

# A Step towards a War-free World: Criminalise War

Why we must reject war

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## **Criminalise War Conference, Opening Address, 28th October 2009**

### **SPEECH BY TUN DR MAHATHIR BIN MOHAMAD AT THE CRIMINALISE WAR CONFERENCE AND WAR CRIMES TRIBUNAL 2009 AT PUTRA WORLD TRADE CENTER, KUALA LUMPUR ON WEDNESDAY, 28 OCTOBER 2009**

#### **WAR AND CRIME**

1. As one of the convenors of this conference on the Criminalisation of War, I must express my appreciation for the number of people who have shown enough interest to attend it.
2. I hope and pray that we can take yet another step towards a war-free world, toward making war no longer a solution for disputes between nations, by making it into a crime instead, making those who resort to aggressive war as criminals who must be punished for the crime of the mass killing of people, which is what war is about. If the killing of one person is murder, a crime deserving of the most severe punishment, why must we regard the mass killing of people as legitimate and proper? There is something wrong in a creed that regards the killing of one person as different from the killing of people in their thousands and millions of people. The thousands and millions are made up of single individuals in the final analysis. The mass killing in war cannot be regarded as anything other than the mass murder of individuals who make up the masses. Since individuals are being killed, the fact that the individuals are killed together doesn't alter the fact that individuals are killed and therefore the killing must still be regarded as the killing of individuals which constitutes murder. And those responsible for the murder of these individuals must therefore be murderers and must be regarded as criminals and punished accordingly.
3. But the vast majority in this so-called modern civilization of ours still distinguish between the killing of an individual and the killings of millions of individuals in the situation called war.
4. One very intelligent individual when asked to join the movement to make war a crime, replied that we have had war for 7000 years and therefore we must accept wars. It is mind-boggling that there can be intelligent people who believe that since something had been done for 7000 years, then it should continue to be done.
5. There must be a lot of things which we have been doing for thousands years which we don't believe should be done now. Abuse of human rights in its various forms are now not acceptable. Discrimination against women, child labour, public execution, the gibbets, torture, slavery etc etc are no longer acceptable now.

6. It is admitted that there are places where some of these practices are still carried out but generally the civilized world rejects them even if they had been common for thousands of years of their history.

7. So why cannot we reject war? Why cannot we make war a crime, a dastardly crime deserving of the most severe punishment.

8. Because we do not regard war as a crime, the mass killings have not stopped. In the 1st and 2nd World Wars 70 million people were killed. But the world today accepts this with equanimity. They were wars, so the killings were justified.

9. And today we are still seeing people being killed in wars, as the great military powers resort to it to resolve any problem, big and small which they may have with other countries, especially those which are no match for them.

10. 7000 years ago the number of people killed in any war must be very small. This is because the capacity to kill was limited. The weapons would be wooden clubs or sharpened sticks.

11. Then the more "civilized" began to invent new weapons. From stick to stone to ever harder metals. Knives, swords were invented. Sharp edges or points made killing much easier.

12. Bows and arrows followed, extending the reach of the weapons of war. The Chinese invented gun-power but not for killing. Mostly the explosives were for chasing imaginary devils and dragons, which threaten to swallow the moon.

13. The Europeans came across the gun-powder and immediately thought that it could be used in war for throwing projectiles a longer distance than the catapult or bows and arrows.

14. From then on the search for ways to hurl weapons further and further has never stopped. Apart from that the killing power of the missiles had been enhanced continually.

15. Now we can literally throw, shoot or rocket the most destructive weapons right round the globe and beyond. We now have the capacity to literally blow up this whole planet and every living soul on it.

16. The search for the most powerful weapon should really be over. Everyone should now know that a war can actually exterminate the whole of humanity, including the very people who use the nuclear weapons. Using it would amount to mass suicide. Both the victors and their victims would perish. War would therefore be totally counter productive.

17. Imagine a nuclear war with bombs and nuclear warheads being hurled at each other. If there are survivors, radiation would kill them all.

18. Truly war should no longer be an option in the settlement of disputes between nations.

19. But the fact is that the powerful nations of the world were not affected by the devastations in Hiroshima and Nagasaki. Mostly they see nuclear weapons as deterrents against attacks against themselves. Far from outlawing nuclear weapons as they did with poison gas, they began developing ever more powerful nuclear weapons and delivery systems.

20. As a result the United States and Soviet Union, France and Britain rushed to acquire the knowledge and the capacities to produce nuclear weapons. During the Cold War years the United States and USSR built up huge arsenals of nuclear warheads. Between them there are more than 20,000 nuclear warheads sufficient to destroy the whole world many times over. China, France and Britain also have huge arsenals of nuclear weapons.

21. Germany and Japan are not allowed to possess nuclear weapons. But Israel, India and Pakistan have nuclear capabilities.

22. There seems to be some basis for the idea of nuclear deterrents. Although the United States appeared ready to use nuclear weapons during the Cuban crisis, in the end it decided to compromise by removing its nuclear missiles in Turkey which was obviously threatening Russia.

23. It was fortunate that both the leaders of these two nuclear powers came to their senses in time. Otherwise the world would have been devastated by nuclear weapons in the arsenals of these two countries.

24. We cannot afford to have this kind of brinkmanship. We cannot live in fear of one or two persons destroying this world and its 6 ½ billion people. We cannot allow our civilization to be terminated by some crazy President.

25. A nuclear deterrent is just too risky and too very dangerous. Maybe it was this thought that prompted the idea of nuclear disarmament and non-proliferation.

26. But all these international resolutions were non-starters because the big nuclear powers blatantly ignored them. As a result we see other countries developing their own nuclear weapons. There is much ado about these countries having nuclear weapons. These countries would be mad to use the few primitive nuclear weapons that they have. Should they do so the powerful nuclear countries would wipe out these countries from the surface of this earth?

27. The real danger is still from the rich and powerful nuclear powers. It is they who must reduce and finally eliminate their nuclear weapons if they want to have the moral ground to enforce the non-proliferation treaty.

28. Unfortunately these great nuclear powers are still developing, testing and producing more nuclear weapons. They talk of safe nuclear bombs, of small nuclear bombs and tactical nuclear bombs. Already they are using depleted uranium in their bombs and missiles which are causing diseases like cancer to spread among hundreds of thousands who had survived their attacks.

29. But they are not stopping there. They have developed bombs to penetrate deep into the ground so that bomb shelters buried deep in the ground would provide no protection.

30. New weapons are being developed as the industrialists see profits in the research and developments of weapons. In this their military has cooperated and played a big role as they would be the only organisation to need and use the new weapons.

31. The industrialists not only produce sophisticated new weapons but they invariably follow up with the defences against the weapons they have developed. Nations, rich and poor have

been forced to buy and equip their armed forces with these offensive and defensive weapons or systems.

32. After this the industrialists would come up with a new weapon that could penetrate the defence system they had sold previously.

33. Should the country refuse to buy these the producers would hint at offering the weapons to the potential enemy of the country. Fearing the enemy would possess the weapon, which could penetrate its defence, the country would be forced to acquire the new weapon.

34. Then the industrialist would come up with a new defence system against the weapon they had just sold. Again the buyer would be forced to buy this defence system.

35. And so this would go on endlessly. The industrialist would wax rich even if the weapons would not be used. This is not my imagination. It is happening now even to Malaysia. We have to buy expensive aircrafts and submarines although we don't expect to go to war with anyone. And we have to upgrade them every now and then.

36. The weapons merchants would try to create an arms race between neighbouring countries or rival countries in order to be able to sell the arms that they produce. The arms race would create fear and tension between countries, yet fearing mutual destruction few of these countries would go to war with each other. Not being used the expenditure on arms would be wasted. The urge to try out these weapons in real life situation would be irresistible. And so proxy wars and wars against weaker nations would be started.

37. But the countries of the world never learn. They would upgrade their weaponry continuously even though they know they have very seldom any use for the weapons.

38. Along the way the industrialists and the military have developed a symbiotic relation. Always desirous of becoming more and more powerful, the military would build a case for the need to develop new weapons against the possibility of attacks by potential enemies whose weapon might be superior.

39. Unable to recoup the money spent the industrialist marketed their weapons to the world. They work hand-in-hand with their Governments, the military, the banks and the media. Together they and their sales talk would be irresistible.

40. The weapons trade has developed and grown until it has become a big part of world trade. The effect of this trade is to impoverish countries which have to continually upgrade their weaponry at considerable cost and the arms race which invariably follows as neighbouring countries compete in upgrading their weaponry.

41. The weapons producing countries are still spending trillions of dollars conceiving, inventing, developing, testing and producing weapons. This is being done at the behest of the military, but often the defence industries would come up with frightening scenarios which could be handled by their latest multimillion dollar weapons. It is not the defence of their countries which they care about. It is the money to be made.

42. Any new scientific discoveries would be thoroughly studied for use in weapons. Thus firecrackers, noxious gases, bacteria, chemicals, metal alloys, new metals, lasers, radio waves, electrical and electronic devices, composite material, carbon fibres, and just about anything would be examined, analysed, studied, tested for applications in weapons, to make

the killing of people more efficient.

43. Almost without exception some application would be found for use in killing people. Radio control toy cars and model aeroplanes have now evolved into remotely controlled, unmanned aircrafts, land and sea vehicles to deliver bombs and other explosives and even biological and chemical weapons without risking the lives of the attackers.

44. The technology for Unmanned Aerial Vehicles (UAV) which could carry cameras and radio transmitters has now been applied to full-size military aircrafts. The pilot would be on the ground facing their numerous consoles, monitoring and controlling the aircrafts by radio, programming their flight and releasing their murderous cargo of bombs or firing their rockets. The pilots are not exposed to any danger by the bombs and rockets they fire from hundreds and thousands of miles away. Without the risk of being killed the urge to war and kill is enhanced.

45. The pilot of Enola Gay had to fly his plane thousands of miles to be over Hiroshima city in order to drop his beloved Little Boy to kill 100,000 people and destroy the whole city. He ran the risk of being attacked by enemy fighters and being shot down and killed.

46. The modern pilot can now fly the more sophisticated radio controlled bombers from his base in his country to drop the atomic bomb precisely over the target city. 100,000 people or even a million people would be killed and the whole city totally destroyed, just as was done by the pilot of Enola Gay. And all this can now be done between games of cards or watching a football match over a glass of beer. The pilot risks nothing at all yet the men, women, children, the aged, the sick and the disabled would all be killed and many thousands more wounded, losing their arms and legs, having their abdomen ripped open and their guts spilling on the ground.

47. Hospitals, schools, markets, shopping complexes and buildings of all kinds would be pulverised. Fires would start and a fire-storm would suck up all the oxygen, suffocating the survivors.

48. Even if no nuclear material is used, the power of modern explosives and the size of the mega bombs – each weighing more than 15 tons would do enough damage to devastate whole cities.

49. There would be nowhere to hide. The new bombs and rockets have the ability to pierce through earth and concrete to great depths before exploding so that those in bomb shelters would no longer be safe, be protected from the new weapons.

50. Noxious gases and radiation would kill rescuers, and would be blown for hundreds of miles, killing and spreading diseases of all kinds.

51. The great military powers have all these destructive weapons and delivery systems. They know that they don't need huge armies to launch their attacks. All they need is a few men manning the consoles and they can literally wipe out hundreds of thousands or millions even of people, devastate whole countries and render them no longer habitable.

52. They have this capacity, they have this power. But they are still researching, developing, testing and producing more and more lethal weapons, gleefully predicting their use in future wars. They cannot conceive of a world at peace.

53. They believe that only they can be trusted with these weapons. The world need not fear them. They are reasonable people, caring people whose respect for human lives cannot be questioned. But are they?

54. They may not use the nuclear weapons and other WMD in their possession yet. But knowing that they have and knowing that no one would dare to attack them, they have shown their willingness to provoke weaker nations and to attack them with their so-called conventional but no less destructive weapons.

55. They claim their use of the power to kill people indiscriminately as making the world safe for democracy. They seem to think that only they as democrats have a right to live, to be safe and secure. It is right and proper to make those who are not democratic unsafe and insecure. It is proper to kill other people in order to promote democracy.

56. They fail to appreciate that the people who are not democratic are also people, are human beings whose right to live are no less than those who are democratic. The people who would be killed are innocent of any crimes against the democratic people, even if their leaders may be dictators. To deprive them of their rights to life must constitute as heinous a crime as the deprivation of the rights to life of innocent democrats.

57. Human rights is not for democratic people only. Every human life is sacred; every person has a right to live. Those who say that only democrats have a right to live in security are no less authoritarian than the dictators the democrats condemn. In fact in many cases authoritarian leaders or rulers have given their people a better life than some democrats whose countries have been made unstable and insecure because of the weaknesses and uncertainties of the democratic systems.

58. What I am saying is sacrilege of course. But if we look at recent events we would not fail to notice that it is the democratic countries which have been quick to use violence, who have violated international laws and shown disregard for the very human rights they so strongly advocated. It is they who resort to wars, to killing people to achieve their national agenda. Truly they are hypocrites.

59. Irrespective of whether the warmongers are democrats or not, we must regard war as a crime. No matter how just may the cause be, wars of aggression must still be regarded as crimes, crimes on a grand scale for that is what war means.

60. I am aware that in struggling to make war a crime we are calling for a radical change in the human mindset and value system. War had been with us since prehistoric times. Whenever human communities came into conflict with each other, they would resort to what we call "war" to resolve their conflicts i.e. they would kill each other so that one of the other of them would be defeated or cease to exist.

61. The primitive people of the past knew no other way but to kill and exterminate the opponents.

62. But today we claim to be no longer primitive. We claim to be civilise. We look upon killing as a heinous crime. We want every country to uphold human rights and the Rule of Law.

63. Besides today the population of the world is ten or more times bigger than the primitive populations of just a few centuries ago. Modern wars kill vast numbers of people. In the two



World Wars 70 million people were killed. The number of seriously wounded and maimed for life is countless. And the devastation wrought is beyond imagination as whole cities were wiped out.

64. In the wars of the past, battles were fought on battle fields. The people killed were largely soldiers who had been trained to kill and were equipped to defend themselves.

65. Today everyone, combatants and non-combatants, male or female, the old, the young, the children and the new born, the sick and the incapacitated – all of them would be killed and wounded. They have no means to defend themselves.

66. They may not seek shelter underground even because diabolical new bombs have been designed to penetrate deep into the earth, to pierce concrete and to explode and to destroy the shelter and all in it.

67. Besides killing everyone, the whole country would be devastated, reduced to rubble. Water pipes, barrage and dams, power lines, and power generating plants would all be destroyed.

68. Those who survive the bombs and the missiles would have no food and water, no electricity, no toilets and no shelter of any kind. Disease would spread to decimate more of the survivors.

69. Truly modern war is total war sparing nothing and no one. Our capacities for killing and destroying have passed the limit that the world and its population can bear. We are now capable of wiping out the whole human race and render this planet uninhabitable.

70. Even if the war is limited i.e. confined to a pair of countries or region, it would still be inhuman as in most instances the aggressors would have such superior capacities to kill and destroy that gross injustice would be done. The weaker countries would not be able to defend themselves. Frequently they would be the only one to suffer while the aggressors continue to live in peace and security.

71. And when the war ends with victory for the powerful, only the vanquished would be blamed and punished. The victors would demand reparations although the vanquished had suffered more.

72. There is a need, to uphold justice, a need for the people including the leaders who launch the wars to be made accountable for the death and destruction resulting from their decision, their instruction and their command. It does not matter whether the aggressors win or not. They must be regarded as guilty and their leaders must be tried and punished, punished severely. Only this would deter the aggressive from resorting to war.

73. The United Nations was set up by the victors of 60 years ago and they still control and direct the United Nations today. Even the courts are under the control of the victors, in particular the veto powers.

74. For so long as the United Nations and its agencies are under the direction of the victors of 60 years ago, we cannot expect fairness and justice from them for the crimes of killing people in wars.

75. We can only expect fairness and justice if the agencies, in particular the Security Council

and the international courts are made up of truly neutral people with no stake in the matters being decided. In particular the courts must be free and independent and must hear all complaints by both the victors and the vanquished without fear or favour.

76. Because we are not going to see such an independent court in the foreseeable future PGPO (the Perdana Global Peace Organization) has taken the initiative to set up a tribunal. We may be accused of being biased but we find reluctance on the part of neutralists to participate in our initiative. There is evidence that even those who are neutral fear retaliation by the powerful.

77. Since we cannot wait for the neutralists the tribunal we have set up is made up of judges who have been trusted to be impartial, fair and just. They will act in accordance with the rules and regulations which have been drawn up and be subjected to international laws as well as natural justice.

78. If the accused persons fail to present themselves then they may appoint counsel to represent them or failing that we will appoint counsels for them.

79. The proceedings of the courts will, as far as possible follow the usual court procedures under the British Common Law System.

80. The Commissioners will determine whether there is a case to be heard. Only if they find that there is will they submit their findings to the Tribunal. Then the victims or their proxies and representatives will present their cases.

81. The rest is up to the tribunal.

82. We may not be able to carry out the sentence passed by the Tribunal. But we hope Governments and NGO's world wide will take note and try to make the punishment meaningful at least by ostracising the guilty ones.

83. We seek moral force as physical force will not be available to us. But the important thing is to make people everywhere appreciate the horrors of war and the criminal who without fear of any retribution have so carelessly issued orders for hundreds of thousands of innocent people to be killed, many to be tortured and for whole countries to be devastated.

84. We believe that eventually the peoples of the world will come to accept that war is a crime and will condemn the warmongers and regard them as criminals. And when this happens we may see the world becoming a more peaceful place.

85. That is our hope. It will take time for the mindset of the denizens of this planet to change with regard to the nature of war.

86. We may not see this happen in our lifetime, at least for most of us.

87. But the fact that we are not likely to see it in our lifetime must not stop us from this noble struggle. As Confucius said, a journey of thousand miles begins with the first step. Without taking the first step the journey will never be made at all.

88. What we are doing is to take that first step.

89. God willing other steps will follow. Man must come to their senses some day. It will be a



journey worth starting even if it takes a thousand years.

90. May God give us strength to struggle to eliminate the killing of people in the quest for solutions to human conflicts.

91. May Allah help us make war a crime, the worse crime that the human race can be guilty of.

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