

The New York Times Suddenly Embraces International Law To Condemn Russia

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As the Syrian Arab Army dug in for a fight against the self-declared Islamic State on September 17, they were struck by an air raid that killed [62 soldiers](#) and injured 100 more. The culprit was a foreign military that has never been attacked by, and has not declared war on, Syria. Two weeks later, that same nation's military killed [22 soldiers](#) in a strike inside Somalia, another country which it had never been attacked by nor declared war on. The very next day the New York Times published a stinging editorial decrying flagrant violations of international law by an "outlaw nation."

The Times, of course, was not referring to the perpetrator of both attacks: the United States government. Each act was a clear violation of [Article 2 \(4\)](#) of the UN Charter prohibiting the use of force against another nation and demanding respect for its sovereignty. But the "supreme international crime" of aggression did not merit mention in the Times, who saw something far more sinister than carrying out illegal massacres across countries and continents in the actions of "[Vladimir Putin's Outlaw State](#)."

Russia, according to the Times' righteous defenders of international law, is guilty of violating "not only the rules intended to promote peace instead of conflict, but also common human decency." The editorial board finds not only disregard for the law, but the absence of standard ethics accepted by civilized people and societies. It is a pretentious way of saying that Russia's leaders are sociopathic, lacking the humanism and benevolence of Americans and their allies.

The cause for the Times' outrage was the international report released last week that claims Malaysia Airlines Flight 17 (MH17) was shot down and its 298 passengers and crew members killed by Ukrainian rebels fighting the illegitimate government formed in the wake of the U.S.-backed coup in Kiev. The rebels in the Eastern part of Ukraine were resisting bombing and shelling in their towns and cities by fascist and [neo-Nazi](#) led militias representing a coup government which had, among other things, rescinded a [language law](#) extremely important to the mostly Russian speaking - and ethnically Russian - residents near Donbass.

The investigation claims the Buk surface-to-air missile responsible for blowing up the Malaysian passenger plane was supplied by Russia and subsequently returned to Russia. The headline in the Times was that the report "[links](#)" Russia to the deaths. It does not, however, find they participated in the attack or had any advanced knowledge of plans to kill civilians. The Times claims the report "uses strict standards of evidence and meticulously documents not only the deployment of the Russian missile system that caused the disaster

but also Moscow's continuing cover-up." In reality, this claim could hardly be taken seriously.

RT, a news organization funded by the Russian government, [notes](#) that the report depends on unnamed witnesses, anonymous phone calls, and computer simulations. Radar data, perhaps the most reliable source of evidence, was absent from the report's findings. The report claims U.S.-provided radar data supported its conclusion, but such data was not included as evidence. Russia provided its own data, which purportedly shows that no missile was detected in rebel-held areas.

The Times calls on the United States to pursue the "quest for accountability." This is noticeably different than the editorial board's tone in 1988 when the U.S. warship U.S.S. Vincennes stationed in Iranian waters shot down Iran Air Flight 655 inside Iranian airspace and killed 290 passengers and crew. In that case, there was no question the weapon belonged to the United States. Furthermore, there was no question the United States military itself blew the plane out of the sky and killed everyone on board. They admitted it. The Times called the incident a "[terrible mistake](#)" and a "blunder" committed amidst the "fog of war." However, not everyone was so quick to accept the government's rationalizations at face value and dismiss the incident with a shrug of the shoulders.

[Colonel David R. Carlson](#) of the U.S. Navy, who was aboard a different ship near the Vincennes at the time, revealed that he and his colleagues had nicknamed the Vincennes "Robo Cruiser" for its belligerent actions prior to incinerating a plane full of civilians. Carlson suggested that the Vincennes' crew may have been seeking to battle test the new Aegis Combat System aboard the vessel.

Disputing that an attack on the Vincennes was inevitable, Carlson writes: "I don't buy it... My guess was that the crew of the Vincennes felt a need to prove the viability of Aegis in the Persian Gulf, and that they hankered for an opportunity to show their stuff. This, I believe, was the climate that aided in generating the 'fog.' "

But the Times editorial board assures readers that the American military simply made a tragic, regrettable, mistake. Just like the editorial board nearly 30 years later would explain that the sustained, hour-long destruction of a Doctors Without Borders hospital in Kunduz, Afghanistan was caused by a "[torrent of mistakes](#)" due to "gross negligence." Again, tragic and regrettable mistakes. Presumably no different than the U.S. government's "mistakes" of kidnapping and torturing people never charged with crimes, hunting and killing political cadres in South Vietnam, organizing and training fascist death squads across Latin America, or killing hundreds of thousands of civilians while carpet bombing Cambodia, Laos, North Korea, Japan and Germany.

For the Times, international law is not an issue if a country has benevolent intentions, which the United States always does, naturally. No matter that the U.S. never obtained U.N. Security Council approval to wage war on Somalia, Syria, Yemen, Pakistan, Iraq or Afghanistan. Or that U.S. warships had no business in participating in a war between Iraq and Iran in 1988. The U.S., due to its status as an exceptional nation, is able to be judged by its own moral criteria in place of the existing legal framework that international treaties (and its own [Constitution](#)) obligate the government to follow.

Russia, on the other hand, is a rogue state led by deranged and irrational savages. As a

permanent member of the Security Council – obviously a regrettable historical accident – Russia holds a “special responsibility to uphold international law.” One would think from reading this that it was actually Russia, rather than the United States, that has used its veto on the Council far more than any other member during the last 45 years, including 42 vetoes shielding Israel from accountability for its oppression of Palestinians and aggression against neighboring countries.

The other cause for the Times’ wrath against Russia is its behavior in Syria, where “(t)here seems to be no holding Putin to account.”

The United States has no legal right to violate of the sovereignty of Syria, making any and all American military actions inside Syrian territory necessarily illegal.

Russia, on the other hand, is engaging militarily at the behest of the legitimate Syrian government, which is permissible under international law. Russia meets jus ad bellum criteria regarding whether a war is justifiable. Of course, they also have to comply with jus in bello rules regarding conduct during war.

While there is substantial [evidence](#) Russia may be in violation of international humanitarian law, absent adjudication in a court of law the evidence is merely one side of the story. The Times accuses Russia (specifically Putin) of “air attacks that have included bunker-busting bombs that can destroy underground hospitals and safety zones where civilians seek shelter” and bombing an aid convoy. Unsurprisingly, there is no substantiation of these claims, or even links provided with such accusations. [The Guardian](#) earlier this week quoted a think tank employee stating that “(c)onclusive proof that Russia is using bunker-busters may be hard to find.” The U.S. Air Force does possess such weapons, namely the 37,000 pound [Massive Ordnance Penetrator](#), and it has been pronounced “[ready](#)” for use.

The Times also implies that Russia violated a ceasefire negotiated with U.S. Secretary of State John Kerry. As Gareth Porter has reported, the U.S. itself is actually responsible for sabotaging multiple ceasefires negotiated with Russia. Porter wrote in [FAIR](#) that in early April the Al Qaeda franchise in Syria, Al Nusra, along with its embedded U.S.-backed “moderate” rebels, launched an offensive intended to undermine the ceasefire, which it succeeded in accomplishing. When the Syrian government responded by counter-attacking the rebels, major media outlets, including the New York Times, erased the original jihadist attack and implicitly stated that regime bombings were responsible for the end of the ceasefire.

Last week, Porter wrote in [Middle East Eye](#) that the Pentagon had destroyed another ceasefire by attacking Syrian troops on September 17, in what the Times would undoubtedly declare another “mistake.” Porter notes that “the final blow apparently came from the Russian-Syrian side,” but this was “provoked” by the U.S. bombing. The Times, though, contends that Russia and Syria have undermined the U.S. in negotiations over an end to hostilities, rejecting reasonable American overtures in order to “continue the slaughter.”

As I have [written previously](#), and Howard Friel and Richard Falk have extensively documented in their book [The Record of the Paper](#), the New York Times consistently ignores international law as a matter of editorial policy in regards to the actions of the United States government. But official enemies like Russia and its president Vladimir Putin are subject to a transparently hypocritical double standard, in which accusations become facts, and international law is suddenly the gold standard by which governments and their officials

should be judged.

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