

Open Letter to the Following: The Honourable Robert Douglas Nicholson, Minister of Justice and Attorney General; the Honourable Lawrence Cannon, Minister of Foreign Affairs; Michael Ignatieff, Leader of the Official Opposition; Jack Layton, leader of the NDP; Gilles Duceppe, Leader of the BQ; R. R. Knecht, Deputy Commissioner and Commanding Officer RCMP, K Division.

I want to call to your attention to a rare and unique window of opportunity to restore faith and hope in the international legal system which has suffered an ignominious battering during eight years of the Bush Presidency. In particular, he has violated the UN Charter, the Geneva Conventions, the UN Convention Against Torture, and the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons. Former President Bush is scheduled to talk at the Rotary Club in Calgary, Alberta, on March 17, 2009, on the sixth anniversary of the invasion of Iraq.

Justice demands that former President George Bush be served with a subpoena requiring him to appear before a judge on possible charges of war crimes.

Based on the principles of legal egalitarianism, rule of law, the Nuremberg Principles, substantial certainty doctrine, and ignorantia juris non exusat, the Canadian State has an obligation to hold G. W. Bush accountable for violating the above international laws whereas failure to do so weakens respect for and the effectiveness of the international system of jurisprudence.

Both the Nuremberg principles and the UN Charter stipulate that crimes against peace are punishable offences under international law. Nuremberg Principle VI states that "Planning, preparation, initiation of a war of aggression or a war in violation of international treaties, agreements or assurances" constitutes a war crime.

Article 33 of the UN Charter stipulates that "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement...or other peaceful means of their own choice."

Article 37 stipulates that "Should the parties to the dispute of the nature referred to in article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council." The Bush administration has attacked Iraq, Afghanistan, and Pakistan without provocation or imminent threat in violation of Articles 33 and 37 of the UN Charter.

The Rome Statute also defines the following as violations of international law for which charges may be lodged by the Prosecutor of the ICC, "Committing outrages upon personal dignity, in particular humiliating and degrading treatment...Employing weapons, projectiles, and material and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering...Imprisonment or other severe deprivation of physical liberty in violation of the fundamental rules of international law." George W. Bush must be held accountable for all the aforementioned violations of international law.

According to the Rome Statute which serves as the constitution of the International Criminal Court (ICC), Canada has the authority to serve such a subpoena and would not be operating outside of the jurisdiction of the ICC. Article 13 of the Rome Statute provides that "The Court may exercise its jurisdiction with respect to a crime referred to in Article 5 in accordance with the provisions of this Statute if; a) A situation which one or more of such crimes appears to have been committed is referred to the prosecutor by a State Party." Article 5 states that "The Court has jurisdiction with respect to the following crimes: a) The crime of genocide; b) Crimes against humanity; c) War crimes; d) The crime of aggression." The Bush administration has committed crimes b, c, and d, and importantly, Canada is a State Party of the ICC and therefore would have the legal authority to issue such a subpoena to the former president.

Canada was a leader in formulating the Rome statute and was the first country to adopt comprehensive legislation embedding the Rome statute in Canadian law. By adopting the "Crimes Against Humanity" and "War Crimes Act" on June 29, 2000, the Canadian Government was the first country to ratify the Rome Statute. In amending the "Criminal Code" and "Extradition Act", Canada was then able to participate in and cooperate with the ICC in prosecuting those who have violated international laws.

If George Bush is not served with a subpoena during his visit to Calgary, the Canadian

government will have demonstrated its total hypocrisy in its claim to support the ICC and to respect international law. The rule of law is fundamental in a civilized and just society and that includes international law as well. Canada has an opportunity to demonstrate whether it is “for or against” the rule of law on March 17, 2009, in Calgary.

David Model

Professor of Political Science

Seneca College, King Campus

King City, Ontario

david.model@senecac.on.ca

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