

Newspaper	News Straits Times
Date	16/05/2012

# American leaders knowingly sanction torture

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They were deprived of sleep for days; and were held in isolation and cut off from daylight for months.

The sufferings were unimaginable. In the end, they were found to be innocent of the accusations against them and were released.

A three-hour video clip showed the prisoners undergoing torture and visually recorded the views of American leaders boldly declaring their rights to torture.

Today, a large number of prisoners are still in Guantanamo Camp, despite the election promise by US President Barack Obama that he would close the camp immediately upon his election as president. They have been incarcerated for more than 10 years without any recourse to legal representations.

The prosecution team of the Kuala Lumpur Tribunal cited the Geneva Convention on torture 1949, the Convention against Torture 1984, Universal Declaration of Human Rights and the United Nations Charter, the US Constitution itself and the rules of conduct of the US military to prove that the treatment of the prisoners constituted torture as understood and accepted by international laws.

The acts were cruel, inhuman and degrading. The accused were proven to have authorised, connived in the commission of acts of torture and cruel, degrading and inhuman acts

against victims in violation of international laws, treaties and conventions.

The prosecution also gave details of the action by the accused, through their memos, approvals and directives for the torture of the prisoners.

Former president George W. Bush declared that al-Qaeda was not a party to the conventions or agreements and was, therefore, not protected by them. Further, it was argued that should these prisoners capture American personnel, they would treat their captives in the same way.

The defence in mitigation said that the situation after the 9/11 attacks on the Twin Towers rendered existing conventions, treaties and laws invalid. The accused were entitled to act in contravention of all laws, treaties and conventions.

The prosecution refuted this statement as there is no provision for the suspension of any conventions, laws or agreements simply because of the so-called acts of terror against the United States. Nor may any country unilaterally refute their commitments to these undertakings.

After four days of hearings, the tribunal adjourned to consider the verdict. On the fifth day, that is, 24 hours after the hearings ended, the tribunal gave a 19-page written judgment, finding that the prosecution had established beyond reasonable doubt that the accused had "en-

gaged in a web of instructions, memos, directives, legal advice and action that established a common plan and purpose, joint enterprise and/or conspiracy to commit the crimes of torture and war crimes, including and not limited to a common plan and purpose to commit the following crimes in relation to the "war on terror" that was launched by the US and others in Afghanistan and Iraq:

**TORTURE;**

**CREATING**, authorising and implementing a regime of cruel, inhuman and degrading treatments;

**VIOLATING**, customary international law;

**VIOLATING**, the Conventions against Torture 1984;

**VIOLATING**, the Geneva Convention III and IV 1949;

**VIOLATING**, the common article III, the Geneva Convention of 1949; and

**VIOLATING**, the Universal Declaration of Human Rights and the United Nations Charter."

Yes, we cannot enforce the decisions of the Kuala Lumpur tribunal. But the world must know through the hearings that the leaders of a country that frequently takes the high ground to lecture the world on human rights, the rule of law, etc are no better, but are worse than the many leaders and countries they condemned as not adhering to acceptable behaviour, practice and respect for the norms of modern civilisation.

Malaysia had the Internal Security Act. Malaysia did detain people without trial. But it should be noted that there is a law providing for this. The US government of former president Bush detained people before there was any law providing for such detentions.

Malaysia never sanctions torture. Certainly, the Malaysian government never spelt out the kind of torture that could be inflicted on the prisoners. But the US leaders knowingly sanction torture and describe the kind of torture to be carried out, even as they condemn others of being oppressive against their own people.

It is a pity that not many people attended the hearings. They would be horrified at what the leaders of the foremost democracy in the world have sanctioned and are guilty of.

That in this day and age, there are still leaders of governments who break laws and legalise behaviour incompatible with modern civilisation is mind chilling. That this country is the greatest military power in the world is truly frightening.

These are not leaders of primitive failed states. These are educated, knowledgeable leaders aware of the laws, international and national which govern their rights and limitations of their power.

Yet they are prepared to perpetrate these atrocities believing that the power they wield will protect

them from any legal actions to be taken against them for their crimes.

Everyone subscribes to the belief that everyone should be equal before the law. It is sad indeed that in the implementation of international laws, there is no such equality, that inequality of treatment is the essence.

The Kuala Lumpur War Crimes Tribunal is a court of conscience. It may not have the power to have its findings implemented. But there can be no doubt that without the hearing before the tribunal, the crimes of the leaders of powerful countries will never be exposed to the world.

The findings of the court will be communicated to all governments, will be broadcast to the whole world through the Internet, and via international non-governmental organisations.

The people of the US are well known for their insularity. They know little about the world beyond their borders. They believe that they are always right.

One hopes via NGOs and the Internet, they will learn about the guilt of their leaders through the findings of the Kuala Lumpur Tribunal on War Crimes.

P.S. I have with me the videos of the tortures carried out and the justification claimed by US leaders who approved these tortures. I would be happy, if there is a demand, to show the video takes.