

# THE KUALA LUMPUR WAR CRIMES TRIBUNAL - GUILTY VERDICT ON BUSH AND BLAIR



*The panel of Judges*

The 4 day War Crimes Tribunal held at 88 Jalan Perdana in Kuala Lumpur had a quorum made of Presiding Judge Abdul Kadir Sulaiman, along with Judge Salleh Buang, Judge Tunku Sofiah Jewa, Judge Alfred L. Webre and Judge Shad Saleem Faruqi.

The prosecution was led by Prof Gurdial Singh Nijar, with Prof Francis A. Boyle, Avtaran Singh, Usha Kulasegaran and Gan Pei Fern.

Amici Curiae: Jason Kay Kit Leong, Sook Kok Weng, Pan Shan Ping, Mohd Zharif Shafiq, Zyzan Syaidi and Muhammad Khirul.

Registrar: Musa Ismail

The two accused were not present at the proceedings though duly served. Nor were any attorneys or counsel present in their behalf. Pursuant to Article 15 of the Charter of the Kuala Lumpur War Crimes Commission ft the Rules of Procedure and Evidence of the Kuala Lumpur War Crimes Tribunal,

an Amicus Curiae was appointed by the Tribunal to assist the Tribunal by presenting an unbiased assessment of the charges and evidence against the accused.

The Amicus Curiae entered a plea of not guilty on behalf of both the accused.

## Recusal of Judges

At the commencement of the proceedings, the Tribunal had a full bench of 7 Judges. However the Amicus Curiae raised an objection on Judge Prof Niloufer Bhagwat, as she had previously served as a Prosecutor in one case and also as a Judge in another hearing, both involving Bush. Defence counsel Jayson Kay applied for Judge Niloufer Bhagwat to be recused - a turn of events that took even the presiding judge by surprise. After a short recess, the Judge recused herself and left the chamber.

Later Judge Datuk Dr Zakaria Yatim recused himself on medical grounds and the Tribunal

proceeded to hear the case with a quorum of 5 Judges.

## The Verdict

"The essence of legality is the principled, predictable, and consistent application of a single standard for the strong and the weak alike. Selective manipulation of international law by powerful states undermines its legitimacy."

The 2003 invasion of Iraq was an unlawful act of aggression and an international crime. It "cannot be justified under any reasonable interpretation of international law". It amounts to mass murder. Unlawful use of force in Iraq "threatens to return us to a world in which the law of the jungle prevails over the rule of law, with potentially disastrous consequences for the human rights not only of the Iraqis but of the people throughout the region and the world".

The future of the UN and of the international



law of war is also at stake. The unauthorized military action in Iraq undermines the system of collective security embedded in the UN Charter in order to protect humanity from a recurrence of the carnage of World War II.

The two accused took the law into their own hands. They acted with deceit and with falsehood. They acted in flagrant violation of international law of war and peace. In the absence of any convincing evidence, defence assertions lack credibility. They appear to be fig leaves for hiding naked economic and political ambitions.

We therefore find that the charge against the two accused is proved beyond reasonable doubt. The two accused are, therefore, found guilty as charged and the two accused are accordingly convicted on the charge.

**Orders**

1. The Tribunal in accordance with Article 31 of the Charter, recommends to the Commission to file reports with the International Criminal Court against the two accused.

2. The Tribunal in accordance with Article 32 recommends to the Commission that the name of the two convicted criminals be included in the Commission's Register of War Criminals and published accordingly.



## Recommendation

First, the Commission must invoke the Nuremburg law to report Bush, Blair and their accomplices for crimes against peace, war crimes and crimes against humanity under Part VI of the Charter of the Nuremburg Tribunal.

Second, the Commission must file reports of genocide and crimes against humanity with the International Criminal Court (ICC).

Third, the General Assembly of the United Nations must be approached to pass a resolution to end the American occupation of Iraq.

Fourth, the findings of this Tribunal must be communicated to all countries that have acceded to the Rome Statute and are possessed of universal jurisdiction.

Fifth, the UN Security Council must reassert itself and ensure that true sovereignty is transferred to the Iraqi people as soon as possible with the assistance of a UN Peacekeeping Force. The autonomy of the newly installed Iraqi government must be ensured.

Dated: Twenty second day of November 2011 at Kuala Lumpur, Malaysia.