

**PRELIMINARY FINDINGS
ON INDICTMENTS ISSUED BY THE
INTERNATIONAL COMMISSION OF INQUIRY
ON CRIMES AGAINST HUMANITY COMMITTED
BY THE BUSH ADMINISTRATION**

“When the possibility of far-reaching war crimes and crimes against humanity exists, people of conscience have a solemn responsibility to inquire into the nature and scope of these acts and to determine if they do in fact rise to the level of war crimes and crimes against humanity.”

-- Charter of the International Commission of Inquiry

Submitted by the Panel of Judges:

Adjoa A. Aiyetoro

Dennis Brutus

Abdeen Jabara

Ajamu Sankofa

Ann Wright

International Commission Of Inquiry on Crimes Against Humanity

Committed by the Bush Administration of the United States

305 West Broadway, #199

New York, NY 10013

www.bushcommission.org

BACKGROUND AND PROCESS

The Commission of Inquiry requested that we serve as judges to hear the testimony and review the documentary evidence submitted to support five indictments filed by it charging George W. Bush and officials in his administration with crimes against humanity. After receiving the Charter, the judges embraced its view that there is an important need for a tribunal as an instrumentality of world humanity. Consistent with the Charter the judges agreed to follow the standards established by the Commission and to inquire and assess whether the Bush Administration has committed crimes that do in fact rise to the level of crimes against humanity as popularly understood and conceived, that is “acts that, by their scale or nature, shock the conscience of humankind.”

These indictments charge that George W. Bush, President of the United States of America, and members of his administration have committed war crimes and crimes against humanity during the Bush Administration, January 2001 to January 2006. We accepted this responsibility, committing to act with integrity in reviewing the evidence presented to us and to issue a fair and just verdict. The importance of this commitment was reinforced by the gravity of the indictments and the evidence received during the hearings. An underlying theme in all five indictments and in the testimony in support of these indictments is that the Bush Administration engaged in a pattern and practice of denial and suppression of the truth. As mandated by the Inquiry’s Charter, we conducted our work with “a deep sense of responsibility to the people of the world.”

PRELIMINARY FINDINGS

These are the judges’ preliminary findings since we are continuing to receive documents requested of witnesses at the time of their testimony and are reviewing transcripts and recordings of the two days of hearings in October 2005 and three days in January 2006. Furthermore, after hearing the testimony and reviewing a number of documents put into the record, we determined that the gravity of the evidence and the interest of justice required that we once again request that the Bush Administration supply us with documents or other evidence that may support a position

that it has not committed crimes against humanity and war crimes as alleged in the documents.¹ These findings may be modified and will be expanded after a thorough review of all materials received. It is our expectation that we will be able to issue our final opinion and findings by Spring 2006.

Forty-four witnesses presented testimony in two sessions, October 21-22, 2005 and January 20-22, 2006. These witnesses included people injured by the alleged conduct of the Bush Administration, eye-witnesses including independent journalists, people who at one time served in an official position with the Bush Administration, the United Nations or the United Kingdom, and noted experts in the fields related to the charges in the indictments. In addition, the jurists received numerous reports, studies and other documentary evidence submitted by these witnesses and the prosecutors.

The following is a summary of our findings for each of the five indictments:

Wars of Aggression

The evidence is overwhelming that the Bush Administration authorized and is conducting a war of aggression against Iraq in violation of international law, including The Nuremberg Principles, Geneva Conventions of 1949, the United Nations Charter, and the Universal Declaration of Human Rights. In doing so, the Bush Administration has committed war crimes and crimes against humanity.

Torture, Rendition, Illegal Detention and Murder Indictment

There was substantial evidence submitted through testimony and documents that the Bush Administration committed war crimes and crimes against humanity in conducting its “War Against Terror.” It did this by developing and implementing policies and practices that violated international law and international human rights to force information from detainees and to

¹ The indictments were served on both Counsel to the President Harriet Miers and Attorney General Alberto Gonzales on January 10, 2006. At that time the administration was invited to submit evidence. It did not do so. We forwarded the second request to them on January 30, 2006 by overnight mail.

punish those whom it believes may be “enemy combatants.” It has engaged in a systematic process of denials and specious reconfigurations of international and domestic law to justify its actions.

Global Warming

The testimony of scientists and the scientific reports and other documents submitted during the inquiry support a conclusion that the Bush Administration has committed crimes against humanity by its environmental policies and practices. These policies and practices appear to support corporate interests while denying the overwhelming evidence that greenhouse gas emissions are irreversibly damaging the world environment and causing present day injury to people throughout the world.

Global Health including HIV/AIDS and Family Planning

The jurists are still receiving and reviewing voluminous documentation concerning this indictment. The jurists, therefore, have not reached a preliminary determination on this indictment and will publish its findings in its final report.

Hurricane Katrina

The evidence of the Bush Administration’s conscious and deliberate failings in preventing the foreseeable devastation, including death toll, caused by Hurricane Katrina, particularly in New Orleans, and its failure to respond efficiently and appropriately after the Hurricane was overwhelming. Its failures constitute crimes against humanity. The record is replete with evidence that the systemic historical racial and class based discrimination suffered by many of those who lost so much as a result of Hurricane Katrina was made worse as a result of the Bush Administration’s conduct.

Conclusion

These preliminary findings will be supplemented and expanded in the final verdict of the Commission.

Respectfully submitted,

Adjoa A. Aiyetoro, Assistant Professor of Law, University of Arkansas at Little Rock; former Executive Director, National Conference of Black Lawyers (NCBL)

Dennis Brutus, former prisoner, Robben Island, South Africa, poet, Professor Emeritus, University of Pittsburgh

Abdeen Jabara, former President, American-Arab Anti-Discrimination Committee

Ajamu Sankofa, Executive Director, Physicians for Social Responsibility-NY

Ann Wright, former US diplomat and retired US Army Reserve Colonel

February 2, 2006