

# Proposed war crimes tribunal a farce: Param

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The Sun - 13/2/2007

**PETALING JAYA:** The proposed Kuala Lumpur War Crimes Tribunal is a farce and will make Malaysia an international laughing stock, Datuk Param Cumaraswamy said.

The former United Nations (UN) Special Rapporteur on the Independence of Judges and Lawyers noted that the Rome Statute of the International Criminal Court to try war crimes and genocide was agreed to by UN member states in 1998 during Tun Dr Mahathir Mohamad's premiership.

"If he was genuinely concerned about justice to victims of war and bringing war criminals to trial, he should have got the government to sign the Statute then. He never bothered. The government to date is not a signatory to the Statute," Param said in a statement to *the Sun*.

He was responding to reports last week that Mahathir had mooted the formation of a war crimes tribunal at a Perdana Global Peace Organisation conference in his capacity as Perdana Leadership Foundation chairman.

Mahathir had named US President George W. Bush, British Prime Minister Tony Blair and Australian premier John Howard as those who should be tried for war crimes, even if the accused are not present.

Param said there was no legal basis for such a tribunal, noting that it may be seen as a non-governmental organisation (NGO).

"NGOs too need to be registered under the Societies Act if they consist of more than seven persons, unless they are registered under the Companies Act to give them a legal entity," Param said.

Param said in 1990, when Mahathir was premier, he had the then Election Watch, headed by Tun Mohamad Suffian,

investigated by Bukit Aman to determine whether the six-person group contravened the Societies Act 1966.

Param said the setting up of such a tribunal was not within the Perdana Leadership Foundation's objectives. He said if the government allowed the foundation to proceed with the tribunal's formation, a "dangerous precedent" will be set.

"What if tomorrow an NGO in Malaysia decides to set up a similar tribunal to try him for human rights violations, assault of the independent judiciary, corruption, abuse of power, nepotism and cronyism during his 22 years as prime minister?" he asked.

He also questioned how the tribunal could apply internationally-recognised principles of fair trial when the accused did not appear before it, and what kinds of evidence would be produced before the tribunal.

Param said the setting up of such a tribunal would constitute a "circus" that could deter "respectable and credible foreign investors".

He added that as the Kuala Lumpur War Crimes Tribunal head that would first vet the case before it was referred to the tribunal for charges to be made, Mahathir could not be expected to be impartial towards Bush, Blair and Howard because of all the "virulent statements" he had made against them.

Police Watch and Human Rights Committee legal adviser P. Uthayakumar said in a statement it was embarrassing that the war crimes tribunal was headed by Mahathir.

He said despite Mahathir's promises, there has been no Royal Commission of Inquiry or inquest into the 2001 Kampung Medan incident where six were killed and 100 injured in clashes between Indians and Malays.