Soldiers of the United States of America Do you Know your Rights and Duties?

There is no doubt. As a soldier of the US Army you have to obey the orders of your commander. But what can be done, if these orders violate international law or human rights?

It is vital for you to know that you have the right to disobey these orders. Indeed, you have not only the right, you have the duty to do so.



Peace people in front of the Patch Barracks, December 12, 1982

During the Nazi period we Germans committed horrible crimes. Many American soldiers sacrificed their own safety to free the world from Nazi terror. That we will never forget.

In the Nuremberg Trials the Nazi leaders got long prison terms, some of them were condemned to death for those crimes. The sentences were passed on the basis of the Nuremberg Principles (see over). The Nuremberg Principles formed the foundation for the development of an international criminal law including an International Criminal Court (ICC) located in Den Haag (Netherlands), which started working in 2002. The USA took a leading part in the development of the international criminal law. Nevertheless they refused to acknowledge the outcome of the proceedings – the International Criminal Court.

It is not necessary for you to know all the squabbling and bickering of the international proceedings finally resulting in the establishment of the International Criminal Court. It's enough for you to know that you are personally liable for your own deeds even if you are obeying the orders of your commander, unless there was no choice for you to act otherwise (Principle IV).

Think about the legality of the wars against Serbia in 1999 and Iraq in 2003, which were acts of aggression violating the Articles 39 and 51 of Charter of the United Nations.

Ponder the war crimes committed against innocent civilians in these wars and in the "War on Terror", especially in Afghanistan and Iraq. The War on Terror is incompatible with international law. Terrorists who kill or command to kill innocent civilians are criminals, not warriors. Therefore they have to be treated like criminals and not as warriors. Yet the "War on Terror" ennobles them inevitably to warriors!

We ask you to consider the crimes against humanity committed in the prisons of Abu Ghureib, Guantanamo Bay and elsewhere.

Investigate the legality of "CIA flights" in the Area of Responsibility of EUCOM.

And last not least we ask you to reflect on the legality of planning and preparing nuclear wars, which is a major task of EUCOM. You must know that the International Court of Justice in 1996 delivered an opinion confirming "that the threat or use of nuclear weapons would be generally contrary to the rules of international law".

Legally you have nothing to fear from the International Criminal Court, because your government will protect you from its grasp. **But things may change.** Your government will perhaps hold you responsible for war crimes you committed during your service or it may sign the Statute of the International Criminal Court. **In any case your government is not able to protect you against the questions your conscience will ask you.**

Therefore we ask you to follow the commands of your conscience. Don't commit or aid and abet in war crimes, genocide and crimes against humanity!

Principles of International Law

Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal (accepted by the General Assembly of the UNO in 1950)

Principle I
Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.

Principle II
The fact that internal law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

Principle III
The fact that a person who committed an act which constitutes a crime under international lawacted as Head of State or responsible Government official does not relieve him from responsibility under international law.

Principle IV
The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.

Principle V
Any person charged with a crime under international law has the right to a fair trial on the facts and law.

Principle VI
The crimes hereinafter set out are punishable as crimes under international law:
(a) Crimes against peace
(b) War crimes
(c) Crimes against humanity

Principle VII
Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

V.i.S.d.P. Wolfgang Sternstein