

Waging aggressive war is a 'Nuremberg Crime'

Planning and initiating aggressive war is a "Nuremberg Crime," as was defined by the four-power agreement creating the International Military Tribunal, signed on Aug. 8, 1945 in London. This agreement, signed by the United States, Britain, France, and the Soviet Union, which is sometimes called the "London Charter," included the following provision:

"II. Jurisdiction and General Principles

"Article 6

"The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

"(a) *Crimes against peace*: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing; . . .

"(b) *War crimes*: . . .

"(c) *Crimes against humanity*: . . .

"Leaders, organisers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plans."

The first Nuremberg indictment, in October 1945, for the trials of the major Nazi war criminals, contained four counts: 1) Conspiracy, 2) Crimes against Peace, 3) War Crimes, and 4) Crimes against Humanity.

Count Two read: "All the defendants with divers other persons during a period of years preceding 8 May 1945 participated in planning, preparation, initiation, and waging wars of aggression which were also wars in violation of international treaties, agreements and assurances."

Twelve of the 22 defendants who were tried, were convicted on Count Two, in various combinations with other counts. Seven were sentenced to death by hanging, the other five were given sentences of imprisonment ranging from 10 years to life.

The principles of law recognized in the Charter of the Nuremberg Tribunal were incorporated into Control Council Law No. 10 for occupied Germany, and were formally affirmed by the United Nations General Assembly in 1946.

towns which Ethiopia would like to conquer—the British are counting on psychological warfare to tip the balance. Their gamble is that, if the international media project a convincing enough image of an invincible invading force, then people opposed to the government will be encouraged to rise up against it and overthrow it. The British agent who is functioning as the "political opposition leader," Sadiq al-Mahdi, thus issued calls, following the invasion, for the opposition to prepare to launch an uprising in the capital. Speaking to the United Arab Emirates weekly *Al-Shuruq*, on his way to Mecca, al-Mahdi said, "A popular uprising will erupt at a given time to rid Sudan of this regime. The opposition has started to get ready to take part in military action. The armed forces will play an important role." He continued, "If it is possible to get rid of the regime peacefully, so much the better. But I can say that none of Sudan's neighbors is disposed to support it any more." Contradicting earlier claims that he would preserve the unity of the country, al-Mahdi was quoted in other Arabic press, saying that a referendum with "our brothers in the south" would have to be held, because "we cannot take for granted that unity between north and south will continue, as if nothing had happened."

Thus, the military and political organization of the anti-Sudan war is, as the Foreign Office bragged in Kiley's *Times* piece, controlled by the British top-down. The only piece of camouflage in that account, is the inference that the United

States is the "enthusiastic" initiator, and the U.K., a mere follower.

The fallacies in British strategic thinking

But despite the arrogant bravado, the reality of the situation, even militarily, is not quite as Kiley or his Foreign Office higher-ups would have it. The situation of Egypt epitomizes the fallacies in British strategic thinking in this case. Sudanese Vice President al-Zubeir Mohammed Saleh, met with Egyptian President Hosni Mubarak on Jan. 16, in the course of his tour of Arab and Islamic capitals, to brief governments on the aggression. Following the closed-door session, Minister Saleh was reportedly pleased with the Egyptian response, which, he said, "underlined its support to the unity of Sudan. . . . The picture of what is going on following the Ethiopian invasion and on what is happening in east Sudan was clear to the Egyptians and the viewpoints were identical."

However, two days later, Mubarak himself announced, that he viewed the matter as internal "squabbling" among Sudanese, and categorically declared, "There is no Eritrean or Ethiopian attack or any foreign attack." Mubarak's about-face provoked anger, not only among the Sudanese, but also within Egypt, where an opposition rally, called on Jan. 19 to express solidarity with the Sudanese government's resistance, attracted up to 5,000 people. Jordan, Yemen, Iraq, the U.A.E., Qatar, Syria, numerous Arabic newspapers, and the