

THE IMPERIALISTIC JUSTICE OF THE USA

1. What's this about?

Since the end of the Cold War, the United States of America has held political, economic and military dominance in the world and they want to keep it. After the victory in the First Gulf War, the then American President George Bush (father) declared that a "new world order" had been created. One spoke of a "unipolar moment", i.e. of the unique chance to lead the world alone; to decide alone when and where military force can be used.

As early as 1992, a "Defence Planning Guidance" established that it is the political and military mission of the USA to prevent the emergence of a military power somewhere in the world that could call into question the American claim to leadership. In continuation of this logic, the "National Security Strategy" of September 2002 then stated that the USA does not hesitate to act "alone and preventively" in the fight against terror. Preventive wars thus became an official part of the American military strategy. These were not just theoretical considerations. Since then, the US has been involved in a dozen wars that have cost millions of lives and many billions of dollars.

That what was laid down in the "National Security Strategy" were not just empty words became clear when the USA invaded Iraq in March 2003, without a UN mandate and against the will of European allies such as Germany and France. The official justification was to destroy Iraqi President Saddam Hussein's weapons of mass destruction, in other words nuclear, biological and chemical weapons. These, it was argued, would be a danger to America, indeed to the security of the whole world. This is particularly so because Saddam Hussein has been accused of having links with terrorist groups.

The weapons of mass destruction were never found; the alleged connection to terrorist groups turned out to be fiction. In fact, the American invasion destabilised the whole region, killing hundreds of thousands of Iraqis and causing millions to flee, mainly to Europe.

Nonetheless, the US maintains the right to wage preventive wars; and also the right to enter into war alone or with a "coalition of the willing". And one thing has also become clear: while warlords from Africa or the Balkans are brought before international courts, it is impossible to hold accountable those American decision-makers who have made the decision to go to war.

Since wars, the longer they last, become more and more expensive and unpopular, various forms of complementary strategies, i.e. substitute wars, have been invented, such as "humanitarian interventions"; regime change; nation-building; economic wars and propaganda wars; and especially imperialistic justice.

1.1. The nature of imperialistic justice

The essence of imperialistic justice is that "law" is used as a weapon; that one tries to legally legitimize a superior power; that one enforces "law" under the pretext of pure power politics in order to eliminate competitors.

This approach is not entirely new: at the beginning of the 17th century, when the Portuguese wanted to deny the Dutch access to the Indian Ocean, Hugo Grotius wrote a treatise on the freedom of the seas ("mare liberum"), in which he explained that under international law free navigation was open to all countries.

But if Hugo Grotius based his conclusions on international law, the USA today often conducts "lawfare" against international law, only based on American regulations. Yet there are those who know a lot about the USA and who say that there is no "objective law" in this country. The winner is always the one who has the better or more expensive lawyer. At least that is what an Austrian ambassador in Washington has stated in a fundamental report.

It is also clear that in many areas the USA does not live up to the European idea of rule of law and could therefore never become a member of the Council of Europe, which demands a clear commitment from its members to the fundamental values of democracy, human rights and the rule of law. American law is repeatedly interpreted in a highly political way: not only are judges and prosecutors elected and appointed

according to political criteria; the US Constitution is interpreted in very different ways depending on the political majorities. Slavery, for example, was long allowed and then banned in the USA; similarly, the death penalty; abortion or racial segregation. The appointment of judges to the Supreme Court is a highly political issue. In addition, according to the report of the Austrian ambassador, there is a "frontier mentality", according to which one takes the law into one's own hands.

In this sense, the USA uses its "law" as a weapon worldwide; disregards the sovereignty of other states, whether friend or foe; and is itself in no way prepared to recognize international jurisdiction. It is a matter of protecting its own interests and, if possible, eliminating competition. Whoever opposes American interests is automatically an "aggressor" or "lawbreaker" who must be prosecuted. The pretext of fighting "terror" and "corruption" worldwide has opened up many new power-political possibilities for this attitude.

1.2. Americans- the chosen people

A very decisive feature of American politics is the belief in "American exceptionalism". According to this belief, America is a chosen nation, destined to lead and rule the world. This belief was already deeply rooted in the thinking of the founding fathers and is rooted in puritan, Calvinist thinking. George W. Bush was not the first to speak of the "axis of evil". As early as 1656 Oliver Cromwell declared the fight against the "Axis of Evil" to be one of England's decisive tasks, stating: the fight for God is congruent with the fight for English interests. The enemies at that time were the Pope in Rome, the Habsburgs and the Catholics par excellence.

In this sense, the United States today still claims the right to tell everyone what to do, without being self-binding: its national interests always prevail; and there is a long list of international treaties that the United States has never ratified: the Vienna Convention on the Law of Treaties; the Nuclear Non-Proliferation Treaty; the Convention on Discrimination against Women; the Convention on the Rights of the Child and the Kyoto Protocol are just a few examples. The USA has even gone to great lengths to oppose some international treaties, such as the one concerning the establishment of the International Criminal Court. This reflects America's unwillingness

to recognise international law or international justice, while at the same time it wants to impose its own law, its own interests, on others.

According to its own self-image, the USA is the country that has the mission to do good; "to spread its own values throughout the world" (Henry Kissinger). Wherever the USA invades, they do it "to help others"; they always come as liberators. If one has no enemy, some must be invented; for "the good" can only appear accordingly if "the evil" also exists. In this sense President Barack Obama spoke to soldiers in Fort Campbell in May 2011: "We are still the America that does the great things".

Anyone who opposes American interests in the slightest way is accused of striving for a "new world order". But since not all Americans are willing to engage in "endless wars", the American judiciary is increasingly used as a weapon. And just as after September 11, 2001, the new laws were used to invade everywhere in order to fight terror; so now the most diverse "laws against corruption" are used to eliminate competitors. This use of the American judiciary has very little to do with administering justice, but rather with helping American political and economic interests to prevail.

1.3." Law" as a weapon

For us in Europe, the end of the Cold War meant the end of a global political conflict. European unification received new impetus; the Council of Europe and the European Union also took in the former communist countries.

For the USA, however, victory in the Cold War did not mean the end of a conflict, but a new mission: if the fall of the Iron Curtain was not yet the end of history, as Francis Fukuyama believed, then everything possible had to be done to integrate the rest of the world into the "American Empire", not as partners, but as vassals.

In this sense, the American influence has since been extended by an additional 150 million km² in Europe alone, with over 100 million people. Even against the initial resistance of the Europeans, Washington insisted that Georgia and especially Ukraine be included in the Western sphere of influence. Thus, the US Deputy Secretary of State Victoria Nuland said as early as 2014 that the USA had spent 5000 million dollars to gain influence in Ukraine; this must ultimately pay off. And since the "endless wars" have not brought the hoped-for success, "law" has increasingly been used as a

weapon against states, corporations and individuals, and 15,000 sanctions have been imposed in this context .

a) The "law" as a weapon against states

The USA have imposed sanctions against a number of states, want to isolate them politically, damage them economically, or both. Russia and its president Vladimir Putin are accused of wanting to restore the old power of the Soviet Union. In Iran, they want to achieve a "regime change", because the current government opposes allies of the USA in conflicts in the Middle East. North Korea is to be forced to give up its nuclear weapons; and in Cuba, too, they have been trying for decades to overthrow the regime. China, for its part, is to be prevented from further economic advancement.

In fact, foreign policy has been power politics for 1000 years, and in this sense it can be argued that the strongest power in the world can have the possibility to pursue such a strategy. There is only one thing one cannot do: you cannot say that the United States has the right to use power politics against all those countries that are political or economic competitors. Many of the sanctions were imposed without a basis in international law, indeed against international law. The point is that America wants to retain the supremacy it has had since the Second World War and which it extended after the Cold War, as set out in the various strategy papers. In doing so, the special position of power that the USA has through the dollar and on the financial markets is also repeatedly played out. For example, Washington has repeatedly abused SWIFT (Society for World wide interbank financial telecommunication) even against the will of the Europeans.

SWIFT is a kind of courier service for the international financial world. This institution ensures that the money can circulate around the globe. Almost 11,000 banks in over 200 countries are linked into this system. Every year, 7 billion transactions are processed.

2015 was concluded with Iran in International Nuclear Agreement. Although Iran has adhered exactly to it, the USA has unilaterally withdrawn from it and demands that Tehran be excluded from SWIFT; a deathblow to the Iranian economy; a power-political measure that violates international law.

A spiral of sanctions has been set in motion against Russia, which continues to turn, hitting the economy and currency, but above all pursuing political goals. Already President Barack Obama issued decrees against Russian citizens in 2014, who were accused of interfering in political events in Ukraine; foreign accounts were blocked and entry bans were issued. In addition, a general ban on imports and investments in the Crimean peninsula was issued. Further sanctions followed against Putin's confidants; against arms companies and banks. The granting of credit, which was supposed to promote American exports to Russia, was stopped, as were development projects. In connection with the presidential election in 2016 and the accusation that Donald Trump was not legitimately elected president, but was appointed by "Putin", an anti-Russian hysteria developed in Washington that knows hardly any borders.

Sanctions are imposed in the economic war against China as well as in the trade disputes with the European Union; against countries such as Venezuela or Sudan. Time and again, Washington cited "violations of rights" by those targeted as a reason for imposing sanctions; it was always only about one thing: it was not about law, but about power.

b)" Law" as a weapon against corporations and projects

American sanctions are imposed above all on those countries, corporations and their projects that are the most important actors in the new Cold War. Ukraine should be brought under American influence by all means, which in turn presupposes that Russia is weakened accordingly. How this was done is shown by the fight against the construction of the Nord Stream2 gas pipeline, which Washington wanted to prevent by all means. The fact that the political parties in the US Congress, otherwise very divided, were united in this question, shows that this is indeed a "national interest" of the USA.

Russia and Germany have decided to build this pipeline in order to no longer be dependent on third countries, i.e. primarily on Ukraine, for energy supplies. The US ambassador in Berlin has repeatedly threatened to impose massive sanctions on those companies that participated in the construction of the Nord Stream2 in order to, as he said, "prevent negative effects on the European Union's energy supply". In fact, the

USA has the intention to weaken Russia and to make Germany more dependent on it. The Ukraine, through which one third of Russian gas exports to Europe currently pass, should be able to exert pressure on European countries at any time. The USA also wants to be able to sell its own, much more expensive liquid gas to the old continent.

The American "legal view" is already very clearly expressed in the language: Nord Stream2 is presented as part of a "Russian aggression"; preventing the project is a question of "national security" for the USA; and Russian dominance in the energy sector is to be broken in the interests of "European security".

How effectively "law as a weapon" could be used by the sanctions that were actually imposed was shown by the fact that the Swiss company that laid the pipes immediately withdrew from the business, which in any case considerably delayed construction, if not stopped.

In previous wars, the winner was decided in great battles. Today's economic wars are about which side succeeds in taking out the enemy's companies and large corporations. Years ago, when the USA fined German, Swiss and Japanese banks billions of dollars, the then Swiss ambassador in Washington spoke of an economic war being waged here under the pretext of seeking justice. This has cost him his post, but he was right.

A prime example of how the American side is attempting to use the judiciary to eliminate the opponent's competition is shown by the proceedings against the Chinese network equipment supplier Huawei. The Chinese are accused of espionage and the American authorities refer to the "National Defense Authorization Act", which prohibits the American companies and their suppliers from concluding contracts with Huawei. At the same time, governments in Europe and around the world are being massively pressured not to involve Huawei in the construction of the new 5G mobile network.

The US Congress acts as legislator and judge at the same time; prosecutes all those who do not follow the American example, even if no evidence can be presented by the American side. In order to give the appearance of a legal dispute to controversies, which involve a great deal of power and enormous sums of money, Huawei has now

even been declared a "criminal organisation". But: how much deception can the world tolerate?

The fact that legal reasons are always only a pretext, when the USA is pursuing power and economic policy goals, is also shown by the takeover of the core sector of the French parade company Alstom by General Electric. Alstom was a key industry in France, since it produced all the relevant parts for everything from nuclear missiles to nuclear submarines. A good reason for General Electric to want to take over this part of the group.

When the French refused, the Americans quickly found a case of corruption to take action against Alstom, naturally before an American court. A fine of \$772 million was imposed immediately and the case was tried until France was ready to "sell" the company. The French parliament set up a committee of inquiry; an Alstom executive wrote a book entitled "How Americans Trap Jobs"; but the hostile takeover could not be prevented. One thing, however, became clear to the French: when the Americans speak of "law", they do not mean objective law, but American interests, which should be enforced by all means.

c) The "law" as a weapon against persons

When the USA takes action against competitors, it does not shy away from exerting pressure on senior exponents. Frederic Pierucci, the author of the book on the takeover of Alstom mentioned above, was arrested for corruption in Indonesia; the CFO of Huawei was arrested at Vancouver airport during a transit by Canadian authorities on behalf of the USA. She had not violated Chinese or Canadian law in the process. The accusation was that Huawei had violated the sanctions imposed by the USA on Iran.

In the case of both Alstom and Huawei, the aim was or is to eliminate an economic competitor. Economic reasons are sufficient to get the US Lawfare machine up and running. The USA is all the more brutal when economic interests are supplemented by a political dimension, as is the case with Dmitry Firtash.

Geopolitically, the United States is trying by all means that the Ukraine will be removed from Russia's sphere of influence and integrated into America's sphere of power. It is about oil and gas; it is about Europe's dependence on them; and, of course, it is about

the fact that influential Americans have already secured key positions in Ukraine, such as the son of the former Vice-President, Hunter Biden. The fact that Ukraine played a central role in the impeachment proceedings against President Trump shows the enormous political importance of the country to the United States today.

Now there are few personalities in Ukraine who are as committed in both business and politics as Dmitry Firtash; and this on the side of Russia, a situation that is intolerable for the USA. Dmitry Firtash has had a significant influence on the gas trade between Russia and Ukraine since he formed a joint venture with Gazprom in 2004; and he has a decisive position in the titanium sector, a raw material that is important for civil and military aircraft construction. After all, Ukraine has 20% of the world's titanium reserves.

Its economic position alone makes Firtash so powerful that the USA is doing everything it can to eliminate him. The fact that he represents the interests of the strategic adversary rather than those of the Americans in a country they want to dominate is an unacceptable situation for Washington. Just like the exponents of Alstom and Huawei, for whom economic reasons were already enough, Firtash should also be taken into American custody.

The vehemence with which the US judiciary is used as a weapon is also shown by the proceedings against Julian Assange, the founder of WikiLeaks. Now it is nothing special that someone who is accused of having betrayed military secrets is prosecuted by the justice system of the country concerned. But what becomes very clear in the case of Julian Assange is the interaction of the various power apparatuses in Washington.

Even with the accusations made against Assange in Sweden, it is very likely that US secret services were involved. It turned out that he had already been spied on before by an employee who worked for the FBI. After his escape to England, the US Embassy in London exerted massive pressure to have him extradited to the USA. And Ecuador was put under massive political and economic pressure to end Assange's asylum in the London embassy. It also turned out that the US secret service CIA had installed surveillance equipment throughout the building. Another means of pressure

were various American media, which demanded an exemplary punishment of the "high traitor Assange".

2. Why is the US justice so powerful?

The US judiciary is so powerful, because it operates in conjunction with the entire US power apparatus, which is used worldwide, and above all in cooperation with the American secret services.

2.1. The US judiciary, an integral part of the entire power structure

The US judiciary does not act in isolation. When a US judge or even the Department of Justice takes action against a state, a foreign corporation or the citizen of another state, this action is first and foremost supported by the US foreign policy apparatus. The embassies constantly and massively intervene, as the American ambassador in Berlin, for example, constantly demonstrates. The recent conflict between the USA and the United Kingdom concerning the extradition of Anne Sacoolas shows that this is a totally unilateral approach. She is the wife of an American diplomat who managed to escape to America after causing a fatal traffic accident in London. The USA refused to extradite her to Great Britain. Even the British, who are so closely allied with America, are upset that the existing extradition treaty of Washington is simply not being respected.

An important fact is that the US judiciary abroad does not work in isolation, but is supported by the State Department, as well as other ministries, using the economic power of the US. The myriad of sanctions imposed around the world are the best example of this.

And finally, the military power of the USA also plays a role in the question of why the US judiciary is so powerful. For many Europeans are very reluctant to enter into a dispute with the USA, since America is, it is argued, the power that holds its "nuclear shield" over us.

2.2. The whole world must submit

The United States of America, as stated above, is a country with a mission, called to assert its own values, and thus its own interests, throughout the world. The

extraterritorial application of US law to natural and legal persons in other countries serves this purpose in particular. This encroachment on the sovereignty of other states has always been regarded in Washington as a natural, inalienable right of America.

While the extraterritorial application of US law was initially primarily concerned with claims for damages, the field was then extended to include various issues of environmental, economic and financial policy. Today it is about all questions of American foreign, security and economic policy, in other words, above all about power. It is a matter of enforcing one's own policy in other countries.

In doing so, the US judiciary can invoke a number of US laws and regulations that should be enforced, such as the Trading with the Enemy Act; the International Emergency Economic Powers Act; or the Arms Export Control Act. In recent years, two elements have been increasingly cited as justification for American intervention: the fight against corruption; and the fight against terrorism.

The Foreign Corrupt Practices Act is often invoked in the fight against corruption. The US judiciary steps in cases of an alleged payment in dollars; the sending of e-mails via a server located in the USA; or the violation of any American law in order to intervene.

Now one can argue: even if the jurisdiction of the US judiciary is far-fetched, is it not better for the US to fight corruption in the world than no one does it? But all these cases are not about justice, but about power. And how can it be that the USA in particular wants to enforce its law internationally, when it does not recognise even the most important international treaties and does not accept agreements concluded within the framework of international organisations?

That it is all about power is shown by the amount of fines imposed on foreign competitors ... These are not fines to punish; they are about destroying foreign competitors: \$ 8.9 billion had to be paid by the French bank BNP -Parisbas, which was accused of facilitating trade with Cuba, Iran and Sudan. Deutsche Bank was fined billions of dollars for allegedly helping Russians launder money; and Siemens and Alstom also had to pay billions of dollars.

Time and again, it is American laws, such as the Helms-Burton Act or the D'Amato-Kennedy Act, on which the American judiciary relies when it takes action against foreign companies. When a country that does itself not recognise the International Criminal Court takes the law into its own hands, it is more reminiscent of the Wild West than of any attempt to enforce objective law.

2.3. The whole world is being spied on

Just as the "fight against corruption" serves to eliminate international competition, the "fight against terror" serves to spy on the whole world. It was crucial that the huge espionage apparatus, which had been built up during the Cold War in the fight against communism, was largely transferred to industrial espionage after the end of the Cold War. Spy stations and spy satellites were given an economic policy orientation.

According to a report in the Washington Post, the budget of all intelligence services in the USA together amounts to \$ 52.6 billion dollars. (For comparison: the expenditure in the total Austrian federal budget in 2019 was € 96.5 billion). The USA has built up an espionage apparatus that can already be called a "state within a state". 850,000 Americans are employed for security checks; 45 government agencies are engaged in "top-secret" activities; in the Washington area alone there are 33 "top-secret" government buildings. And just as importantly, after the terrorist attacks of September 11, 2001, the wiretapping restrictions that existed before were lifted.

From Edward Snowden, former employee of the National Security Agency (NSA), we know that this secret service alone collects information from all over the world. For example, it has become known that the NSA itself had installed bugging devices in the EU buildings in Washington, New York and Brussels; that the mobile phone of Angela Merkel and other, also friendly, heads of government was bugged; that in Austria and Germany the targets of espionage are foreign policy, economic development, the financial sector, arms exports, new technologies and international trade.

Every day millions of telephone conversations are tapped and millions of e-mails are analyzed. Officially, all this is done "in the war on terror". American authorities practise

a close cooperation with Microsoft and other large corporations, which is exactly what the Chinese company Huawei is accused of.

Already in November 2018, the French newspaper "Le Figaro" published an article on "How the USA spy on our companies", obviously based on documents of the French secret service. The article states that the Americans are interested in conquering export markets; that everything is being done to promote American economic interests. The French secret service has also openly stated that American law is being used to destabilise French companies, having previously spied on their key data.

All in all: the USA is waging a global economic war; not just one against China. The US judiciary is a very important part of this. It is used against friend and foe; it is obvious that exponents of those countries that are considered to be the primary battlefield, such as Ukraine, are the first and most affected.

3. What to do?

In order to be able to take action against US justice imperialism, one must first know what it is all about: namely power, not law. Furthermore, it would be helpful if Europe could identify and pursue its own interests.

3.1. The necessary awareness- raising

To be able to act accordingly against US imperial justice, it must be recognized that it is another weapon used in the new Cold War, in addition to the political, economic and military power of the country. The extent to which the different "armed and other services" are connected with each other became clearly visible again just now, when the American ambassador in Berlin, Richard Grenell, was appointed coordinator of all US secret services.

First of all, it is a matter of penetrating the veil of mist of Anglo-Saxon rhetoric, wherever there is talk of the "fight for freedom, democracy and justice". This rhetoric has a long tradition. When England emerged victorious in the War of Spanish Succession, in which it was granted a monopoly over the transatlantic slave trade, the Duke of Marlborough declared: "We did it for the Liberty of Europe". The policy of President Woodrow Wilson is still cited today as a model of idealism, because he declared that

America entered the World War I "to make the world safe for democracy" and to "end all wars once and for all". In fact, contrary to his election promise, he sent American troops to Europe to save American war loans.

Today the USA spends billions of dollars annually on "democracy promotion". This probably also includes those expenditures that are used in an extradition request to influence public opinion.

Even though "common transatlantic values" are invoked time and again, such statements must be put into perspective. Americans are different, otherwise they would not have left Europe in the first place. Today they have a different attitude to war; to the welfare state; and also to law. In our country many of the good disciples of the "pure legal doctrine" are convinced that an abstract legislator would set objectively valid standards. Even here this view of things is highly questionable; but in Washington tens of thousands of lobbyists are involved in the practice of legislation, which reflects the balance of power at home and the claims to power abroad. You have to know this in order to be able to defend your own interests accordingly.

3.2. Europe must defend its own interests

How difficult it is to compete against the concentrated power of the USA is shown by the above-mentioned Iran Agreement, which was concluded in Vienna in July 2015. At that time, the USA, China, Russia, France, Great Britain and Germany made an internationally binding agreement with Iran to lift sanctions against the country if Tehran curbs its nuclear armament. The Mullah regime has abided by the agreement, but the USA has unilaterally withdrawn.

Iran then appealed to the International Court of Justice in The Hague and the USA was condemned. But the Americans declared that they were not bound by the verdict. The Europeans affirmed that they wanted to adhere to the agreement and even talked about forcing European companies to stay in Iran. An exchange system, as was customary in the pre-industrial era, was to replace the use of the dollar. But when Washington announced that it wanted to punish those companies that continued to trade with Iran, European companies withdrew in droves from Iranian business; indeed, they had to withdraw if they did not want to lose their American business.

"Whoever does business with Iran will no longer do business with the USA," was too clear a warning from US Secretary of State Mike Pompeo. And here too it became clear that the sanctions against Iran, like those against Russia, are in practice also sanctions against the Europeans.

One more thing became very clear: the European solidarity that would be necessary in order to present a united front to the United States does not exist: Germany, which has a balance of trade surplus of € 50 billion with the USA, fears sanctions against its own car industry, as Donald Trump has announced on several occasions. The French president, who has repeatedly spoken of defending "Europe's sovereignty and autonomy", is afraid of an economic war; and the former communist countries, from Albania to the Baltic States, behave like vassals of the USA anyway. And long-term solutions, such as replacing the dollar with the euro, are dreams of the future, as long as about 80% of European energy imports are in dollars, even though only 2% come from the USA.

One way of showing European self-confidence is in concrete cases, such as politically motivated extradition requests by the USA. One such case is the extradition request of Dmitry Firtash. Here one can, indeed one must have backbone; especially if one assesses the overall situation correctly. After all, the American justice system, supported by the power apparatus of the whole country, is not concerned with law, but with power.

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