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# THE PEOPLE vs. TONY BLAIR

A film about war, democracy and accountability

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**Apart from the government servant who endorsed it, most lawyers agree Tony Blair's decision to invade Iraq was illegal.**



Cartoons © Steve Bell

The Foreign Office expert who resigned in protest said: “An unlawful use of force on such a scale amounts to the crime of aggression.” That’s what Hitler’s henchmen were hanged for.

But, four years on, there’s no sign of Blair being indicted, apart from in a North London theatre.

Attempts to press charges get nowhere, Parliament hasn’t tried to impeach him and journalists think it’s all old news.

So what does the failure to hold the Prime Minister to account tell us about democracy, the rule of law and the society we live in?

The People vs. Tony Blair examines the case to answer, explains what stops it being heard in court and explores what might be done to ensure that might doesn’t simply make right.

Whether Blair spends his retirement getting rich or doing time, it’s up to us to prevent his successors from committing the same crimes.

London, 19 March 2007

## FORMAT

The People vs. Tony Blair juxtaposes newsreel from Nuremberg with Blair's valedictory months in office.

Interviews with legal specialists chart the history of aggression, the "supreme international crime", from the Nazi trials to a dramatised hearing about charging the British Prime Minister.

Archived news bulletins and expert witnesses lay out the evidence against Blair, who defends himself, either in person or old speeches. Courtroom drama comes from the Tricycle Theatre, where actors bring to life transcripts of testimony on the basis for a prosecution.

Their play's subtitle is arresting because it sounds so unlikely: "The indictment of Anthony Charles Lynton Blair for the crime of aggression against Iraq". Back in the real world, lawyers, politicians and journalists explain what stymies efforts to call him to account, while activists describe their attempts to get around these obstacles.

The film focuses on making the powerful more accountable to the people in whose name they rule, tracking campaigners for constitutional reform and practitioners of direct-action democracy.

## STRUCTURE

Tribunal scenes from Nuremberg and the Tricycle provide a narrative for exploring thematic questions. Among others, each of the following issues is discussed in depth while weighing arguments for a trial.

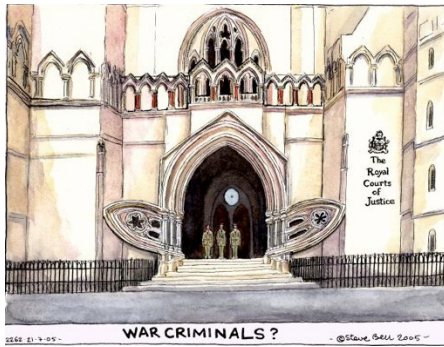
It all lasts less than 45 minutes: the time Blair claimed it would take Saddam Hussein to launch his weapons of mass non-existence.

### 1) THE SUPREME CRIME

The Nuremberg judgment was unequivocal: "To initiate a war of aggression," the tribunal ruled, "is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole." Chief prosecutor Robert H. Jackson was equally clear: "While this law is first applied against German aggressors," he warned, "the law includes, and if it is to serve a useful purpose it must condemn aggression by any other nations, including those which sit here now in judgment."



## 2) LEGAL STALEMATE



The UN Charter outlaws military force unless in self-defence or backed by the Security Council. Neither applied to Iraq, so the war was illegal, as Kofi Annan said. But what is international law in practice? Opinions vary. In any case, aggression can't be prosecuted at the International Criminal Court: it's yet to agree on a definition of the crime, although the UN did years ago.

UK courts are powerless too: aggression is not a crime in English law. The ICC has jurisdiction over genocide, war crimes and crimes against humanity but it rebuffs requests to investigate specific incidents. In Britain, meanwhile, the Court of Appeal says the Executive's actions in declaring and waging war were "a lawful exercise of its powers under the prerogative", an archaic authority bestowed by the Queen.

Prosecution may still be possible in a country that has criminalised aggression, perhaps via extradition if Blair were arrested, like General Pinochet, in a friendly nation. Otherwise, all that remains is "the Al Capone option": finding a lesser charge that could be pinned on the Prime Minister for the sake of seeing him in court. This may be more feasible but it would carry far less weight as a precedent.

## 3) BLAIR'S WARS

Britain bombed Iraq for years before invading, backing sanctions that UN officials called genocidal. Hundreds of thousands have been killed since and millions more have fled their homes, almost none of them offered refuge in Britain. Most people in Iraq say life is now worse than under Saddam Hussein. Children die for want of basic medicines and a majority of adults support attacks on occupying troops, who are accused of provoking more violence than they prevent. The latest insurgent innovation is a crude chemical weapon, realising the bogus pre-war claims about Islamist extremists getting hold of Iraqi WMD. Tit-for-tat killings are splitting the country down sectarian lines but all communities agree (by a three-to-one margin) that Iraq was invaded to secure control of Middle Eastern oil.



Just how many lies have we been told? Blair ducks the question with a perplexing epistemology: "I only know what I believe." Even those who supported his earlier wars now argue that Iraq has destroyed the case for "humanitarian intervention", which Blair still claims to espouse.

#### 4) MEDIA COMPLICITY

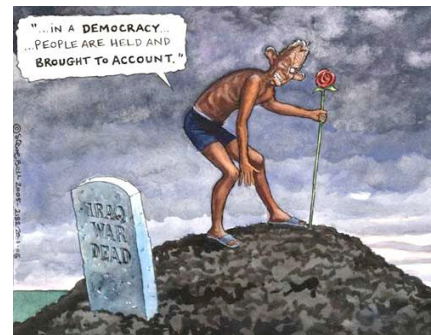


“Easy to say he’s a war criminal,” scoffs Jon Snow, who’s never done so on Channel 4 News. The Guardian, which published a compilation of its journalism called “The War We Could Not Stop”, hasn’t even urged Blair to resign; it buried reports on efforts to impeach him deep inside the paper. Unlike the New York Times, no British media outlet has apologised for pre-

war credulity about the “threat” from Iraq, or for marginalising dissent. There are limits to what reporters can do without simply editorialising but claims from official sources still crowd out facts that refute them.

#### 5) DEMOCRATIC DEFICIT

The millions who marched against the war were not ignored; they’d already been deemed irrelevant. Blair had long since agreed to back an invasion and create the justification. Parliament functioned as a rubber stamp thanks to party whips and careerist MPs. Public money has funded four inquiries on Iraq, but none has investigated why we went to war. Instead of being fired over the skewing of intelligence, Britain’s chief spy was promoted. MPs themselves worry about their marginalisation from the people they represent; only a fifth of the electorate voted for Blair’s government.



#### 6) WHAT HAPPENS NEXT?

Even limited electoral reform is off the agenda, never mind a written constitution. For now, the clearest way forward is to identify what’s wrong and why. Raising awareness of the problems and possible solutions can help to develop more democratic systems of government. In the end, though, it’s up to all of us to act.



#### ABOUT THE AUTHOR

Daniel Simpson has worked as a foreign correspondent for Reuters and The New York Times. He’s recently been researching a feature-length documentary about oil, due for cinema release this year.