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# Tribunal to deliver verdict on Bush today

**UNANIMOUS:** War crimes panel finds prima facie case against former US president and his allies

**EUNICE AU**  
KUALA LUMPUR  
euniceau@nst.com.my

**T**HE KL War Crimes Tribunal ruled unanimously that the prosecution had made out a *prima facie* case against former president George W. Bush and his associates on its fourth day of hearing yesterday.

The verdict will be delivered at 3pm today at 88, Jalan Perdana.

Earlier, chief defence counsel Jason Kay Kit Leon, in this case an *amicus curiae*, had submitted that international law had changed after World War 2 and again after the Sept 11 attacks.

The Sept 11 attacks, he explained, had resulted in the need for more aggressive methods of interrogation to use on suspected enemy combatants, which were different from those used prior to the attacks.

He stressed that the rights of the majority justified the actions taken by the United States.

Kay also reiterated that witness Moazzam Begg's prior visit to a training camp in Afghanistan could raise doubts on his involvement with al-Qaeda, but chief prosecutor Prof Gurdial Singh Nijar revealed that Begg had, in a civil suit last year, received a settlement from the British government for his unlawful detention and torture, which cleared any doubts that Begg was associated with al-Qaeda.

The prosecution replied that the defence's argument was faulty and prohibition

against torture was absolute, according to the Universal Declaration of Human Rights.

"It is accepted as a *jus cogens* — a peremptory norm of international law from which states cannot derogate, and this is according to the English House of Lords."

Prosecution team lawyer Prof Francis Boyle said the Federal Bureau of Investigation and the US army manuals relating to the handling of prisoners during interrogation and confinement incorporated Geneva Convention constraints.

The army manual, titled *Army Field Manual 34-52: Intelligence Interrogation* (1992) required soldiers to operate in accordance with the rules set out in the US military's Uniform Code of Military Justice, as well as international law, in particular the four Geneva Conventions.

"It is only fair to take their own law and apply it to the conduct of their own armed forces."

Prosecution had earlier submitted a video documentary, titled *Taxi to the Dark Side* as secondary evidence to show im-

ages of the prisons and actual torture scenes.

Defence counsel had also introduced a video documentary called *Sicko* by Michael Moore, which claimed that the Guantanamo Bay detainees had access to top-notch medical care.

However, the tribunal decided to exclude the video evidence as they were highly prejudicial in the absence of the makers of the video being called to adduce the video.

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**Prof Francis Boyle**  
prosecution team lawyer