

# Russia's Humanitarian 'Invasion'

**Exclusive:** Official Washington's war-hysteria machine is running at full speed again after Russia unilaterally dispatched a convoy of trucks carrying humanitarian supplies to the blockaded Ukrainian city of Luhansk, writes ex-CIA analyst Ray McGovern.

By Ray McGovern

Before dawn broke in Washington on Saturday, "Ukrainian pro-Russian separatists" more accurately described as federalists of southeast Ukraine who oppose last February's coup in Kiev unloaded desperately needed provisions from some 280 Russian trucks in Luhansk, Ukraine. The West accused those trucks of "invading" Ukraine on Friday, but it was a record short invasion; after delivering their loads of humanitarian supplies, many of the trucks promptly returned to Russia.

I happen to know what a Russian invasion looks like, and this isn't it. Forty-six years ago, I was ten miles from the border of Czechoslovakia when Russian tanks stormed in to crush the "Prague Spring" experiment in democracy. The attack was brutal.

Once back in Munich, West Germany, where my duties included substantive liaison with Radio Free Europe, I experienced some of the saddest moments of my life listening to radio station after radio station on the Czech side of the border playing Smetana's patriotic "Ma vlast" (My Homeland) before going silent for more than two decades.

I was not near the frontier between Russia and southeastern Ukraine on Friday as the convoy of some 280 Russian supply trucks started rolling across the border heading toward the federalist-held city of Luhansk, but that "invasion" struck me as more like an attempt to break a siege, a brutal method of warfare that indiscriminately targets all, including civilians, violating the principle of non-combatant immunity.

Michael Walzer, in his *War Against Civilians*, notes that "more people died in the 900-day siege of Leningrad during WWII than in the infernos of Hamburg, Dresden, Tokyo, Hiroshima and Nagasaki taken together." So the Russians have some strong feelings about sieges.

There's also a personal side for Russian President Vladimir Putin, who was born in Leningrad, now Saint Petersburg, eight years after the long siege by the German army ended. It is no doubt a potent part of his consciousness. One elder brother, Viktor, died of diphtheria during the siege of Leningrad.

## **The Siege of Luhansk**

Despite the fury expressed by U.S. and NATO officials about Russia's unilateral delivery of the supplies after weeks of frustrating negotiations with Ukrainian authorities, there was clearly a humanitarian need. An International Committee of the Red Cross (ICRC) team that visited Luhansk on Aug. 21 to make arrangements for the delivery of aid found water and electricity supplies cut off because of damage to essential infrastructure.

The Ukrainian army has been directing artillery fire into the city in an effort to dislodge the ethnic Russian federalists, many of whom had supported elected President Viktor Yanukovich who was ousted in the Feb. 22 coup.

The Red Cross team reported that people in Luhansk do not leave their homes for fear of being caught in the middle of ongoing fighting, with intermittent shelling into residential areas placing civilians at risk. Laurent Corbaz, ICRC head of operations for Europe and Central Asia, reported "an urgent need for essentials like food and medical supplies."

The ICRC stated that it had "taken all necessary administrative and preparatory steps for the passage of the Russian convoy," and that, "pending customs checks," the organization was "therefore ready to deliver the aid to Luhansk ... provided assurances of safe passage are respected."

The "safe passage" requirement, however, was the Catch-22. The Kiev regime and its Western supporters have resisted a ceasefire or a political settlement until the federalists deemed "terrorists" by Kiev lay down their arms and surrender.

Accusing the West of repeatedly blocking a "humanitarian armistice," a Russian Foreign Ministry statement cited both Kiev's obstructionist diplomacy and "much more intensive bombardment of Luhansk" on Aug. 21, the day after some progress had been made on the ground regarding customs clearance and border control procedures: "In other words, the Ukrainian authorities are bombing the destination [Luhansk] and are using this as a pretext to stop the delivery of humanitarian relief aid."

### **'Decision to Act'**

Referring to these "intolerable" delays and "endless artificial demands and pretexts," the Foreign Ministry said, "The Russian side has decided to act." And there the statement's abused, plaintive tone ended sharply with this implied military threat:

"We are warning against any attempts to thwart this purely humanitarian mission. ... Those who are ready to continue sacrificing human lives to their own ambitions

and geopolitical designs and are rudely trampling on the norms and principles of international humanitarian law will assume complete responsibility for the possible consequences of provocations against the humanitarian relief convoy.”

Despite all the agreements and understandings that Moscow claims were reached earlier with Ukrainian authorities, Kiev insists it did not give permission for the Russian convoy to cross its border and that the Russians simply violated Ukrainian sovereignty no matter the exigent circumstances they adduce.

More alarming still, Russia’s “warning” could be construed as the Kremlin claiming the right to use military force within Ukraine itself, in order to protect such humanitarian supply efforts and perhaps down the road, to protect the anti-coup federalists, as well.

The risk of escalation, accordingly, will grow in direct proportion to the aggressiveness of not only the Ukrainian armed forces but also their militias of neo-fascists who have been dispatched by Kiev as frontline shock troops in eastern Ukraine.

Though many Russian citizens have crossed the border in support of their brethren in eastern Ukraine, Moscow has denied dispatching or controlling these individuals. But now there are Russians openly acknowledged to have been sent by Moscow into Ukraine even if only “pilots” of “Russian military vehicles painted to look like civilian trucks,” as the White House depicted the humanitarian mission.

Moscow’s move is a difficult one to parry, except for those and there are many, both in Kiev and in Washington who would like to see the situation escalate to a wider East-West armed confrontation. One can only hope that, by this stage, President Barack Obama, Secretary of State John Kerry and the European Union realize they have a tiger by the tail.

The coup regime in Kiev knows which side its bread is buttered on, so to speak, and can be expected to heed the advice from the U.S. and the EU if it is expressed forcefully and clearly. Not so the fanatics of the extreme right party Svoboda and the armed “militia” comprised of the Right Sector. Moreover, there are influential neo-fascist officials in key Kiev ministries who dream of cleansing eastern Ukraine of as many ethnic Russians as possible.

Thus, the potential for serious mischief and escalation has grown considerably. Even if Ukrainian President Petro Poroshenko wants to restrain his hardliners, he may be hard-pressed to do so. Thus, the U.S. government could be put in the unenviable position of being blamed for provocations even military attacks on unarmed Russian truck drivers over which it has little or no control.

## **Giving Hypocrisy a Bad Name**

The White House second-string P.R. team came off the bench on Friday, with the starters on vacation, and it was not a pretty scene. Even if one overlooks the grammatical mistakes, the statement they cobbled together left a lot to be desired.

It began: "Today, in violation of its previous commitments and international law, Russian military vehicles painted to look like civilian trucks forced their way into Ukraine. ...

"The Ukrainian government and the international community have repeatedly made clear that this convoy would constitute a humanitarian mission only if expressly agreed to by the Ukrainian government and only if the aid was inspected, escorted and distributed by the International Committee of the Red Cross (ICRC). We can confirm that the ICRC is not escorting the vehicles and has no role in managing the mission. ...

"Russian military vehicles piloted by Russian drivers have unilaterally entered the territory controlled by the separatist forces."

The White House protested that Kiev had not "expressly agreed" to allow the convoy in without being escorted by the ICRC. Again, the Catch 22 is obvious. Washington has been calling the shots, abetting Kiev's dawdling as the supply trucks sat at the border for a week while Kiev prevented the kind of ceasefire that the ICRC insists upon before it will escort such a shipment.

The other issue emphasized in the White House statement was inspection of the trucks: "While a small number of these vehicles were inspected by Ukrainian customs officials, most of the vehicles have not been inspected by anyone but Russia." During a press conference at the UN on Friday, Russia's UN Ambassador Vitaly Churkin took strong exception to that charge, claiming not only that 59 Ukrainian inspectors had been looking through the trucks on the Russian side of the border, but that media representatives had been able to choose for themselves which trucks to examine.

Regardless of this latest geopolitical back-and-forth, it's clear that Moscow's decision to send the trucks across the border marked a new stage of the civil war in Ukraine. As Putin prepares to meet with Ukrainian President Poroshenko next week in Minsk and as NATO leaders prepare for their summit on Sept. 4 to 5 in Wales the Kremlin has put down a marker: there are limits to the amount of suffering that Russia will let Kiev inflict on the anti-coup federalists and ethnic Russian civilians right across the border.

The Russians' attitude seems to be that if the relief convoys can be described

as an invasion of sovereign territory, so be it. Nor are they alone in the court of public opinion.

On Friday at the UN, Russian Ambassador Churkin strongly objected to comments that, by its behavior, Russia found itself isolated. Churkin claimed that some of the Security Council members were “sensitive to the Russian position among them China and the countries of Latin America.” (Argentina and Chile are currently serving as non-permanent members of the Security Council.)

### **The Polemic and Faux Fogh**

Charter members of the Fawning Corporate Media are already busily at work, including the current FCM dean, the New York Times’ [Michael R. Gordon](#), who was at it again with a story titled [“Russia Moves Artillery Units Into Ukraine, NATO Says.”](#) Gordon’s “scoop” was all over the radio and TV news; it was picked up by NPR and other usual suspects who disseminate these indiscriminate alarums.

Gordon, who never did find those Weapons of Mass Destruction that he assured us were in Iraq, now writes: “The Russian military has moved artillery units manned by Russian personnel inside Ukrainian territory in recent days and was using them to fire at Ukrainian forces, NATO officials said on Friday.”

His main source seems to be NATO chief Anders Fogh Rasmussen, who famously declared in 2003, “Iraq has WMDs. It is not something we think; it is something we know.” Cables released by WikiLeaks have further shown the former Danish prime minister to be a tool of Washington.

However, Gordon provided no warning to Times’ readers about Rasmussen’s sorry track record for accuracy. Nor did the Times remind its readers about Gordon’s sorry history of getting sensitive national security stories wrong.

Surely, the propaganda war will be stoked by what happened on Friday. Caveat emptor.

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## **Judging Israeli-Palestinian Demands**

Neither side in the Israeli-Palestinian conflict wants to accept a return to the

status quo prior to the latest bloodshed, but there are differences between the reasonableness of the conflicting demands and how the world should see them, as John V. Whitbeck explains.

By John V. Whitbeck

After the breakdown in the six-day “pause” to permit negotiations on a long-term Israeli-Palestinian ceasefire and the resumption of Israel’s onslaught against the caged people of Gaza, concerned people everywhere are wondering how the conflicting demands of the two sides can possibly be reconciled when each side feels a compelling need to achieve some gain to justify its sacrifices.

On the Palestinian side, there are over 2,000 dead, over 10,000 wounded and massive destruction of homes and infrastructure and, on the Israeli side, 64 dead soldiers and two dead civilians. Neither side wants to agree to anything that its own people could view as accepting failure or defeat.

Considering the reasonableness or unreasonableness of the respective demands may assist any foreign governments which are genuinely interested in ending the infernal cycle of violence and making progress toward a durable peace with some measure of justice to decide which side they should be seeking to convince or compel to be reasonable.

Is it unreasonable to demand, as Palestine does, that residents of Gaza be permitted to leave their cage; to build a proper port; to rebuild their airport (destroyed by Israel in 2002); to farm their fields, even within three kilometers of their border with Israel; to fish their waters more than three nautical miles offshore; to export their produce and to import basic necessities?

Additionally, is it unreasonable to demand that the 61 Palestinians released in the Shalit prison swap and effectively kidnapped by Israel soon after the kidnapping in the West Bank of three young settlers be re-released?

This is all that Palestine has been demanding. To what other people could such modest demands be denied, as they have been throughout seven years of siege and blockade?

On the other hand, is it reasonable to demand, as Israel does, that, prior to any definitive agreement ending the occupation, Gaza be completely “demilitarized”, thereby stripping its people of any means of resisting their 47-year-long occupation (a right of resistance to foreign occupation being recognized by international law) or even of reminding a world which has preferred to ignore them of their miserable existence.

A high degree of “demilitarization” of the State of Palestine might well be agreed to in a definitive agreement ending the occupation, since Palestinians would not wish to give Israel any future excuse to re-invade and re-occupy Palestine, but what is needed now is not acquiescence in the occupation but the end of the occupation.

For the Israeli government, the best result that it can now realistically hope for is to maintain the status quo ante (including the siege of Gaza) and to again get away with murder, and, with Western powers exerting enormous pressures on Palestine not to join the International Criminal Court or otherwise seek recourse to international law to protect the Palestinian people, Israel should be able to achieve this simply by not agreeing to anything with the Palestinians. Such a result would clearly be unjust and unsatisfactory for Palestine and ensure yet another round of death and destruction in the near future.

Only serious and principled outside pressure on Israel to accede to most of the reasonable Palestinian demands, accompanied by credible threats of meaningful adverse consequences for Israeli obstinacy, would offer any hope of achieving a win-win result which could make yet another replay of this latest onslaught unlikely. Unfortunately, with the United States, the major European states and Egypt all firmly aligned on Israel’s side, any such serious and principled pressure is difficult to imagine in the absence of some game-changing Palestinian initiative.

With a view to saving Israeli face while ending the siege of Gaza (and subsequently the occupation of the entire State of Palestine), the Palestinian leadership should publicly request the deployment of UN, U.S. or NATO troops to both Gaza and the West Bank to protect both Israelis and Palestinians from further violence pending a full Israeli withdrawal from the occupied State of Palestine.

Neither Israelis nor Palestinians will have peace or security until the occupation ends on either a decent two-state or a democratic one-state basis, and the current round of Gaza massacres may have produced a moment when even Western governments, notwithstanding their knee-jerk pro-Israel public pronouncements, are conscious of this reality and could, if given a significant prod and incentive to act on this consciousness, actually do so.

**John V. Whitbeck is an international lawyer who has advised the Palestinian negotiating team in negotiations with Israel.**

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# Seeking Accountability for Gaza

Israel and the Obama administration insist that Israel's recent slaughter of Palestinians in Gaza was justified by indiscriminate rocket fire from the blockaded area, but some international law advocates think the disproportionate response justifies prosecution of Israeli and U.S. officials for war crimes, says Marjorie Cohn.

By Marjorie Cohn

The National Lawyers Guild (NLG), Center for Constitutional Rights, International Association of Democratic Lawyers, Arab Lawyers Union, and American Association of Jurists (Asociacion Americana de Juristas) sent [a letter](#) on Friday to Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), urging her to initiate an investigation of war crimes, genocide, and crimes against humanity committed by Israeli leaders and aided and abetted by U.S. officials in Gaza. Under the Rome Statute, the ICC has the power to hold individuals criminally accountable for the most serious of crimes.

"In light of the extreme gravity of the situation in the occupied Gaza Strip, in particular the large number of civilian casualties and large scale destruction of civilian property, including schools, mosques and hospitals, and the ongoing incitement to genocide perpetrated by Israeli political figures and leaders, the [NLG] and endorsing organizations strongly urge the Office of the Prosecutor to use its power under Article 15 of the Rome Statute to initiate a preliminary investigation" of crimes within the ICC's jurisdiction.

"[Under the Rome Statute, an] individual can be convicted of a war crime, genocide or a crime against humanity . . . if he or she 'aids, abets or otherwise assists' in the commission or attempted commission of the crime, 'including providing the means for its commission'," the letter reads.

"By transferring financial assistance, weapons and other military aid to Israel, members of the U.S. Congress, President Barack Obama and Defense Secretary Chuck Hagel have aided and abetted the commission of war crimes, genocide and crimes against humanity by Israeli officials and commanders in Gaza."

The letter states that on July 20, in the midst of criminal behavior, Israel requested, and the U.S. Defense Department then authorized, the transfer to Israel of ammunition from the War Reserve Stockpile Ammunition. And in August 2014, Congress overwhelmingly approved, and Obama signed, a \$225 million payment for Israel's Iron Dome missile defense system.



“Israel’s clearly disproportionate use of force against the 1.8 million residents of Gaza appears to have little to do with any claim of security,” the organizations wrote, “but seems to be calculated to exact revenge against Palestinian civilians.” The letter quotes statements of Israeli officials advocating vengeance against “the entire Palestinian people “and “calling for the internment of Palestinians in concentration camps in Sinai and the destruction of the civilian infrastructure in Gaza.”

### **Allegations of War Crimes**

The letter lists the following war crimes, and cites supporting factual allegations for each crime:

–*willful killing* (over 2,000 Palestinians, 80 percent civilians)

–*willfully causing great suffering or serious injury* (wounding nearly 10,000 Palestinians, 2,200 children)

–*unlawful, wanton and unjustified extensive destruction and appropriation of property* (tens of thousands of Palestinians lost homes, severe damage to infrastructure)

–*willful deprivation of fair trial rights* (450 Palestinians held without charge or trial); –*intentional attacks against civilians or civilian objects or humanitarian vehicles, installations and personnel* (bombing of numerous schools, UN places of refuge, hospitals, ambulances, mosques)

–*intentionally launching unjustified attacks, knowing they will kill or injure civilians, damage civilian objects, or cause long-term and severe damage to the natural environment* (use of ‘Dahiya Doctrine’ to apply “disproportionate force” and cause “great damage and destruction to civilian property and infrastructure, and suffering to civilian populations,” as defined in UN Human Rights Council [Goldstone] Report). Israel virtually flattened town of Khuza’a.

### **Allegations of Genocide**

Article 6 of the Rome Statute defines “genocide” as the commission of any of the following acts with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group: (a) killing members of the group; (b) causing serious bodily harm to members of the group; or (c) deliberately inflicting on the group conditions of life calculated to bring about its destruction in whole or in part.

The letter says, “In light of the fact that Palestinians in Gaza had no ability to flee for safety, it must be assumed the responsible Israeli officials knew

that huge casualties and destruction of civilian property and infrastructure were certain during the massive bombardment by land, air and sea of the occupied Gaza Strip.”

The letter also lists “the repeatedly inciting public statements made by Israeli officials before and during the course of Operation Protective Edge and the history of Israel’s repeated bombardment of Palestinian refugee camps and populations in Lebanon and in Gaza” as evidence that “Israeli officials may be implementing a plan to destroy the Palestinian population, at least in part.”

### **Allegations of Crimes against Humanity**

Article 7 of the Rome Statute defines “crimes against humanity” as the commission of any of the following, when part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder; (b) Persecution against a group or collectivity based on its political, racial, national, ethnic or religious character; or (c) The **crime of apartheid** (inhumane acts committed in the context of an institutional regime of systematic oppression and domination by one racial group over another racial group, with the intent to maintain that regime).

The letter states, “Israeli forces have killed, wounded, summarily executed and administratively detained Palestinians, Hamas forces and civilians alike. Israeli forces intentionally destroyed the infrastructure in Gaza.” It also says Israel keeps Palestinians caged in “the world’s largest open air prison,” and “controls all ingress and egress to Gaza, and limits access to medicine and other essentials.”

Finally, the letter cites arbitrary arrest and administrative detention; expropriation of property; destruction of homes, crops and trees; separate areas and roads; segregated housing, legal and educational systems for Palestinians and Jews; the illegal barrier wall encroaching on Palestinian territory; hundreds of illegal Jewish settlements on Palestinian land; and denying the right of Palestinians to return to their homeland because they are not Jews.

The signatories to the letter conclude that “[t]he initiation of an investigation would send a clear message to all involved either in committing or in aiding and abetting of the aforementioned crimes that they stand to be held personally accountable for their actions.”

It remains to be seen whether the ICC will exercise jurisdiction in such a case since neither Israel nor the United States is a party to the Rome Statute. But if the ICC determines that Palestine can accede to the Rome Statute, the ICC could take jurisdiction over crimes committed by Israelis and Americans in

Palestinian territory.

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