

## War Crimes IV

### An Indictment of Tony Blair

*E. W. Thomas*

*Mr Brown's Inquiry will not 'apportion blame or consider issues of civil or criminal liability'.*

*However, one lawyer has sought to uphold the law. He has made his own 'survey for which it could be reasonably expected Tony Blair should be accountable'. The Rt Hon E.W.Thomas QC PC, Retired Judge of the Court of Appeal of New Zealand, and Acting Judge of the Supreme Court of New Zealand, has prepared 'An indictment of Tony Blair and the failure of the political process' (see War Crimes, Spokesman 95). 'The following list is not a legal indictment, as such,' he says. 'It makes no rigid distinction between political morality, legality or, even, political misjudgement.'*

1. In supporting the war in Iraq, the Prime Minister allied the United Kingdom, and the Labour Government and Labour Party, with the neo-conservative and ideologically driven administration in the United States. It was beholden on him to assert greater independence and recognize that the policies of the Bush administration were both unrealistic and simplistic.

2. In particular, he effectively endorsed the Bush administration's ill-conceived war model as an appropriate response to the threat of terrorism.

3. The Prime Minister unilaterally committed the United Kingdom to support the United States invasion of Iraq without obtaining the timely sanction of his Cabinet or Parliament. Such sanction as was later obtained was obtained through manipulation and political deceit.

4. In particular, he manipulated the intelligence of the security agencies and was deliberately deceptive when he initially shifted from the claim that Iraq had the potential to develop weapons of mass destruction to the claim that Iraq actually possessed those weapons. Further, his uncritical acceptance of the faith-based intelligence of the Bush administration was inexcusable.

5. In respect of the dossier of September 2002, the Prime Minister deliberately misrepresented the intelligence by omitting the reservations, qualifications and caveats in that intelligence.

6. In particular, his claim that Iraq could launch missiles carrying weapons of mass destruction within 45 minutes was a serious misrepresentation which the Prime Minister must have known was false, or which he

came to know was false before he ceased making that claim.

7. The Prime Minister misrepresented, and must have known that he was misrepresenting, the advice which he received from the Attorney-General as to the legality of the war against Iraq. It is impossible to accept that the Prime Minister did not know that there was no sound legal basis for the war. Hence it is difficult to escape the conclusion that he was guilty of the crime of aggression.

8. The Prime Minister has been less than emphatic and, indeed, benignly forgiving, in his rejection of the use of torture, principally because of his knowledge of, and effective complicity in, the United States' practice of extraordinary renditions and his insistence on deporting non-nationals to countries where there is a real risk they will be tortured.

9. The Prime Minister, at the very least, condoned the ideological aim of the Bush administration to establish a *laissez-faire* economy which was self-evidently unreal, would have resulted in the exploitation of Iraq's people and resources by corporate America, and would eventually have led to civil instability.

10. The Prime Minister must accept responsibility for the passage of legislation which constitutes an erosion of fundamental human rights unprecedented in recent British history.

11. The Prime Minister has impaired the democratic process in manipulating Cabinet and Parliament, and he must accept responsibility for the unprecedented level of 'spin' used in promoting the war against Iraq. The spin was nothing short of propaganda.

12. In the course of preparing for and supporting the war in Iraq, the Prime Minister displayed an unacceptable disdain for the democratic process, the rule of law and fundamental human rights and civil liberties. The rules of international law have fared no better.