



International Injustice

Her name is Happy Mutesi, but hers has not been a happy life. She is the sole member of her family to survive the machetes, bullets, and bombs of the gruesome killing fields of Rwanda. In April 1994, she and about 75 other Tutsis were rounded up for a massacre by rampaging Hutus. Happy was holding her infant nephew, David, when the Hutus opened up on the trapped crowd with machine guns. Happy Mutesi recalls the horror that ensued: "I was shot in the arm and Baby David was shot dead. Then they went to get more bullets and hand grenades. They threw a grenade. I was hit by metal [shrapnel] in my feet and legs. Men checked to see if we were dead and took money from the bodies. I could feel someone searching my back pocket. When he pushed me over, he saw I was alive. I asked him not to kill me. Another man came and kicked me in the head so hard that blood came from my ears. He kicked me again...."



The only reason she survived, Mutesi told the audience assembled by the United Nations Association and the Southern California Working Group on the International Criminal Court, was because "a Hutu officer saw me and said he would help me because he was a Christian." Only she and one other Tutsi man emerged alive from the slaughter that day. Then began a long and harrowing journey through the civil war-wracked land before Happy eventually made her way to the United States for medical treatment. She now resides in Loma Linda, California, where she is studying to become a nurse.

She came to the luxurious Biltmore Hotel in Los Angeles on the evening of February 26 to make an appeal for justice to be served on those who carried out the genocidal slaughter in her native land.

The wave of carnage that consumed Happy Mutesi's family has taken upwards of a million lives in Rwanda and neighboring Burundi, as rival Hutus and Tutsis have traded barbarities against one another. Rivers have literally run red with blood, and bodies have been piled in huge mounds as ruthless armies and bands of armed thugs have butchered without mercy. Most of the murders — as many as 800,000 — were committed in just over 100 days in 1994, between April 7 and July 19, making the Rwandan genocide perhaps the most concentrated genocide of this bloody century.

One would have to have a heart of stone not to be moved by Happy Mutesi's story, and have a completely dead conscience not to be enflamed with a sense of outrage that the perpetrators of these horrendous crimes against humanity have gone unpunished. That, of course, is what the convenors of this auspicious "Symposium on an International Criminal Court" are banking on. Not that this audience of 400 would require a hard sell. This writer aside, the organizers of the event were preaching to the



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choir. The purpose of the occasion is to *mobilize* this choir for the culmination of an historic campaign in the weeks and months ahead — a campaign of which most Americans are blissfully ignorant, but which, if successful, will violently alter our constitutional government, undermine our national sovereignty, and profoundly affect our individual rights and freedoms.

Unbeknownst to the vast majority of Americans, the half-century campaign to establish a permanent International Criminal Court with compulsory jurisdiction over all nations is nearing the home stretch. After a final Preparatory Committee meeting from March 16 through April 3 in New York, a global treaty conference to establish the world tribunal will be held during June in Rome. Then begins the treaty ratification process. The advocates of the new International Criminal Court (ICC) believe that will be a slam dunk. They see no organized opposition to their well-oiled machine. In fact, the Republican leadership in Congress has already proven itself sufficiently “internationalist” in spirit, pushing through approval for NAFTA, GATT, the World Trade Organization, and vast new funding for UN “peacekeeping” operations. Ratification of the ICC treaty is viewed as a virtual *fait accompli*. The debate centers on just how much the internationalist architects of this totalitarian venture think they can get away with, and how much power can be ceded to the new court without waking the sleeping American public and engendering significant opposition.

President Clinton has made it known that his administration fully supports the creation of the ICC. David Scheffer, appointed by Clinton as the first-ever Ambassador at Large for War Crimes Issues, is one of many who have been stumping the country, preparing opinion molders for the upcoming treaty ratification vote in the Senate. “At the United Nations General Assembly in September, President Clinton called for an International Criminal Court by the end of the century,” Ambassador Scheffer told the Los Angeles Symposium. “The rule of law, which the United States has always championed and which is a core principle of the Clinton Administration’s foreign policy, stands at risk of being trampled by war criminals whose only allegiance is to their own pursuit of power. We believe that a core purpose of an International Criminal Court must be to impose a discipline of law enforcement upon national governments themselves to investigate and prosecute genocide, crimes against humanity, and war crimes; failing which the permanent court will stand prepared to undertake that responsibility. Just as the rule of extradition treaties is ‘prosecute or extradite,’ the rule governing the ICC must be ‘prosecute nationally or risk international prosecution.’”

In those few sentences, Ambassador Scheffer said a mouthful that should stir consternation in the soul of every American who holds dear the inalienable rights guaranteed in our Constitution. A “core purpose” of the ICC, he admitted, is to “impose” law enforcement upon national governments — that is, to try individuals accused of international crimes. Those crimes now being cited as the basis for the proposed tribunal are “genocide, crimes against humanity, and war crimes.” Such designations are sufficiently vague to make it entirely possible that American soldiers, sailors, and airmen serving in UN “peacekeeping” ventures could stand at risk of war crimes charges by rival political factions in the war-torn lands to which they are sent. Indeed, if this is truly an “international” court, could not American officials — mayors, governors, police chiefs, sheriffs, police officers, National Guardsmen — or private American citizens be charged with genocide for actions taken to protect lives and property during a race riot? This is not wild speculation; individuals and groups have indeed made such charges and called for UN intervention.

Scheffer confirmed during questioning that, “in the absolute sense, American citizens, under the theory of the Court, would be exposed to the possibility of prosecution” by the international body. However, he



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assured the symposium attendees, he and others in the Clinton Administration are keeping a “hawk eye” on that matter, because “we want to make sure decisions by our courts are honored by the ICC.” This concern is supposed to be addressed under the internationalist rubric of “complementarity,” said Scheffer. Under the principle of complementarity, Scheffer insisted, nation states will continue to have the “primary duty” of law enforcement and the administration of justice. However, in those instances where the nation state is “unable or unwilling” to enforce the newly defined international legal norms, the ICC would have overriding jurisdiction. Scheffer and other symposium panelists assured all that since the United States has the most highly developed civil, military, and criminal justice system, there is little need for Americans to worry about being hauled before the international court. The main purpose of the court would be to deal with circumstances in such tragic lands as Rwanda and Bosnia, where civil authority has broken down and where the “Big 3” crimes — genocide, crimes against humanity, and war crimes — are being committed with impunity.

As we have already mentioned, the definitions of those crimes are still in dispute. Beyond that, however, is the troubling fact that many other categories of crimes are likely to be added — either at the Rome summit or at some later date, perhaps after ratification of the ICC — which will drastically expand the court’s jurisdiction over many matters now considered to be under the jurisdiction of state and local governments.

In 1993, Senator Christopher Dodd (D-Conn.) introduced a resolution calling for the establishment of the ICC to combat “unlawful acts such as war crimes, genocide, aggression, terrorism, drug trafficking, money laundering, and other crimes of an international character.” Mikhail Gorbachev and other one-world luminaries have called for adding “ecological crimes” to the jurisdiction of the ICC. After all, Gorbachev remonstrated, as far back as the 1990 Global Forum in Moscow, “The ecological crises we are experiencing today — from ozone depletion to deforestation and disastrous air pollution — is tragic but convincing proof that the world we all live in is interrelated and interdependent.” “This means,” Gorbachev continued, “that we need an appropriate international policy in the field of ecology. Only if we formulate such a policy shall we be able to avert catastrophe. True, the elaboration of such a policy poses unconventional and difficult problems that will affect the sovereignty of states.”

The import of this proposal was not missed by *New York Times* columnist and fellow one-worlder Flora Lewis (CFR), who praised Gorbachev for going “beyond accepted notions of the limits of national sovereignty and rules of behavior.” Lewis was thrilled by Gorbachev’s “plan for a global code of environmental conduct,” which “would have an aspect of world government, because it would provide for the World Court to judge states.” This, she gushed with obvious delight, “is a breathtaking idea, beyond the current dreams of ecology militants.... And it is fitting that the environment be the topic for what amounts to global policing.... Even starting the effort would be a giant step for international law.”

The World Court to which Gorbachev and Lewis referred is the International Court of Justice (ICJ) at The Hague, of course. The World Court, or ICJ, was created under the United Nations Charter, ostensibly to settle amicably disputes between nations. Under new environmental and human rights treaties, the World Court is steadily gaining jurisdiction over vast new areas of international law. It would be entirely in keeping with this trend for the proposed ICC also incrementally to gain jurisdiction over individual “criminals” who have violated the UN’s environmental edicts. Various environmental spokesmen and non-governmental organizations (NGOs) at the United Nations have called for precisely this.

At present, however, the advocates of an ICC are focusing world attention on the supposed need for a



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world tribunal solely to deal with “genocide, crimes against humanity, and war crimes.” And they are pointing to the temporary criminal tribunals which have been established for Bosnian war crimes and Rwandan genocide as models for the proposed ICC.

The strategy is a familiar one: overwhelm reason with emotion. Over the next few months, the number of stories on war crimes and genocide will dramatically escalate in the establishment media. Happy Mutesi, and others like her who have survived the atrocities in Rwanda and Bosnia, will be featured witnesses before Congress, and will be scheduled on national speaking circuits to tell their heartbreaking stories before many local forums. A civilized world, we will be told, cannot tolerate such crimes against humanity. Nor can we continue to deal piecemeal with this growing problem, setting up ad hoc courts after the fact, as has been done for Rwanda and the former Yugoslavia. We must learn, we will be told, from those two recent experiences and establish a permanent court to deal with the ongoing problems of these heinous crimes in Rwanda, Burundi, Zaire, Sudan, Iraq, Somalia, Ethiopia, Croatia, Serbia, Guatemala, Chile, Sri Lanka, and elsewhere.

Before rushing headlong to establish this new global judiciary, however, we might pause to ask just how these vaunted ad hoc UN courts have functioned in Rwanda and Bosnia. Magnificently, one might suspect, from the near absence of criticism directed at their performance. Unfortunately, the ICC proponents have been pushing on an open door, with scarcely anyone but UN idolaters paying notice to its new brand of criminal justice. However, before you rejoice at the thought of a Saddam Hussein, Slobodan Milosevic, or Pol Pot being dragged before the international bar of justice, you might do well to consider what you, or one of your fellow American citizens, will face should you be so unfortunate as to run afoul of the growing UN constabulary. The New American’s William Norman Grigg, in his October 13, 1997 article on the International Criminal Tribunal for the former Yugoslavia (“Template for World ‘Justice’”) provides this frightening glimpse into what will surely be our future if the ICC is ratified:

You will not enjoy any of the procedural rights or immunities provided for in the Bill of Rights. There will be no trial by jury, the right to confront your accusers will be refused, no bail will be set, and the court will not be guided by a presumption of innocence. The prosecutors and judges will work in tandem under the same mandate, seeking the same results: the creation of historically binding precedents in “world law,” not the vindication of individual justice. Both the judges and prosecutors will be accountable to no one. The verdict will be handed down from a three-judge panel that may include jurists from Cuba, Bulgaria, Russia, or Red China, and the same court that renders a verdict will hear your appeal.

Your defense attorney — who will be provided by the court and given a tiny fraction of the budget used by the prosecution to create its case against you — will have no opportunity to interview the prosecution witnesses prior to the trial, and will not have access to unedited transcripts of the pre-trial testimony. Accordingly, he will not be able to establish whether a witness has altered or embellished his testimony. Not that this will matter in the long run, as the court will accept as “evidence” hearsay, double hearsay, and self-contradictory and speculative statements from witnesses.

During your trial, you will be surrounded by a phalanx of heavily armed security troops and treated as if your guilt had already been established.... You will be kept physically separated from your counsel, supposedly for “security” reasons, thus reinforcing the presumption of your depravity. You may even be called upon to provide evidence against yourself — and if you refuse to make a



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statement in the courtroom, this may be regarded as evidence against you. As the proceedings unfold, it will become clear that the UN Tribunal wasn't established to acquit those who stand before it. It was created to punish those thus arraigned.

This Kafkaesque nightmare is not hypothetical. Every element of the scenario has been realized by the UN's International Criminal Tribunal for the former Yugoslavia, which is intended to be a model for a permanent International Criminal Court....

As Grigg continues his report with facts from the cases being tried by the tribunal and interviews with Americans who have been observing or participating as legal counsel before the criminal court, it becomes clear that he has not overstated the awful dangers presented by this new treaty trap. Nikola Kostich, a defense attorney from Milwaukee, explained that a major part of the difficulty he faces in defending accused criminals before the UN tribunal is that the tribunal "is dedicated to the creation of precedents in international law, and in pursuing those precedents it is literally making up the law as it goes along." Equally troubling is the fact, says Kostich, that "at any given time, most of the 11 judges who either hear trials or appeals will be representatives of countries outside the Common Law tradition. Some of them come from communist or Islamic nations in which the systems are much more prosecution-oriented, and look upon a 'trial' as an exercise in fixing penalties, rather than weighing the facts to reach a verdict."

Of course, those familiar with the excesses and usurpations of our own federal judiciary realize that one needn't have Iranian mullahs or Cuban commissars behind the bench to wreak legal havoc. However, without any of the checks and balances that still remain of our tattered constitutional protections, and with judges sporting a totally alien concept of law and a predisposed animus toward Americans, being brought before a UN criminal court could, indeed, be worse than having to appear before an IRS tax court, or before your typical ACLU-minded judge in a federal court. To get some idea of what is at stake here, it might be instructive for Americans to see *Red Corner*, the recent suspense movie in which Richard Gere plays an American framed for a crime in Communist China and trapped in the hell of that nation's "justice" system. The film does not exaggerate the complete disregard for individual rights and due process typical of totalitarian and authoritarian regimes around the world. And, it is worth noting, the "rule of law" which American partisans of the ICC so sanctimoniously invoke, is a "rule of law" so terribly tortured as to acceptably "harmonize" international principles of jurisprudence by incorporating the worst legal features of these totalitarian and authoritarian regimes.

But what else should we expect? The price of getting Beijing, Moscow, Belgrade, Damascus, Baghdad, Havana, and other criminal regimes to sign on to the ICC is to make the ICC treaty and judicial process tyrant-friendly. These greatest practitioners of genocide, war crimes, and crimes against humanity have no fear of being trundled before an international criminal tribunal. Mikhail Gorbachev and Boris Yeltsin are not losing sleep over the possibility of being charged by ICC prosecutors for genocide and war crimes in Afghanistan or Chechnya. China's communist gerontocracy has not gained one grey hair fretting over the thought that the UN might put them on trial over their decades-long genocidal occupation of Tibet. None of the commissars of the "former" communist bloc countries has been put on trial for the crimes of their police state regimes. There has been no effort comparable to the "de-Nazification" program in Germany following World War II. Marcus Wolfe, former head of communist East Germany's dreaded secret police, has written a book and joined the international author circuit, appearing on *Larry King Live*, *Nightline*, and other major media venues.

Even Saddam Hussein, ostensibly a major target of the ICC, has little to fear from the UN court. After



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all, who is going to go arrest him? Ah, well, that's where the "enforcement" debate swerves into some sticky territory that the ICC proponents would prefer to avoid for now. If UN justice is not to be frustrated at every turn, it must have its own blue-helmeted police force to send after indicted criminals, or it must be able to draft *ad hoc* posses for the task. Which means, naturally, that the United States, as "the world's only remaining superpower," will have to play sheriff and provide most of the personnel and wherewithal for the ICC posse, whenever the UN beckons. Neither alternative — a standing UN global police force, or a U.S.-led posse at the constant beck and call of the UN — is likely to be attractive to Americans.

But surely, U.S. leaders, even in a Clinton Administration, are not so stupid as to sign on to something which is so manifestly adverse to American interests, are they? Unfortunately, the operating word here is not stupidity; it is perfidy. Those promoting the gadarene rush into the ICC's deadly waters are far from stupid. Indeed, they are celebrated as America's "best and brightest" in the fields of foreign policy, law, and diplomacy. Naturally, the leadership for this crusade to surrender our nation's sovereignty to the UN criminal court emanates from 58 East 68th Street in New York City, otherwise known as the Harold Pratt House, headquarters of the Council on Foreign Relations (CFR). In fact, without the CFR's inspiration, direction, guidance, and financial assistance, the impressive coalition of organizations now working to establish the ICC would not exist. The CFR's legal minds comprise what Professor Oscar Schachter has admiringly described as the "invisible college of international lawyers" who draft the international treaties, conventions, and covenants — and then provide the "expert testimony" which guides the legislative, executive, and judicial decisions implementing them. Among these are Professor Louis B. Sohn (CFR), coauthor of the world government blueprint *World Peace Through World Law*; international lawyer Jerome J. Shestack (CFR); Thomas Buergenthal (CFR), professor of law at George Washington University; and Richard N. Gardner (CFR), professor of law at Columbia University.

The key role of the CFR in the current ICC effort was clearly on display at the Los Angeles symposium in February. The moderator of the program was Edwin M. Smith (CFR), professor of international law at the University of Southern California and formerly an appointee to the U.S. Arms Control and Disarmament Agency by President Clinton (CFR). The main speaker for the program was Ambassador Scheffer (CFR), formerly an adjunct professor of international law at Georgetown University Law Center, President Clinton's alma mater. The program was sponsored by the United Nations Association; the World Federalist Association; Amnesty International; the American Civil Liberties Union; the American Bar Association; Friends of the United Nations; B'nai Brith; and the law firms of Gibson, Dunn, and Crutcher, and Milbank, Tweed, Hadley, and McCloy. CFR members play prominent, if not dominant, leadership roles in all of these organizations.

The World Federalist Association (WFA), a primary initiator and sponsor of the symposium, is headed by former Congressman John Anderson (CFR). The WFA, together with the Institute for Global Policy (IGP), provides leadership for the Coalition for an International Criminal Court (CICC), an amalgam of some 300 NGOs that provide a ready global lobbying force to provide rent-a-mob "consensus" for international treaties. The WFA/IGP tandem also runs the CICC's impressive Internet website, which helps keep the otherwise unwieldy aggregation of ICC activists marching in synch. According to the CICC website home page, "Substantial funding for the CICC communications project has been received from private foundations, progressive governments, participating organizations of the Coalition, and private individuals, including major grants from the European Union, the Ford Foundation, and the MacArthur Foundation."



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This does not surprise. The Ford, Rockefeller, Carnegie, and MacArthur Foundations (among others) that fall within the CFR orbit are the usual sources of funding for groups espousing one-world, socialist, Marxist, feminist, environmentalist, and other radical missions. In fact, if all of the other CICC organizations were as forthright about their funding, it would spare us the labor of poring through the foundation funding indices verifying what experience has taught us is a foregone conclusion. While we have not done an exhaustive analysis of all of the groups mentioned on the CICC roster, including the numerous foreign-based organizations, most of them, we are confident from past research, would be of little, if any, significance, were it not for the funding they receive from these foundations. They would not have the budgets to maintain full-time professional staffs, produce the plethora of reports and books, hold conferences and symposia, send delegations to international confabs, maintain stables of speakers for media and academic events, hire consultants and lobbyists, or any of the other myriad activities they engage in. The mention in the WFA-IGP-CICC funding statement of funds from “progressive governments” should be of interest, particularly in light of recent revelations of possible heavy funding to U.S. political campaigns from that “progressive government” better known as Red China. “Progressive government” has long been a euphemism of the Left for socialist and communist regimes. Are Russia, China, Cuba, Iran, Iraq, Syria, North Korea, Ukraine, and other similar paragons of jurisprudential virtue among the WFA-IGP-CICC donors? We asked the people at the WFA/IGP, which has its headquarters at 777 United Nations Plaza, conveniently across the street from the United Nations in New York. Their spokesperson did not have that information, but said he would get back to us with it.

It would make perfect sense for these regimes to fund such an enterprise. The necessity of world government is a fundamental tenet of Leninism firmly adhered to by Lenin’s disciples, who still hold the reins of power in Moscow, Beijing, and other communist bastions. Addressing the 1920 Congress of the Communist International, Lenin stated: “This task is the task of the world proletarian revolution, the task of the creation of the world Soviet republic.” The official “Program of the Communist International” adopted in 1928 called for “a World Union of Soviet Socialist Republics uniting the whole of mankind under the hegemony of the international proletariat organized as a state.”

The World Federalist Association may not indulge in such easily identifiable Marxist dialectics, but it pushes the same internationalist agenda. Under the heading of “Our Mission,” the WFA web site lists:

- “To work toward an effective ... federal system of global governance ... and authority over individuals as well as nations, that would have adequate power ... to deal with global problems.”
- “To move the world community beyond current norms of international law to a system of world law that applies to individuals as well as nation-states.”

The World Federalist Association is the U.S. branch of the World Federalist Movement, which bills itself as “an international citizen’s movement advocating the reform and strengthening of the United Nations, the development of international law, and the eventual formation of a world federation.” Toward that end, “WFM’s organizations actively educate the public and policymakers in their home countries about the need for empowered global institutions and strengthened international law.” The president of the World Federalist Movement is the renowned actor, author, and New Age “Planetary Citizen,” Sir Peter Ustinov, who has also distinguished himself as a shameless apologist for the genocidal policies of the criminal regimes in Russia and China.

Among the groups providing cadres for Comrade Ustinov’s ICC campaign are: Africa Church Information Service; International Travel Counsel; African Centre for Democracy and Human Rights



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Studies; International Women's House; All-Ukrainian Women's Society; the American Bar Association; Amnesty International; International Women's Rights Action Watch; Beyond Borders; The Carter Center; Lutheran World Federation; Maryknoll Society Justice and Peace Office; Center for Reproductive Law and Policy; National Association of Democratic Lawyers; OXFAM UK; Earth Action International; Parliamentarians for Global Action; Pax Christi International; Sisterhood Is Global Institute; Global Policy Forum; Gray Panthers; Vietnam Veterans of America Foundation; Washington Office on Latin America; International Association of Democratic Lawyers; International Association of Judges; International Commission of Jurists; Women's Action Group; International Council of Jewish Women; World Council of Churches; and the World Order Models Project.

The World Federalists have put a lot of their eggs in the ICC basket. In the words of William R. Pace, the Movement's executive director and principal convenor of the CICC, "one cannot overstate the enormous challenge governments have undertaken in adopting a schedule to complete negotiations for a statute establishing a permanent ICC by June 1998. We are truly on a path in which this could be the last major institution established in the 20th Century, and one of the most important in all of history." Coming from the recognized grand pooh-bah of world governmentalism, that's saying quite a mouthful.

The world government elitists at the CFR are rarely so candid. In the coming months, in fact, the CFR "Wise Men" can be depended upon alternately to deny outright, or greatly minimize, the fact that the ICC they have planned for us would ultimately supplant our legal system and constitutional protections with an alien UN tyranny. They will not remind us of the admissions against interest made by their globalist brethren during the 1993 Senate hearings on the ICC. At those hearings, Senator Jesse Helms (R-N.C.) asked Professor Cherif Bassiouni, one of the leading architects of the ICC, "What is the probability that member states [of the UN] such as Communist China and Iran and Libya, Syria, and observer groups such as the PLO, will be empowered to become key players in the establishment and operation of an international criminal court?" Bassiouni responded, "There is no guarantee against the election of an individual from any state by [the UN's] general assembly." Precisely. Every dictator and self-anointed "maximum leader" has an equal shot at providing judges, prosecutors, and other officers and personnel for the court.

Professor Bassiouni also addressed Senator Helms' concerns about ICC incursions on national sovereignty. According to the internationalist Bassiouni, in the new world order "traditional sovereignty-based arguments against the recognition or application of internationally protected human rights are no longer valid." Bassiouni, a professor of law at DePaul University and president of the International Human Rights Law Institute, asserted that "international human rights law can penetrate into areas that in the past have been deemed to be wholly within the realm of domestic law."

"Historically, the notion of sovereignty has been a bar to the application of international substantive legal norms to national criminal justice processes," said Bassiouni in his Senate testimony. "Over the course of time, however, the increasing influence of international regulation of armed conflicts and the development of international criminal law have broken through national sovereignty barriers."

But the CFR opinion cartel is not going to allow concerns over national sovereignty to derail their ICC train. Using their well-honed tactic of simultaneous pressure from above and pressure from below, the CFR's "invisible college of international lawyers" at the top, working in tandem with the CFR-directed WFA-CICC street activists at the bottom, intend to create an artificial "consensus" centered on the emotional hook of war crimes and genocide. What they are really after is a global court that can be used to batter down residual national barriers to full-blown world government.



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Photo of ICC building in The Hague, Netherlands

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