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# Bush 'guilty of crimes of torture'

**UNANIMOUS VERDICT:** Kuala Lumpur War Crimes Tribunal orders reparations be given to torture victims

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

**F**ORMER United States president George W. Bush and his associates were found guilty of crimes of torture by the Kuala Lumpur War Crimes Tribunal yesterday.

The tribunal unanimously ruled that the prosecution had proved its case beyond reasonable doubt.

It said all eight accused had engaged in a web of instructions, memos, directives, legal advice and actions which led to the establishment of a common plan and purpose, joint enterprise and conspiracy to commit crimes of torture and war crimes, in relation to the "War on Terror".

The War on Terror was launched by the US and others in Afghanistan and Iraq.

The eight accused are Bush; former US vice-president Richard Cheney; former US defence secretary Donald Rumsfeld; former counsel to Bush, Alberto Gonzales; former general counsel to the vice-president, David Addington; former

general counsel to the defence secretary, William Haynes II; former assistant attorney-general Jay Bybee and former deputy assistant attorney-general John Yoo.

Tribunal president judge Tan Sri Lamin Mohd Yunus said the eight accused were also individually and jointly liable for crimes of torture in accordance with Article 6 of the Nuremberg Charter.

"The US is subject to customary international law and to the principles of the Nuremberg Charter and exceptional circumstances such as war, instability and public emergency cannot excuse torture."

The tribunal agreed that Bush, Cheney and Rumsfeld knew the US was violating the 1984 Torture Convention and the Geneva Conventions but failed to intervene to prevent the violations.

"Evidence clearly shows the legal opinions and advice given by the lawyers Gonzales, Addington, Haynes, Bybee and Yoo to Bush, Cheney and Rumsfeld were legally flawed and the lawyers knew full well their advice was sought to be acted upon and thus are also liable."

The legal opinions, contained in



Kuala Lumpur War Crimes Tribunal president judge **Tan Sri Lamin Mohd Yunus** (centre) delivering the verdict yesterday. He is flanked by **Prof Salleh Buang** (left) and **Datuk Mohd Sa'ari Yusof**. Pic by Hasriyasyah Sabudin

memorandums, were that the Geneva Conventions did not apply (to suspected al-Qaeda and Taliban detainees); there was no torture occurring within the meaning of the Torture Convention; and that enhanced interrogation techniques, consisting of cruel, inhumane and degrading treatment, were permissible.

The tribunal ordered that reparations be given to the war crime victims corresponding with the irreparable harm and injury, pain and suffering they had undergone even though the tribunal was merely a tribunal of conscience with no real power of enforcement.

The findings of the tribunal will be submitted to the International

Criminal Court, United Nations and the Security Council and the names of the accused will be entered into the War Crimes Commission's Register of War Criminals.

Former prime minister Tun Dr Mahathir Mohamad, in an immediate response, said the verdict and findings would be publicised globally and sent to heads of government of all nations.

He also hoped the public would not invite these war criminals to their countries.

"The International Criminal Court seems to be subservient to the big powers and does not seem to have the capacity or the willingness to charge the leaders of big powers who are responsible for torture, invasion of an independent country, destruction in war and for the killings of so many people," said Dr Mahathir, who is the Perdana Leadership Foundation honorary president.

He said one step which could be undertaken, especially in democratic nations, was for people to insist that all election candidates should declare that they would never go to war on others.