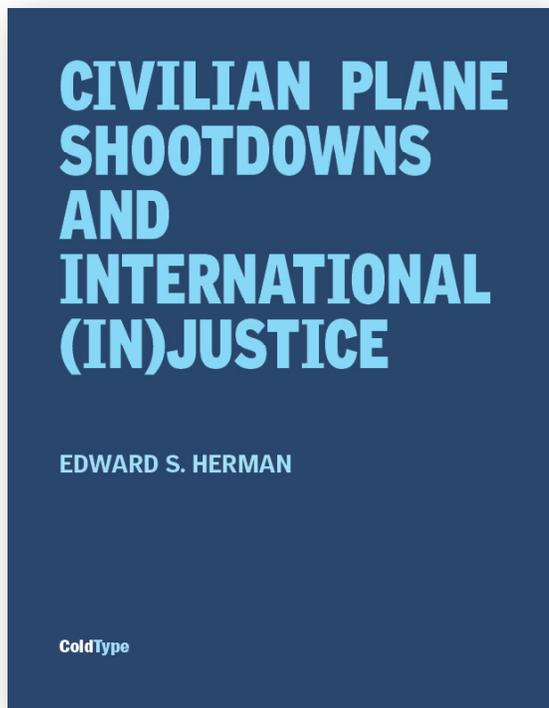


**CIVILIAN PLANE
SHOOTDOWNS
AND
INTERNATIONAL
(IN)JUSTICE**

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It is enlightening and sometimes even amusing to see how the treatment of the shooting down of civilian planes is politicized, and how in this area, as in so many others, the media propagandize in the service of the government's agenda and party line. On the humorous side, consider the following *New York Times* editorial statements: On the Soviet shooting down of Korean Airliner 007 on August 31, 1983: "There is no conceivable excuse for any nation shooting down a harmless airliner."

This is "cold blooded mass murder," and the editors ask "whether the Kremlin accepts its responsibility for a minimally decent international order" (ed., "Murder in the Air," Sept. 2, 1983). On the Israeli shooting down of Libyan civilian airliner in February 1973: "No useful purpose is served by an acrimonious debate over the assignment of blame for the downing of a

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In fact the Soviets didn't know that 007 was a civilian airliner, a point that the Reagan administration quickly learned from pilot tape exchanges, but suppressed

Libyan airliner on the Sinai peninsula last week" (ed., "After Sinai," March 1, 1973). On the shooting down of Iranian Airbus 655 by the USS Vincennes in the Persian Gulf in July 1988, the *New York Times* editors found that in this case, "while horrifying, it was nonetheless an accident. On present evidence [i.e., on the claims in the immediate official account], it's hard to see what the navy could have done to avoid it" (ed., "In Captain Rogers Shoes," NYT, July 5, 1988).

Now in fact the Soviets didn't know that 007 was a civilian airliner, a point that the Reagan administration quickly learned from pilot tape exchanges, but suppressed; but it took almost five years for the Times editors to admit this as "The Lie That Wasn't Shot Down" (ed., June 18, 1988). The Times itself didn't learn this by its own investigative effort, but based on somebody else's use of the

FOIA. So they had quickly denounced the Soviets based on a lie that they themselves failed to uncover; whereas in the case of the Israeli shoot-down of a Libyan civilian airliner, it was recognized from the beginning that the Israelis knowingly shot down a civilian plane, but this didn't bother the editors at all – in this case no “barbarism” or “cold-blooded murder,” but rather apologetics for cold-blooded murder.

In the case of the Iranian airbus shoot-down, here too, in the editorial cited above the editors' biases approach the humorous: the official account is unquestioned; the editors fail to note that the USS Vincennes was in the Persian Gulf to assist our ally Saddam Hussein in his war against Iran, and they make poor Saddam the victim in this war, not the aggressor (they speak of “Iran's futile eight year war with Iraq”). For many years the Times failed to mention the fact that David Carlson, the commander of a nearby US warship, published a letter in the U.S. Naval Institute's Proceedings of September 1989 on “The Vincennes Incident,” which claimed that the Iranian plane had been in its proper flight corridor, that Iranian behavior in the area “was pointedly nonthreatening,” and that Captain Rogers had a reputation as aggressive and the Vincennes as a “Robo-Cruiser.”

The Times did have a news article reporting on the hero's greeting that Captain Rogers received on his return to San Diego (Robert Reinhold, “Crew of Cruiser That Downed Iranian Airliner Gets a Warm Homecoming,” NYT, Oct. 25, 1988), but never had an editorial comment on this, nor on his receipt of a Legion of Merit reward for his “exceptionally meritorious conduct.” Imagine what the paper would have said if the pilot



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who shot down 007 had received similar treatment in the Soviet Union.

It might be argued that this was all editorial opinion, and did not necessarily impact news. But this would be quite wrong. The failure to uncover the “lie that was not shot down” or to report David Carlson's comments on Captain Rogers and his action were first class news failures. The variation in intensity of coverage was also closely correlated with editorial bias. The *New York Times* had 147 articles, covering 2,789 column inches on the 007 case in the month of September 1983 alone. For ten consecutive days the paper had a special section devoted to the case. And with all this coverage it succeeded in suppressing a great deal of relevant context and critical opinion. By contrast, the shooting down of the Libyan plane by Israel in 1973 and the Iranian airbus in July 1988 received much more muted coverage, and no special sections were devoted to the shoot-downs. Coverage escalated with the shooting down of Pan Am 103 over Lockerbie in December 1988, just six months after the destruction of the Iranian airliner.

Plane Shoot-downs and (In)Justice

Plane shoot-downs by the United States or one of its clients seem never to result in punishment for the villains or justice to the victims. But when the United States or one of its clients is the victim, punishment and some kind of “justice” is often forthcoming. Thus, in the case of Israel's shooting down of the Libyan airliner in 1973, no Israeli was punished or even threatened, and in fact the Israeli Prime Minister was welcomed in Washington only a week after this shoot-down, and without the intrusion of painful questions. On the other hand, after the 007 shoot-down, in addition to the

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widespread publicity and denunciations of this “barbaric act,” a boycott of Soviet airflights was organized by at least 16 countries, Soviet officials desirous of attending UN meetings were harassed, and there was a marked cooling of relations between the Soviet Union and the United States and its allies.

Similarly, while the United States suffered no penalty whatsoever for shooting down Iranian airliner 655, and the responsible Rambo captain of the Vincennes was greeted as a hero and given a medal of honor for his outstanding service, there was serious action carried out by the “international community” against the alleged organizers and participants in the shooting down of Pan Am 103. There was naturally a suspicion that the destruction of Pan Am 103 was Iran-based, given what the United States had done to Airbus 655, and there was soon a consensus of investigators that the act had been carried out by a noted terrorist group, the Popular Front for the Liberation of Palestine – General Command (PFLP-GC), led by Ahmed Jibril. This group had cells in West Germany, had used bombs such as that employed on Pan Am 103, and airport security in Frankfurt was lax. The working hypothesis of an Iranian involvement was supported further by a claim by Western security officials that Iran had offered a \$10 million reward for a retaliatory act.

But then, as relations with Saddam Hussein deteriorated in 1989 and 1990, and the United States sought better relations with Syria and Iran in the run-up to the first Persian Gulf War, Western officials quietly abandoned the Syria-Iran connection, followed by a fairly rapid shift from “definitive” proof of PFLP-Syrian-Iranian involvement to “definitive” proof that it was a Libyan act. As



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Paul Foot noted, “The evidence against the PFLP which had been so carefully put together and was so immensely impressive was quietly but firmly junked” (“Lockerbie: The Flight From Justice,” *Private Eye*, May/June 2001, p. 10). Libya provided a suitable new culprit, as it was already on the U.S.-UK hit list and had been subjected to a series of efforts at “regime change,” a hostility based on its independence, support of the Palestinians and other dissident forces (including the ANC and Mandela in their resistance to apartheid South Africa), as well as occasional support of anti-Western terrorists. So Libya it was.

The Libyan connection lasted in pristine condition from 1990 into 2007, during which time Libya was subjected to intensive vilification, costly sanctions imposed by the Security Council, and a highly publicized trial in the Netherlands that resulted in the conviction of a Libyan national for the Lockerbie murders, with further bad publicity for Libya and Kaddafi, and a payment of several billion dollars in victim compensation that Libya felt compelled to provide (although still denying any involvement in the shoot-down). All this despite the fact that many experts and observers, including some victim family members, felt that the trial was a political event and a judicial farce that yielded an unwarranted and unjust conviction. (For details and analysis, see John Ashton and Jan Ferguson, *Cover-Up of Convenience* [Mainstream: 2001]; Neil Mackay, “UN Claims Lockerbie Trial Rigged”: *Sunday Herald* [Scotland], April 8, 2001: <http://www.commondreams.org/headlines01/0408-01.htm>; Edward Herman, “Lockerbie and the New World Order Rule of Injustice,” *Z Magazine*, Dec. 2001: <http://www.zcommunications.org/zmag/viewArticle/12789> .)

UN observer Hans Kochler called it “a spectacular miscarriage of justice;” Robert Black, a Scottish legal authority on the case, spoke of “an astonishing miscarriage of justice.” This belief in the injustice of the court decision was greatly strengthened in June 2007 when a Scottish Criminal Cases Review Commission issued a decision that found the 2001 trial and decision flawed and opened the way for a fresh appeal for the convicted Libyan. If this decision is validated, the world will be left without a party responsible for the Pan Am-103 bombing, but with the strong likelihood that attention will be refocused on the PFLP and its sponsors, Syria and Iran. Is it not an amazing coincidence that this second turnaround occurs as Libya becomes more acceptable to the United States and its allies and these Western powers are now retargeting Syria and Iran?

But is it not equally interesting that with the United States a victim the alleged perpetrator can be subjected to multi-year abuse, costly sanctions, billions in expenses, and court actions against it that can never be mobilized against the United States and its clients for similar or analogous shoot-downs? Enemy shoot-downs are barbarism, U.S. and client state shoot-downs are at most “tragic errors.”

It is also revealing that the individual victim in the Pan-Am 103 case, Abdel Basset Al al-Megrahi, almost surely innocent, and suffering from a terminal case of cancer, remains imprisoned and cannot obtain release via bail, early pardon, or based on medical or humanitarian considerations. This is reminiscent of the ICTY’s treatment of Milosevic, who could not get urgent medical treatment in Moscow even with a Russian guarantee of return (he died two weeks after the denial).



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It contrasts with the ICTY’s permission of the indicted Kosovo Albanian war criminal and hands-on-killer Ramush Haradinaj to leave the Hague in 2005 in order to engage in a political campaign in Kosovo. Haradinaj was also eventually exonerated by the ICTY, helped along by the unexpected deaths of two witnesses, but based more fundamentally on structured ICTY bias. In short, there is a stream of evidence that international (in)justice is a function of power and affiliation.

Rwanda and the 1994 Shoot-down-Assassination by Our Man (Kagame)

On April 6, 1994, a plane was shot-down as it approached Kigali airport, killing the presidents of Rwanda, Juvenal Habyarimana and of Burundi, Cyprien Ntaryamira. This was followed by the mass killings, the “Rwanda genocide,” and a closely paralleling conflict between the Rwandan army associated with the Hutu dominant government of the murdered president Habyarimana and the rebel forces of the Rwanda Patriotic Front (RPF) led by Paul Kagame. This assassination and war were the culmination of years of conflict that began with the invasion of Rwanda by elements of the Ugandan army in October 1990. Paul Kagame, who had been Uganda’s head of military intelligence, led the 1990 incursion, and his Ugandan forces, most of them Ugandan citizens and Tutsis, many earlier exiled from Rwanda, broke off from the Ugandan army and became the patriotic RPF.

This invasion, and the further warfare, ethnic cleansing, and political and military penetration into Rwanda, was supported by the United States – Kagame had actually trained at Fort Leavenworth – and Kagame’s and the RPF’s advances and successes were very much a result of

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this superpower backing, which flowed into support for the RPF by Kofi Annan and the UN, the IMF and World Bank, and Britain and Belgium (in this process the United States was deliberately displacing the French from Central Africa, just as it had displaced Britain in the Middle East). It also meant support of the RPF by Human Rights Watch (HRW) and other supposed human rights groups.

Given U.S. support, the invasion of Rwanda by Uganda in 1990 was never an issue at the UN, just as the U.S. invasion of Iraq in 2003 and Israel's invasion of Lebanon in 2006 were not issues – in contrast with Iraq's invasion of Kuwait in August 1990, which elicited immediate UN condemnation and responsive action. It was also never an issue for HRW, which focused on alleged human rights violations by the government under attack from Uganda and being subjected to serious RPF-based and U.S.-backed subversion from within.

A problem for Kagame and his U.S. supporters was that Tutsis were only some 15 percent of the Rwanda population, and large numbers of Hutus were extremely hostile to the RPF, as the RPF's invasion and ethnic cleansing in northern Rwanda, and ethnic cleansing by Tutsi forces in Burundi, had created a huge refugee population. Thus there was no chance that Kagame and the RPF could win a free election, which had been scheduled under a 1993 accord for 1995. Power could be won only by a violent RPF takeover. Is it not remarkable that this power *was* won by Kagame in just three months time in 1994, by violence, thus precluding the need for any free election? Isn't it amazing that he and his Tutsi army and supporters won such a decisive victory in the face of an alleged "genocide" being carried out by the losers? Isn't it amazing



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that all serious evidence points to more Hutus than Tutsis being killed during this high killing period?

Isn't it remarkable that following this Kagame victory he and Uganda's Museveni (another U.S. protégé) have repeatedly invaded the Congo, stealing and helping others steal in a resource rich area, killing vast numbers, but again with no impediment on the part of the United States or "international community"? (For details on these matters, Robin Philpot, *Rwanda 1994: Colonialism Dies Hard* (E-Text as posted to the Taylor Report Website, 2004 (http://www.taylor-report.com/Rwanda_1994/)); Edward S. Herman and David Peterson, *The Politics of Genocide* (Monthly Review Press, forthcoming); and Keith Harmon Snow, "Hotel Rwanda: Hollywood and the Holocaust in Central Africa," November 1, 2007 (<http://www.allthingspass.com/journalism.php?catid=47>).

This brings me back to the plane shoot-down of April 6, 1994. Again, the convenience of these de facto assassinations for Kagame and the RPF, and its U.S.-UK-Belgian supporters, was noteworthy and remarkable. It precipitated the mass killing that followed over the next several months. In the U.S. mainstream, this was blamed on the Hutus and Hutu government and paramilitaries, but there are acute problems: It was the Hutu head-of-state that was killed, and therefore hardly his doing. It was the RPF that won the ensuing conflict in little more than three months, again remarkable if the assassination and aftermath violence was planned by the Hutu government. The United States fought to have UN troops withdrawn from Rwanda just at the time the supposed genocide by the Hutus was getting underway in April 1994, which

the Hutu government opposed but Kagame supported.

For Samantha Power and other apologists for the standard model – Hutu aggression and genocide, Kagame as reactive and defensive – the United States just “stood by.” But they had armed Kagame, weakened the Rwanda government, and were clearing the ground for the planned coup and takeover by their client. By another remarkable coincidence, just the previous year Tutsi officers in neighbouring Burundi assassinated their Hutu head-of-state, Melchior Ndadaye, a development celebrated by the RPF.

Still more telling, an investigation of the shoot-down by Michael Hourigan, an Australian lawyer employed by the International Criminal Tribunal for Rwanda (ICTR), reported in 1996 that there was compelling evidence provided by three RPF participants that the plane had been shot down by Kagame’s RPF forces. When Hourigan gave this information to Louise Arbour, at that time chief prosecutor for the ICTR, Arbour, after consulting U.S. officials, closed down the investigation and ordered Hourigan to destroy his files, on the ground that investigation of this matter was outside the ICTR’s jurisdiction. This was false, as even Richard Goldstone, the former ICTR prosecutor (and long-time friend of the U.S. State Department) insisted. Subsequently, in



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2003, Carla Del Ponte, a successor chief prosecutor of the ICTR, proposed a new investigation of this key 1994 assassination. But she couldn’t persuade Kofi Annan to support her and was soon removed from her position.

Although this assassination precipitated a celebrated genocide, no Security Council investigation and action has been taken over the ensuing 15 years. This April 1994 event was, as Richard Goldstone stated, “the trigger that started the genocide.” But if the “trigger” was pulled by Our Man Kagame, the entire scenario of a Hutu-planned and implemented genocide is called into question. It follows that given U.S. power, with people in service to that power like Louise Arbour and Kofi Annan (et al.), and with the mass media and human rights intellectuals bamboozled and/or following the flag, any attempts to investigate this shoot-down are quashed, and it will not produce any UN Tribunal such as the one just begun in The Hague to deal with the 2005 assassination of the Lebanese leader Rafik al-Hariri.

The rule remains firm: Impunity for the crimes of the United States and its agents and clients; U.S. and client targets available for investigations, trials and punishment in accord with the rule of a politicized system of international (in) justice.

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