

Kuala Lumpur War Crimes Tribunal Commences Hearing On Bush For Crime Of Torture
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KUALA LUMPUR, May 7 (Bernama) -- The Kuala Lumpur War Crimes Tribunal Monday commenced its hearing against former United States President George W. Bush and seven of his associates on the charge of 'Crime of Torture and War Crimes'.

The other seven are Dick Cheney, former US vice-president; Donald Rumsfeld, former defence secretary; Alberto Gonzales, then counsel to President Bush; David Addington, then general counsel to the vice-president; William Haynes, then general counsel to the secretary of defense; Jay Bybee, then Assistant Attorney General; and John Yoo, former Deputy Assistant Attorney-General.

Former Federal Court judge Tan Sri Lamin Mohd Yunus headed the quorum of the tribunal. The panel also comprised Tunku Sofiah Jewa, Alfred Lambremont Webre, Professor Salleh Buang and Mohd Saari Yusuf.

The tribunal today ordered the trial against the accused to proceed after ruling that war crimes had universal jurisdiction.

Earlier, Jason Kay, who has been appointed as 'amicus curae' (friend of the court) to act for the accused, raised a preliminary objection that the tribunal had no jurisdiction to proceed with the charge against them.

He argued that the tribunal established under the Kuala Lumpur Foundation to Criminalise War (KLFCW) was incorporated under the laws of Malaysia and, as such, only the written laws of Malaysia were applicable.

Led by Prof Gurdial Singh Nijar, the prosecution countered that the body was not only enforcing Malaysian law but international law as well, and in any event, war crimes were universal crimes based on 'jus cogens' and customary international law.

The first prosecution witness, Abbas Abid, who was former chief engineer at the Science and Technology Ministry in Baghdad, claimed that he was tortured while under detention at Al-Jadiria prison.

Currently residing in Fallujah, Iraq, Abbas said that he was, among others, subjected to electric shocks, hung from a wall with weights attached to his private parts, and forced to drink a lot of water mixed with diuretics while his penis was tied with a rubber band to prevent him from urinating.

At the outset, the tribunal granted the prosecution's application for Abbas to have his face covered with a scarf when giving evidence for security reasons.

In his testimony, Abbas, 48, said that at about 10pm on Aug 28, 2005, more than 15 American and Iraqi soldiers took part in a raid on his brother's house, entering the premises in what he described as a "terrifying manner".

After being summoned by a relative, he went to his brother's house where he was asked to follow the troops for questioning and was later detained at Al-Jadiria prison.

The father of five claimed that on Oct 5, 2006, he was brought to the court but was set free due to lack of evidence.

"I had to pay US\$10,000 to the authorities in charge of the prison under the Ministry of Justice before I was released," the Arabic-speaking Abbas said through an interpreter.

To a question from Gurdial Singh, Abbas said he had dreamt of "having 15 children" but this was not to be as a result of his ordeal in prison.

The prosecution's second witness, former Guantanamo Bay detainee Moazzam Begg, testified that he had gone to Afghanistan with his family in 2001 to build a school but when the US invaded the country, he and his family evacuated to Islamabad in Pakistan.

Reading his statutory declaration, the Briton said that after being held for three weeks by the Pakistanis, he was handed over to the US military before being flown to Afghanistan and subsequently taken to the Guantanamo Bay detention centre in Cuba where he remained for 20 months.

Moazzam said his mental health deteriorated, having been placed under solitary confinement and living in a tiny, windowless cell with no lights and deprived of any contact with other prisoners.

The trial, which is being held in an open court at the KLFCW in Jalan Perdana here, continues Tuesday.

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