

IS AMERICAN DEMOCRACY HEADING TOWARDS TYRANNY ?

The Bush administration has misled the American people. It has been lying repeatedly for the past two years. This may not seem anything new to us but to the United States Congressional commission investigating the 9/11th 2001 attacks, it was. The commission has just concluded that there were no credible proof of any link between Osama Binladen's Al Qaeda network and deposed Iraqi president Saddam Hussain. There were failed 'public justifications' for the war – the existence of WMDs which were never found and the false notion that the war was about freeing Iraqis and the Middle East from tyranny (the latest polls show that 92% Iraqis regard US troops as occupiers) More than 10,000 Iraqis were killed on false evidence. But this does not prevent President Bush from denying facts, just like former Presidents Richard Nixon or Bill Clinton. In the home of law and order, an abrupt lie is often considered the only survival medicine by politicians. However, when the mighty do not abide by the law, tyranny is not far away.

Iraqi Prime Minister Iyad Allaoui gave an interesting example last week when he declared: *"The transfer of Saddam Hussain and of the others will take place in two weeks"*. An involuntarily comic reaction came first from the Coalition's spokesman Dan Senor: *"We cannot remit Saddam Hussain to a non sovereign government"*. More revealing stuff came from Bush, who said that there was no way of setting a timetable. *"Saddam Hussain will be remitted once it is deemed appropriate"*. This will be decided by Bush himself. Even after being transferred, Saddam will remain under US custody once transferred. How miserable Israeli premier Ariel Sharon appears! He had to appoint a personal friend, Menachem Mazuz, as an Attorney General to ensure that the corruption case against him was closed.

A more serious example of deviation from the law originated in a January 2002 memorandum written by White House legal adviser Alberto Gonzales. His recommendations were that the Taliban fighters captured in Afghanistan be excluded from the provisions of the Geneva conventions and the 1996 American federal law on war crimes. This actually was a starting point of a mechanism leading ultimately to the abuses of Abu Ghraib and other disclosed –and undisclosed- acts of torture at various places. In August 2002, the Wall Street Journal reports, the CIA was able to obtain agreement that its agents won't be pursued within the framework of the 'war on terror'. The legal argument was signed by the American justice department's highest authority, legal adviser Jay Bybee. Torture should be limited to *"acts of extreme nature"*, he wrote, and could notably be justified against the terrorists of Al Qaeda. Any kind of "interrogation" could go on because the US interpretation *"did not require sanctions for cruel, inhuman or degrading treatment"*. Nothing could then oppose a March 2003 Pentagon report attempting to find a legal basis for harsh treatment, even torture. The President could lead the war against terrorism 'with all available means' whereas Defence Secretary Donald Rumsfeld himself was approving a list of 17 'questioning techniques' that were undoubtedly... questionable. To the question *"Chain of command: can torture in Iraq be linked to the White House?"*, Britain's Financial Times answered last week as follows: *"Abuses of Iraqi prisoners at Abu Ghraib may not have been isolated events perpetrated by low-level soldiers, but were the consequence of a systematic Bush administration policy designed to extract information from reluctant detainees"*. The Bush administration shows a constant disrespect of international law. Why have Guantanamo, if not because the US courts would probably have no jurisdiction over detainees held at the base? Why were the Geneva conventions by-passed, if not to have a free hand as far as the handling of POWs was concerned?. Why the disdain for the new International Criminal Court, if not because American soldiers' immunity would no longer be protected always?

As Jeffrey Sachs of Columbia University recently wrote, “*no society is immune from sliding towards Barbary, irrespective of its level of development*”. The abuses of Abu Ghraib show what happens when one decides to by-pass international laws such as the Geneva conventions. The Bush administration supporters -apart from the ‘kill-them-all’ fanatics who still live in a world we hoped had disappeared- try to respond by explaining what is torture and what it is not. What happened in Abu Ghraib is ‘disgusting’ but ‘does not include any element of torture’, wrote the Wall Street Journal which considers that ‘stress positions are not torture either’. What should we make of the such definitions when Bush’s neo-conservative friends praise the efficiency of Israeli’s targeted assassinations of political leaders in Op-Ed columns?. But even more worrying is the final word of the editorial, after it concludes that the rules of interrogation ‘deserve debate’: “*But we sure wish the moralising critics would keep in mind that this is also a debate over how to protect the United States*”; that is the belief that the United States could be protected ‘at any cost’, and ‘with any means’ that is those which they are fighting themselves. Meanwhile, Rumsfeld may decide not to enter the names of some prisoners or to transform ‘unlawful combatants’ into ‘ghost detainees’ who may occasionally disturb him at night. Indeed, tyranny is not far off when the winners show a disdain for the law.

Luc Debievre, June 21st, 2004