

# Lebanon: War ahead in Middle East?

by Thierry Lalevée

As an imposing armada of U.S., Soviet, and French naval vessels gathers off the coast of Lebanon, frantic negotiations are taking place between Washington, Moscow, and Moscow's favorite Middle Eastern pawn, Syria, aimed not at defending the once flourishing nation of Lebanon, but at wiping it off the face of the map. The main point of contention among these three sides is whether the destruction is to take place by brute force—Syria's preferred method—or through a political dismemberment dictated by the U.S.-Soviet condominium.

The only military force which seems genuinely concerned about Lebanon's survival is France, which sent its naval force led by the aircraft carrier *Maréchal Foch* in order to prevent a total Syrian blockade of the forces of Lebanese President Michel Aoun. On Aug. 23, French President François Mitterrand reiterated that his task force will have a humanitarian benefit to all Lebanese, without distinction of religious and political origins. But even though France has insisted that it would not become militarily engaged, some of the French ships do have the electronic means to jam the guidance system of Syrian artillery.

The concern of Washington and Moscow, on the other hand, is that they remain in control of the way the conflict unfolds. Both have been pressuring Syria not to attempt crossing the "Green Line" dividing East from West Beirut. This was the explicit message of Soviet special envoy Genadi Tarasov on Aug. 23 to Syrian Vice President Abdel Khaddam, and was echoed the same day by the U.S. ambassadors to Beirut and Damascus, John McCarthy and Ed Djeredjian. At the same time, under the pretext of "saving East Beirut," the United States is reported to have contacted both France and the Vatican to urge their acceptance of a "political solution" whose centerpiece would be the removal of Aoun. Sources in Washington say that Djeredjian has assured the Syrians that Washington fully recognizes Syria's "national security rights over Lebanon"—i.e., its right to incorporate it as part of a "Greater Syria."

The presence of the U.S. Sixth Fleet led by the *USS Iowa* has the added purpose of bolstering the secret diplomatic negotiations going on between Washington, the Hezbollah, and Iran, following threats of further kidnappings of American nationals in the region.

Meanwhile, Moscow has its own very special interest of beefing up its military presence with its own battleship, the *Kirov*: It will not allow any regional crisis to endanger the Tartus Syrian naval base, which has become one of its largest naval facilities outside of the Soviet Union, on a par with Cam Ranh Bay in Vietnam.

But no one has any illusion that the present relative lull in the fighting, will lead to an immediate political settlement. The Syrian forces have become somewhat more cautious, not because of political pressure, but because of the military defeat they suffered on Aug. 13 at the hands of the Eighth Brigade of Col. Selim Kallas. Syria has used the situation to reinforce its ground and armored units all around General Aoun's enclave, and clearly has the military means to break through Aoun's defenses with a simultaneous attack on several fronts.

But Syrian President Hafez Assad has to take into account that this would create a desperate situation for the remaining population of East Beirut, leaving Aoun no choice but to use his medium-range missiles directly against Damascus and other targets within Syrian territory. This would inevitably lead to harsh Syrian reprisals against East Beirut, at which point all of the main international forces supporting Aoun would be forced to swing into action, from the Israelis to the Iraqis. Israel, unwilling to directly go to war with Syria, might launch some diversionary military actions; while Iraq, which has been mooted the creation of a joint Arab military force with Egypt and Jordan, would certainly intervene on Syria's eastern borders. A new kind of Middle East war would be in the making, and U.S. and Soviet efforts to control events would go down the drain.

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## Crimes Against Humanity

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### For a new international Nuremberg Tribunal

by Jean-Marc Varaut

*Maître Varaut is an attorney at the Paris Appellate Court, and the commentary which follows was published in the daily Le Quotidien de Paris on Aug. 18, 1989.*

Within a few days, perhaps all that will be left of Christian Lebanon will be thoughts of remorse. As the world watches, actions are being carried out which are liable for prosecution as crimes against peace, that is, a war of aggression in vio-

lation of treaties; as war crimes, that is, the destruction of towns and villages in the Christian country which no military imperative can justify; as crimes against humanity, that is, the extermination of civilian populations. The Pope, responding to the cries rising up to him *de profundis* from the underground shelters of Beirut, has called these actions by the name of genocide, the only word that can describe the destruction by bombardment of a people by an occupation army which can invoke no right to justify itself. A population is being systematically exterminated for the sole crime of having been born.

Syria orders and executes, and its radio issues the defense of accusing Gen. Michel Aoun of being the agent of a Zionist plot. Well has Assad learned the lessons of Goebbels.

On the eve of what may turn out to be the final onslaught, the Europe of the Twelve [members of the European Community] is content with expressing its "grave concern over the deterioration of the situation in Lebanon"—without even naming the aggressor. At the same time, Europe is more militant when it comes to banning the importation of ivory from Africa in order to preserve an animal species threatened with extermination. Europe is showing itself to be nothing more than a community of special interests. Europe has neither a soul nor honor. And, in Paris, the intellectuals who are so prompt to mobilize to denounce—at no risk to themselves—an impotent old man for crimes against humanity committed 50 years ago, are silent today. The power of might! The shame of the spirit!

Alone, if belatedly, through the voice of [Foreign Minister] Roland Dumas and [Minister for Francophone Affairs] Alain Decaux, the French government manifests some dignity. But they know that only the recalling of ambassadors and the coordinated embargo on trade relations with Syria, would effectively aid a people in deadly peril.

If mechanical force were to impose a *Pax Syriana* on Lebanon, and not only on its Christian minority the Europe of the Rights of Man, so close to the Lebanese Christians in religion and in culture, as [Israeli Finance Minister] Shimon Peres has just reminded us, this Europe would be dishonored—and devalued. Europe is not just a market; Europe is a spiritual concept.

But Lebanon must know that it is not alone. It is not alone. Whereas the big powers are waiting to protest, like after the invasion of Czechoslovakia by Hitler, until Syria and its Druze and Shi'ite allies, armed by the Soviets, take over the Christian enclave, there are increasing numbers of men and women, as exemplified by Frédérique and Jean-François Deniau, who want to provide their active support for the survival of Lebanon, as a moral entity and an international personality. "Words are not enough any longer," asserted Jean-François Deniau, in order to keep alive the flame of the Lebanese resistance. Deeds are needed.

I therefore call upon jurists, and especially those attorneys who are active in the fight for human rights throughout

the world, and the law professors who have taught in Beirut, to establish a Franco-Lebanese judicial committee for the right of the Lebanese people to freely choose its own fate.

This committee, in liaison with the Coordination for Lebanon, must, as its first objective, bring charges against the authors and accomplices of the crimes against peace, the war crimes, and the crimes against humanity which are being perpetrated. Such charges should first of all be brought before the U.N. Commission on Human Rights, and also before all existing, or to-be-created institutions.

Let me remind you that the Nuremberg Code is not some mere episode in repressive international justice established by the U.N. Charter of Aug. 8, 1945. The Nuremberg Tribunal stated, in the motives for its rulings, the rules of law which can be systematized today into a law against international crimes. This is what was done by the U.N.'s International Commission in 1954.

The Commission asserts, through [four] principles, the existence of a penal law in the international domain:

1) Any individual committing an act which, according to international law, constitutes a crime, is liable to be punished.

2) The fact that national legislation does not punish deeds that are international crimes, does not free from liability the authors of those crimes with respect to international law.

What is thus affirmed is that a crime against peace or against humanity, whether originating with governments or with those who carry them out, may not be justified by a license based on domestic law. Neither do the actions of a state, nor of the chain of command, represent a justification.

3) The fact that the author of an international crime has acted in his capacity as a head of state or as a civil servant does not free him from international liability.

4) The fact that someone acted on the basis of orders issued by his government or his superior does not free him from responsibility, provided he had the moral possibility [to resist].

Thus, the Nuremberg Code was not law for one trial, but was one moment in the law, a precedent which must have a future. If there exists presently no competent Court, the Nuremberg Code remains as a norm of behavior. In 1983, France ratified the supplementary protocol of the Geneva Conventions of Aug. 12, 1949, concerning the protection of victims of international armed conflicts: She must demand that these be invoked. The genocide of the Lebanese Christians demands the emergency creation of an international penal jurisdiction empowered to implement the principles of 1945. The laws of war must carry the day over the war against law, in keeping with the Declaration of the Hague of 1907. And should the big powers remain apathetic or indifferent, and should France remain silent, or not be heard, then a new Russell Tribunal should be established to denounce and judge, before international public opinion, the crimes against humanity being committed today against Lebanon.