

State of Israel Genocide Trial Adjourned “Sin Die”

By [Kuala Lumpur War Crimes Tribunal](#)

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KLWCT

KUALA LUMPUR, 22 August 2013 – The second day of the Kuala Lumpur War Crimes Tribunal Hearing took an intriguing turn when witnesses requested through Chief Prosecutor Gurdial S Nijar to make a statement before the Tribunal.

The Tribunal granted the request and Dr Walid Elkhatib, a qualified medical doctor from the West Bank, represented the witnesses and read out the statement in Arabic, which was translated into English for the Tribunal’s and everyone’s benefit via a translator as follows:

Statement from the witnesses,

“The Jews have lived in peace and security with full rights in Arabic and Islamic civilizations for hundreds of years.

Zionism, which was created by a group of Jews with archaic and reactionary ideologies, wished for the creation of a Jewish state of Israel on the expense of another nation, signalling the start of the Palestinian’s struggle.

We are Palestinians here witnessing this injustice, and we are also victims of this historic injustice. We came here without decision or a condemnation.

We saw yesterday the inappropriate and condescending tone the panel addressed the prosecution, who is a group of well-known and respected lawyers. So we fear that we might suffer the same treatment, or even worse.

I’d like to remind your excellencies that we are not only witnesses but victims with the evidence of torture, insults and violations of our human rights in all fields, not to mention the massacres that we’ve faced.

Thus, we have no right to expose ourselves or our people to more insults and we do not wish for the court to carry on against us.

For all these reasons we have no choice but to express our dissatisfaction to continue with this panel under these negatives circumstances.”

With the witnesses having made their views and feelings public, the Chief Prosecutor requested that the proceedings be postponed sine die (to a date to be fixed).

Amicus curiae, Larissa Jane Cadd Detmoid, after a short adjournment, argued that the panel was being ‘bullied’ into adjourning the hearing and that the witnesses statement was an attempt to go behind the decision that the panel had made on the first day of the hearing.

She proceeded to point out that it was only after the tribunal had dismissed the prosecution's application to recuse Judge David, that the Prosecution stated that the witnesses had concerns about appearing before the panel. She questioned why this was not conveyed to the panel prior to the application to recuse the judge.

In a highly charged courtroom, the Chief Prosecutor proceeded to reply to the amicus curiae, that the hearing was not as implied, a game. He stressed that the prosecution had accepted the Tribunal's ruling on the recusal application.

He pointed out that the statement made by the witnesses was a consequence of the ruling made by the panel on the recusal application.

He highlighted the fact that the witnesses were victims who have come to give evidence at an international tribunal of conscience in respect of the alleged genocide by Israel against the Palestinian people since 1948 and that the amicus [acting on behalf of the State] had failed to appreciate this aspect.

He reiterated that the witnesses had expressed their lack of confidence in testifying before this panel of judges.

He further added that the witnesses' statement is a plea by witnesses, who are victims of genocide seeking justice at great risk to themselves. And that, they are certainly in no position to bully anyone, as suggested, least of all the eminent panel of judges.

The judges adjourned the hearing till the afternoon to make their decision. The decision, which was delivered by Judge Prof Salleh Buang, touched on the recusal application and the subsequent sequence of events wherein the Tribunal expressed their "disappointment and regret on the serious breach of conduct of the prosecution team.'

The tribunal put on record their sorrow and regret that all the preparatory work for the hearing had come to naught and that the witnesses had given up an opportunity to testify.

The court adjourned the hearing sine die.

For further information, please contact

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The Tribunal Members

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Mr Alfred Lambremont Webre
Tunku Sofiah Jewa
Prof Salleh Buang
Prof Emeritus Datuk Dr Shad Saleem Faruqi
Michael Hourigan
Prof Eric David

The Prosecution
Prof Gurdial S Nijar

Prof Francis Boyle
Mr Avtaran Singh
Ms Gan Pei Fern

Amicus Curiae (appointed Defence team)

Mr Jason Kay Kit Leon
Ms Larissa Jane Cadd Detmold
Dr Abbas Hardani
Ms Galoh Nursafinas Samsudin

About Kuala Lumpur War Crimes Commission (KLWCC)

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.

Members of the Commission

Tun Dr. Mahathir Mohamad

Dr. Zulaiha Ismail
Musa Ismail
Prof. Michel Chossudovsky,
Denis Halliday,
Dr. Hans von Sponeck

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.
“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

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