

# The “Dream to Criminalize War” under the Helm of Tun Dr. Mahathir Mohamad

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*We bring to the attention of our readers Tun Dr. Mahathir Mohamad’s, important initiative to “criminalize war”. It started twelve years ago in December 2005 with the Kuala Lumpur Declaration to Criminalise War, which subsequently led to Kuala Lumpur War Crimes Commission (KLWCC) and the Kuala Lumpur War Crimes Tribunal (KLWCC) which initiated the indictment against George W. Bush et al “for crimes of torture and war crimes”. (Judgement of the Kuala Lumpur War Crimes Tribunal (KLWCT), 11 May 2012).*

In a subsequent judgment, The State of Israel was indicted on “crimes of genocide” (Judgement of the Tribunal, November 25, 2013).

Needless to say, these two important judgements based on expert legal opinion and witness testimonies from Iraq and Palestine, were not the object of mainstream media coverage

*Chaired by Tun Dr. Mahathir, the Kuala Lumpur War Crimes Commission (KLWCC) included three foreign members who worked with their Malaysian counterparts on the Commission: Former Assistant Secretary General of the United Nations Dennis Halliday and former UN Assistant Secretary-General and UN Humanitarian Coordinator for Iraq. Dr. Hans von Sponeck and Prof. Michel Chossudovsky of the Centre for Research on Globalization (CRG)*



From Left to Right: Francis A.Boyle, Helen Caldicott, Denis J. Halliday, Tun Dr. Mahathir Mohamad, Hans-Christof Von Sponeck, Michel Chossudovsky, Imam Feisal Abdul Rauf

To consult the [text of the Declaration, click here.](#)

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*A decade ago, an elder Malaysian statesman had a dream. Just like centuries ago when someone had a dream that slavery would be abolished, this Malaysian statesman had dreamt that one day, wars, too, would be abolished.*

*So, he gathered several people to join him in realising that dream. Many like-minded individuals from the four corners of the globe eagerly joined him in embarking on this extremely challenging quest. They met at a Peace Conference in Malaysia in December 2005 to deliberate further and as a result, the Kuala Lumpur Initiative to Criminalise War came into being.*

That elder statesman is Tun Dr Mahathir Mohamad, a young medical doctor from Kedah, who later became the fourth prime minister of Malaysia. That historical Peace Conference, held from Dec 14 to 17, 2005, was attended by more than 2000 people from all the five continents.

Following that historical event, the groundwork was laid out to put the KL Initiative into action. Two years later, in February 2007, another international conference was held at the Putra World Trade Centre, themed “Expose War Crimes, Criminalise War”. It was attended by more than 3,000 people from all over the globe. It was at this conference that a decision was made for the establishment of a formal body, known as the Kuala Lumpur Foundation to Criminalise War (KLFCW).

The foundation quickly drew up its charter, under which three organs came into being — the Kuala Lumpur War Crimes Commission (KLWCC) that acts as an investigative arm of the foundation, the Kuala Lumpur War Crimes Tribunal (KLWCT) that acts as a Tribunal of Conscience with its own rules of evidence and procedure consistent with the highest standards comparable to the International Courts of Justice and other national courts of law, and finally the Legal Team, headed by the chief prosecutor.

Over the last eight years, the commission held several sessions, hearing complaints from victims of armed conflicts in several war zones, testimonies from former detainees of Guantanamo Bay and medically trained personnel who were involved in treating victims of the war in Iraq, Gaza, the West Bank and Lebanon (the massacre in Sabra and Shatila). Following these sessions by the commission, the chief prosecutor had filed charges of war crimes, crimes against humanity and genocide against several individuals, as well as the state of Israel.



(From left) Datuk Mukhriz Mahathir, Tun Dr Siti Hasmah Mohd Ali and Tun Dr Mahathir Mohamad listening to the testimony of 15-year-old Mahmoud Al-Sammouni during the hearing by Kuala Lumpur War Crimes Commission in Kuala Lumpur on Nov 21, 2012. The commission is the brainchild of Dr Mahathir. (Source: New Straits Times)

The tribunal, comprising an international panel of seven judges, heard direct evidence and

testimony from witnesses and legal submissions by both the prosecution team and the amicus curiae team (the latter representing the accused, as provided in the charter and the rules of procedure) and in the end, delivered its reserved judgment. In all, the three cases heard by the tribunal (affecting the wars in Iraq, Gaza and the massacre in Sabra and Shatila), the accused were found guilty and declared as war criminals.

The full record of these criminal proceedings had been carefully and painstakingly compiled and the full text of the findings and judgment of the tribunal were submitted to the United Nations, the International Criminal Court (ICC) at the Hague and the heads of government of several states.

Last weekend, on April 18 and 19, KLFCW hosted its latest international forum at the PWTC in Kuala Lumpur to take stock of what it had achieved so far and to deliberate what it should do in the next decade to take the quest to criminalise war to the next level.

On the first day of the forum, themed “Peace with Justice: Constructing the Road Map”, several distinguished speakers (local and foreign) spoke on various critical issues including, inter alia, proxy wars, torture, regime change, false flag operations, the use of drones on civilian populations and the road map ahead for KLFCW.

On the second day of the forum, Deputy Prime Minister Tan Sri Muhyiddin Yassin delivered his keynote address under the theme, “Engaging the Young to Criminalise War and Energise Peace”.

Expressing his agreement that the theme of the forum was “most appropriate”, Muhyiddin said it sent out a clear and precise message that the young generation must assume an important role in the shaping of their future, free of war and armed conflict.

Muhyiddin added that

“in many war-torn countries... we have seen how children suffered the most. Look at the Middle East, Palestine, Syria, Yemen and Iraq. How many of the young ones have had their lives snatched away because of war.”

The deputy prime minister, in his speech, gave a positive endorsement and encouragement from the Malaysian government that the board of trustees and the working staff of KLFCW found most satisfying and gratifying.

The road ahead to criminalise war may take several decades or even centuries. But as the Chinese philosopher Lao Tzu once said,

“A journey of a thousand miles begins with a single step”, KLFCW had been able to take several steps over the past decade.

It is now time to fine-tune the road map ahead.

*Salleh Buang formerly served in the Attorney-General’s Chambers before he left for private practice, the corporate sector and then academia.*

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