

Letter to World Citizens

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Where no man has gone before

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Can the World Court deal with the problem of world war?

Can it indict, prosecute and convict today's war criminals?

Can it declare war and its preparedness illegal?

Can it consider individuals as litigants?

Can it mandate world peace through law?

On February 12, I handed the International Court of Justice at The Hague a legal hot potato involving all the above questions.

If the World Court can't adjudicate these fundamental questions, what then is its purpose?

For the first time in judicial history, a petition from an individual applicant cites two heads of state, Konstantin Chernenko and Ronald Reagan, as war criminals under the Nuremberg Principles.

Martin Knottenbelt, a Dutch citizen and long-time advocate of the illegality of war, delivered my petition personally to the Court's Registrar on the evening of February 12.

In the petition, I asked the Court first for a writ of "world habeas corpus" in order to obtain legal standing before it. Second, even as a stateless person prohibited from entering the United States legally, I claim status as a person before the law, though the law in this case is international. I point out that if the fifteen judges presiding on the Court can pledge their fidelity to international law and this be recognized by it as subjects, then so can I.

Then, after exposing the case for wars illegality, I ask for a declaratory injunction citing Chernenko and Reagan as war criminals under the Nuremberg Principles. Also I seek their indictment under the Genocide Convention since their weaponry, being nuclear, is total and therefore genocidal. Lastly, I seek a Court Order for the implementation of art. 28 of the Universal Declaration of Human Rights calling for an "international and social order in which "the rights and freedoms set forth in this Declaration can be fully realized."

Since the Nuremberg trials a number of individuals have been accused in national courts of "war crimes" and "crimes against humanity." Adolph Eichmann's trial before an Israeli court is perhaps the best known, though international law did not deal with his kidnapping by Israeli agents from Argentina.

But never has an individual done the accusing and never has anyone since World War II been accused, The reason is simple. The crimes themselves are by legal definition international. The only court supposedly adjudicating this law is the International Court of Justice. But this Court, according to its own Statute, cannot accept petitions or suits from individuals, only from states.

If the World Court judges, however, reject my petition simply because I am an individual, first, they reject implicitly their own oath of office to international law which makes of them its subject; then they expose that "law" as a mere façade behind which world anarchy permits nations to threaten, prepare and wage war with one another, They also deny

Nuremberg and the convictions of Nazis and Japanese war criminals, In brief, they expose the World Court as a sham and a travesty, an expensive smoke screen behind which war is the main arbiter between exclusive states.

In legal terms, they would be declaring the World Court a fraud and their function fruitless.

How did this "legality" come about ? After World War II, war and its preparation were declared "crimes" by the Nuremberg Principles. Though all nations still claim the right to prepare and wage war, only individuals were cited responsible for such crimes, including heads of state. Then the Principles were classified in 1950 by the United Nations General Assembly as part of international law. But in the meantime, the same states via the UN had established their own court supposedly to adjudicate the law but specifically excluded individuals from having legal standing in it. That left **and leaves** state leaders like Reagan and Chernenko free to continue war preparations —in the sacred name of "national defense"— and war itself safe from any legal indictment by the aggrieved and victimized citizens. It's as if the Mafia of the world had declared dope peddling a crime, that individuals could be indicted, convicted and punished for the crime, then set up their own court to judge the culprits with the proviso that only the Mafia itself could bring suit.

How then do we break through this vicious cycle? Fact: Both Presidents Chernenko and Reagan are pointing a nuclear gun at me personally. Fact: While you, the reader, are no doubt a national citizen, I am not a citizen of any nation. Fact: If the gun goes off, I am dead. (So are you but, while not incidental to the monstrous fact, it is irrelevant to my petition to the ICJ.) Legal fact: If you point a gun at someone on any street of the world, you are committing a felony: threat to kill. Legal fact: According to Nuremberg, Reagan, Chernenko and I are all equally subject to the international law of Nuremberg.

The court established to adjudicate international law therefore now has its first case directly involving individuals.

If the petition is accepted, Dr. Luis Kutner, chairman of the Commission of International Due Process of Law and Chief Justice of the World Court of Human Rights, has agreed to act as my counsel.