC, the AU argued that by authorizing the imposition of a no-fly zone in Libya, the Security Council stymied the organization's efforts to broker a settlement. After all, the Brother Leader had bought AU's road map, Inshallah!

However, it would appear from what AU Commission head Jean Ping said, the organization adopted a kindergarten-like tantrum. "If you don't want to listen to the continent as usual, we also are going to act unilaterally."

So far, other than using Cold War-type rhetoric about discriminatory Western powers domination of the Security Council and the developing nations, the AU and the League haven't presented a test case.
They have a guinea pig: Former US Vice President Richard Bruce "Dick" Cheney.

In his recently published memoir, Mr Cheney acknowledges assuring approval and use of torture, euphemistically "enhanced interrogation techniques."

While promoting the book, he has gloated as a canary that, Inchallah, ate a cat would.

Mr Jordan Paust of the University of Houston Law Center has argued, and he isn't alone, the admission is "clear evidence of complicity in international crime, if not also participation in a criminal conspiracy..."

Moreover, argues Paust, Cheney's role cannot legally be excused by any alleged doctrine of "necessity." He also cites US Federal statutes that are consistent with international laws on the issue.

The US isn't a signatory to the Rome Statutes. However, if any of Cheney-inspired techniques were applied in an ICC signatory state, a case against him qualifies.

What Ping & Co. need do is present such a case. That would force the Security Council and the ICC to belong "really somewhere, sitting on a specific place." As it is, this lot is just whining.