

State of Israel Charged for “Crime of Genocide and War Crimes”, Kuala Lumpur Tribunal

Tribunal Hearing against Israel and General Amos Yaron

By [Kuala Lumpur War Crimes Commission \(KLWCC\)](#)

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Theme: [Crimes against Humanity](#)
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“WHY is it that the murder of one man is considered a criminal act whereas the killing of hundreds of thousands of innocent people committed in wars, is not considered so? -Tun Dr Mahathir Mohamad, former Prime Minister of Malaysia

KUALA LUMPUR, 19 August 2013 – The Kuala Lumpur War Crimes Tribunal (KLWCT) will be hearing war crimes and genocide charges against Amos Yaron, a retired Israeli army general and the State of Israel from 21 to 24 August in Kuala Lumpur.

This is the first time that war crimes charges will be heard against the retired general and the State of Israel in compliance with due legal process. The Kuala Lumpur War Crimes Commission (KLWCC), having received complaints from victims from Palestine (Gaza and West Bank) and the Sabra – Shatila refugee camps in Lebanon, in 2012, investigated these complaints resulting in the institution of formal charges on war crimes against the accused.

The suffering of the Palestinian people have been well documented over the decades without any legal recourse being open to these people. Legal obstacles are placed in their path denying them the right to be heard. The international community too has failed to recognise their fundamental human right to be heard. The KLWCC founded in 2008 was established to fill this void and act as a peoples’ initiative to provide an avenue for such victims to file their complaints and let them have their day in a court of law.

Witnesses are scheduled to testify against the accused during the course of the tribunal hearing. Eyewitnesses of the Sabra – Shatila massacre will be testifying at the hearing and one of them include prominent surgeon and author Dr Ang Swee Chai. Other witnesses at the hearing will also include those from Gaza during the Operation Cast Lead 1 that resulted in the loss of numerous civilian lives and destruction of property where even children were victims.

Expert witness Paola Manduca, a retired Professor at University of Genoa, Italy who is an expert Geneticist will testify on the impact of weapons on reproductive health arising from the attacks in Gaza, especially to children. There will also be witnesses from the West Bank to testify on alleged Israeli state violence and atrocities against the Palestinian people.

The first charge against Amos Yaron for War Crimes, Crimes Against Humanity, and Genocide is as follows:

The defendant Amos Yaron perpetrated War Crimes, Crimes Against Humanity, and

Genocide in his capacity as the Commanding Israeli General in military control of the Sabra and Shatila refugee camps in Israeli occupied Lebanon in September of 1982 when he knowingly facilitated and permitted the large-scale Massacre of the Residents of those two camps in violation of the Hague Regulations on Land Warfare of 1907; the Fourth Geneva Convention of 1949; the 1948 Genocide Convention; the Nuremberg Charter (1945), the Nuremberg Judgment (1946), and the Nuremberg Principles (1950); customary international law, 'jus cogens', the Laws of War, and International Humanitarian Law.

The other charge, which is against the State of Israel for the Crime of Genocide and War Crimes, is as follows:

From 1948 and continuing to date, the State of Israel (hereafter 'the Defendant') carried out against the Palestinian people a series of acts namely killing, causing serious bodily harm and deliberately inflicting conditions of life calculated to bring about physical destruction.

The conduct of the Defendant was carried out with the intention of destroying in whole or in part the Palestinian people. These acts were carried out as part of a manifest pattern of similar conduct against the Palestinian people. These acts were carried out by the Defendant through the instrumentality of its representatives and agents.

Such conduct constitutes the Crime of Genocide under international law including the Convention on the Prevention and Punishment of Genocide 1948 ('the Genocide Convention') in particular Article II and punishable under Article III of the said Convention. It also constitutes the crime of genocide as stipulated in Article 10 of the Charter of the Kuala Lumpur War Crimes Commission.

Such conduct by the Defendant as an occupying power also violates customary international law as embodied in the Hague Convention of 1907 Respecting the Laws and Customs of War on Land, and the Fourth Geneva Convention of 1949. Such conduct also constitutes War Crimes and Crimes against Humanity under international law.

The trial will be held before the Kuala Lumpur War Crimes Tribunal, which is constituted of eminent persons with legal qualifications.

The judges of the Tribunal will be headed by retired Malaysian Federal Court judge Tan Sri Dato Lamin bin Haji Mohd Yunus Lamin, who also served as an ad litem judge at the International Criminal Tribunal for the former Republic of Yugoslavia.

The other judges in the Tribunal include notable names such as Mr Alfred Lambremont Webre, a Yale graduate, who authored several books on politics, Tunku Sofiah Jewa, practising lawyer and author of numerous publications on International Law, Prof Salleh Buang, former Federal Counsel in the Attorney-General Chambers and prominent author, Prof Emeritus Datuk Dr Shad Saleem Faruqi, prominent academic and professor of law, Michael Hourigan, an internationally renowned human rights lawyer and Prof Eric David, an International Humanitarian Law expert who was counsel at the International Court of Justice and the International Criminal Tribunal for Rwanda.

The Tribunal will adjudicate and evaluate the evidence presented as in any court of law. The judges of the Tribunal must be satisfied that the charges are proven beyond reasonable

doubt and deliver a reasoned judgement.

In the event the tribunal convicts any of the accused, the only sanction is that the name of the guilty will be entered in the Commission's Register of War Criminals and publicised worldwide. The tribunal is a tribunal of conscience and a peoples' initiative.

The prosecution for the trial will be lead by Prof Gurdial S Nijar, prominent law professor and author of several law publications and Prof Francis Boyle, leading American professor, practitioner and advocate of international law, and assisted by a team of lawyers.

The trial is open to the public and will be held on August 21-24, 2013 at the premises of the Kuala Lumpur Foundation to Criminalise War (KLFCW) at 88, Jalan Perdana, Kuala Lumpur.

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About Kuala Lumpur War Crimes Commission (KIWCC)

The KLFCW established the Kuala Lumpur War Crimes Commission (The Commission), to investigate cases of war crimes that have been neglected by established institutions such as the International Criminal Court. The Commission seeks to influence world opinion on the illegality of wars and occupation undertaken by major Western powers.

The aim of The Commission is thereby to hold perpetrators of war crimes accountable for their actions especially when relevant international judicial organs fail to do so.

The Commission

The commission's function is to:

i) receive complaints from any victim(s) of any conflict on:

- (a) Crimes against peace
- (b) Crimes against humanity
- (c) Crimes of genocide
- (d) War crimes

ii) investigate the same and prepare a report of its findings. To further call for more evidence or where The Commission is satisfied to recommend prosecution

The Legal Team

The legal team's aim is to present the complaints of victim(s) of any conflict and to act on the recommendation of The Commission's report and to frame charges and prosecute accused person(s).

The Tribunal

The Tribunal shall adjudicate on the charges filed against the accused person(s) The applicable standard of proof shall be beyond reasonable doubt.

About the Kuala Lumpur Foundation to Criminalise War (KLFCW)

Malaysia's fourth Prime Minister Tun Dr Mahathir Mohamad founded the Kuala Lumpur Foundation to Criminalise War (KLFCW), a non-governmental organisation established under the laws of Malaysia on 12 March 2007.

The main objectives of the Foundation, as stated in its Statutes are, inter alia:

1. To undertake all necessary measures and initiatives to criminalise war and energise peace;
2. To provide relief, assistance and support to individuals and communities who are suffering from the effects of war and armed conflict wherever occurring and without discrimination on the grounds of nationality, racial origin, religion, belief, age, gender or other forms of impermissible differentiations;
3. To promote the education of individuals and communities suffering from the effects of war or armed conflict;
4. To foster schemes for the relief of human suffering occasioned by war or armed conflict;
5. To provide for mechanisms or procedures in attainment of the above purposes.

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