

War crime hearing against Bush, Blair begins
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KUALA LUMPUR The four-day hearing by the Kuala Lumpur (KL) War Crimes Tribunal against former United States president George W. Bush and former British prime minister Tony Blair on a charge of war crimes began yesterday.

It is alleged that the duo had committed crimes against peace when they launched a war against Iraq on March 19, 2003 without the sanction of the United Nations (UN).

However, before actual proceedings began, defence counsel team leader Jason Kay Kit Leon raised two preliminary objections.

The first objection was a supposed lack of jurisdiction by the tribunal to try the former leaders.

The other was on grounds of apparent bias by one of the judges, due to previous involvement in other international tribunals for war crimes.

Judge Nilourfer Bhagwat was requested to reclude herself from the tribunal as she had previously served as a judge with the Tokyo International Tribunal for War Crimes in Afghanistan as well as a prosecutor in a different tribunal against Bush. The defence counsel said Bhagwat would not be able to be fair at the KL war crime proceedings.

After a 20-minute adjournment to discuss the defence counsel's objection of apparent bias, Bhagwat decided to reclude herself and left the chambers.

Retired Federal Court judge Datuk Abdul Kadir Sulaiman, heading the tribunal, along with five other judges, proceeded to hear the defence counsel's first objection.

Defence counsel argued that the tribunal lacked the jurisdiction to try the former leaders as it did not have the mandate of the UN Security Council.

Kay cited several international criminal tribunal cases which had the authorisation of the UN, including the international criminal tribunal for Rwanda.

"The mandate for the UN is necessary when we wish to indict war criminals," he said, adding that the tribunal would be usurping the UN's power of authority by carrying out its own trial. "Verdicts which have no legal effect are purposeless in upholding justice or maintaining international peace."

Chief prosecutor Professor Gurdial S. Nijar and his team countered this argument by saying that the tribunal was a trial of conscience.

"War crimes have universal jurisdiction in that anyone can bring war criminals to account for their actions."

He also said the KL tribunal was complementary to the UN in trying to establish a body of law in relation to war crimes.

The tribunal overruled the second defence objection and proceeded with the trial.

The hearing will end on Nov 22.

Present was chairman of the Kuala Lumpur Foundation to Criminalise War and former prime minister, Tun Dr Mahathir Mohamad.

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