

No letting up on war criminals
MOLE.my
December 5, 2011
By Jordan MacVay

KUALA LUMPUR: A letter written by former Prime Minister Tun Dr Mahathir Mohamad and addressed to the leaders of three African countries, asking for the arrest of former US President George W Bush for war crimes, has attracted the attention of international peace activists and observers.

The BRussells Tribunal, an organisation that bills itself as a collection of "intellectuals, artists and activists who denounce the logic of permanent war promoted by the American government and its allies," posted an [article](#) on December 4 containing the contents of a letter Mahathir addressed to the leaders of Zambia, Tanzania and Ethiopia.

"The Kuala Lumpur Foundation to Criminalise War is serious about getting George W. Bush and Tony L. Blair arrested and prosecuted," wrote Dirk Adriaensens of the BRussells Tribunal, "after the milestone verdict of the Kuala Lumpur War Crimes Tribunal, where they were found guilty of Crimes against Peace, Crimes against Humanity and War crimes on 22 November 2011."

In his letter, Mahathir highlighted the results of the Kuala Lumpur War Crimes Tribunal and said, "We respectfully request that your government immediately arrest and prosecute Mr. Bush for these grievous crimes against international law and the domestic laws of every state in the world, including your own. Under principles of international law and comity this judgment constitutes prima facie evidence of Mr. Bush's guilt warranting the initiation of domestic criminal proceedings against him by your government."

Adriaensens said Mahathir's letter represents "...the first time that a former head of state writes an official letter to presidents of countries where war criminal George W. Bush sets foot, with a request to arrest him."

"This is no doubt a novelty and a courageous stand by Tun Mahathir, totally in accordance with the recommendations as pointed out in the judgment of the Kuala Lumpur War Crimes Tribunal," he said.

Adriaensens also highlighted a similar request for Bush's arrest by Amnesty International.

A [statement](#) issued by Amnesty International on December 1 quoted an official of the organisation as saying, "All countries to which George W. Bush travels have an obligation to bring him to justice for his role in torture."

Another Amnesty official [wrote](#) in the organisation's blog on December 2 that Bush should not be considered above the law and should be held to "the same standard as any other person accused of similar crimes, from whatever country they may come."

The Kuala Lumpur War Crimes Tribunal, which was preceded by a two-year investigation by the Kuala Lumpur War Crimes Commission, was initiated by the [Kuala Lumpur Foundation to Criminalise War](#) and took place from November 19 to 22. The tribunal heard several arguments from both the prosecution and defence, the latter appointed by the tribunal to represent Bush and his co-defendant, former British Prime Minister Tony Blair, both of whom were absent.

One of the tribunal's chief prosecutors, University of Illinois law professor Francis A Boyle, [said](#) in his official submission that Bush and officials in his administration "...were responsible for the commission of crimes against peace, crimes against humanity, and war crimes as specified by the Nuremberg Charter, Judgment, and Principles as well as by U.S. Army Field Manual 27-10."

"Today in international legal terms," he continued, "the Bush Jr. administration itself should now be viewed as having constituted an ongoing criminal conspiracy under international criminal law and U.S. domestic law because of its formulation and undertaking of serial wars of aggression, crimes against peace, crimes against humanity, and war crimes in violation of the Nuremberg Charter, Judgment, and Principles that were legally akin to those perpetrated by the Nazi regime in Germany."

On November 22 the tribunal, which focused on the defendants' roles in their countries' military actions in Iraq, [found both Bush and Blair guilty](#) of crimes against peace, crimes against humanity, and genocide.

"The two accused took the law into their own hands," the verdict read. "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 of the charge." (The full text of the verdict can be read [HERE](#).)

While acknowledging it had no authority to order the criminal courts of any sovereign state to enforce its verdict against the two former world leaders, the tribunal made several recommendations, including that Bush and Blair be reported to the International Criminal Court, and that UN member states pass resolutions leading to the end of the American occupation of Iraq.

Writing in his blog on November 29, Mahathir lamented the weakness of the UN and the international community in being unable to pass and apply laws against powerful countries and their leaders who commit crimes.

"The UN and the international community have failed," he [said](#).

"The world should not accept this failure," he continued. "Somehow some punishment should be meted to countries and leaders guilty of international crimes."

In an [article](#) published by Montreal-based Global Research, blogger Margaret Kimberly expressed similar sentiments about the UN and the ICC, which she said are controlled by certain western countries.

"They turn a blind eye when Bush and Blair invade Iraq or when their successors kill Libyan civilians," Kimberly wrote. "Their partners in the corporate media don't allow true debate about how they operate and they paid no attention to the Kuala Lumpur tribunal."

Meanwhile, calls for the arrest of Bush by Mahathir and Amnesty International have gone unheeded.

Zambia [rejected](#) requests for Bush's arrest, saying they would only have been seriously considered if they had come from the International Criminal Court.

Despite the seemingly disappointing outcome of the endeavour to prosecute Bush and Blair, Dirk Adriaensens of the BRussels Tribunal said those seeking justice should keep applying pressure wherever they can.

"More political personalities should have the courage to follow Dr. Mahathir's example," he said.

"War Crimes should not go unpunished. Visits of Bush & Blair should be protested, wherever they go. War criminals should not feel themselves safe from punishment."

Copyright © MOLE.my 2011

Source: <http://www.mole.my/content/no-letting-war-criminals>