

# Belgian Court Rules on Sharon War Crimes Trial

by Dean Andromidas

The Supreme Court of Belgium has handed down a ruling that Israeli Prime Minister Ariel Sharon can be brought to trial for war crimes, once he leaves office and no longer enjoys diplomatic immunity. The Feb. 12 court ruling opens the way for the case brought before the Belgian court by 23 survivors of the infamous massacre of thousands of Palestinians at the Sabra and Shatila refugee camps during the 1982 Lebanon War. This case, first brought before a Belgian judge in June 2001, charged Sharon and other Israelis with war crimes, crimes against humanity, and genocide. Although the proceedings against Sharon will have to wait until he leaves office, the ruling allows prosecution to be proceed immediately against the second defendant, Amos Yaron, who was commander of the Israeli military forces in Beirut at the time. Yaron is currently the director general of the Israeli Defense Ministry, holding its number-two position.

The groundbreaking ruling upholds Belgium's right of universal jurisdiction in regard to war crimes, crimes against humanity, and genocide as codified in the Geneva Conventions and the International Convention Against Torture. Belgian courts were given these rights in laws passed by Belgium's parliament between 1993 and 1999. The Supreme Court overruled an appeals court ruling, that since Sharon and the other defendants were not on Belgian soil, they could not be prosecuted.

The Palestinian delegation present in the court cheered and embraced one another when they heard the decision. However, Chibli Mallat, a member of the plaintiffs' legal team, expressed his disappointment with the ruling, and argued that the gravity of Sharon's crimes overrides any claim he could make to enjoying diplomatic immunity normally accorded a head of state or government. Nonetheless, Mallat was satisfied that the case against Yaron could now proceed. "It is a landmark step for international law," Chibli said.

This decision has ramifications for Israel, whose military stands accused of war crimes in the ongoing conflict with the Palestinians. Various organizations have already been collecting evidence against Israeli soldiers and officers. Israeli military officers, both active duty and reservists, fear they could be placed under arrest if they travel to a European country.

## Israeli-Belgian Relations Turn Chilly

As soon as the court's decision was handed down, Sharon ordered Foreign Minister Benjamin Netanyahu to recall Israeli Ambassador Yehuda Kinar from Brussels. Netanyahu then summoned Belgium's Ambassador Wilfred Geens to the Foreign Ministry, declaring, "Israel will not accept another blood libel against the Jewish nation, and Israel is not Europe. The verdict was more political than judicial. Belgium is giving a prize to terror." In another statement, Netanyahu made a typically thuggish retort, "Belgium is helping to harm not only Israel, but also the entire free world, and Israel will respond with severity to this." Netanyahu also declared that Israel is considering a boycott of Belgian goods. His outrageous response came under immediate criticism from all sides, since it ignored the fact that the decision came from a court of law, which in democratic societies is independent of the government.

Making this point, Belgian Foreign Minister Louis Michel told his country's Parliament, "We fail to understand the strength of Israeli reaction, since the decision was taken by an independent court that is free of political motivation. The decision was made by a court in a country that separates the judicial and executive branches, so I am not even allowed to respond to the ruling.

Despite his disapproval of the court's ruling, Philippe Markiewicz, the leader of the Belgian Coordinating Committee of Jewish Organizations, also strongly criticized the Israeli government's response, especially its charges of anti-Semitism against Brussels, and the recall of its ambassador. Markiewicz told a press conference, "Belgian Jewry, like all the Jews in the world, considers the court decision wrong, since we are talking about a democratic state like Israel that has already investigated the issue thoroughly itself. At the same time, this is not an anti-Semitic decision. There is a law here and it obliges the court to make certain decisions. Even if the law or the court decision is erroneous, this does not necessarily stem from anti-Semitism. Therefore, in our opinion, it was a mistake to recall the ambassador, especially at a time like this when we need him here in Belgium."

He also criticized the Israeli threat to boycott Belgian goods. Israel, he noted, has always opposed boycotts, would be mistaken to undertake one now, and such a reaction on Israel's part now could itself lead to anti-Semitic responses. Despite his appeal, the incitement against Belgium continues, with the Israeli consul general in Florida calling for American Jews to boycott Belgian products.

Meanwhile, Belgium's Ambassador Wilfred Geens reports that his embassy has been receiving insulting faxes and e-mails, and "They really go overboard. The reaction is excessive and motivated by political reasons."

Criticism of the Israeli government's reaction was felt within Israel as well. Alon Liel, former director general of the Foreign Ministry, told the Israeli daily *Ha'aretz* of Feb. 13, "Recalling an ambassador is a very serious step. We have to

remember that we are talking about a decision from a court, not from the Belgian government."

## Israelis Should Put Sharon on Trial

Sharon is a war criminal at large, who continues his criminal activity totally unhindered as the prime minister of Israel. He does this with the full support the war party in the Bush Administration. His victims are not only the Palestinians suffering under Israeli occupation, but the Israelis who have been killed in a conflict that Sharon refuses to resolve by peaceful compromise. Sharon is also responsible for bringing more and more of the Israeli people to participate in his criminal activity.

In a commentary, entitled "Put Sharon on Trial Here" published on Feb. 13 in *Ha'aretz*, Rabbi David Forman, chairman of Rabbis for Human Rights, wrote that Sharon should be put on trial for the war crimes that he is allowing the Israeli Defense Forces to commit in the West Bank and Gaza Strip. Forman wrote that the IDF was founded on the principle of "purity of arms," meaning that it acts out of self-defense and not in revenge. This principle, said Forman, has been totally violated, such that war crimes are being committed every day now, by the IDF.

Forman continued, "As someone who was a simple soldier in the war in Lebanon, it is clear to me that the collapse of the military ethic, including purity of arms, officially began during that war, in the refugee camps of Sabra and Shatila, when Ariel Sharon was defense minister. For Sharon, the contempt for the ethical dimension of warfare began much earlier, in Gaza and Kibye, but then his influence and methods were felt only at the platoon level. In the Lebanon War, as defense minister, his influence was universal. But the contempt he demonstrated then toward purity of arms took its own vengeance on him and he was fired from that job. . . . Twenty years have passed and Sharon is again in a position of power [where he] now dictates the way the IDF conducts its war against terror, with scorn for moral standards."

In the 1950s, Sharon had command of the infamous 101 Battalion, which conducted brutal reprisals against Palestinian refugees in the Gaza Strip, then part of Egypt, and the West Bank, then still part of Jordan. Under Sharon command, 101 Battalion attacked Kibye, a West Bank village. One hundred or more Palestinian civilians were massacred when Sharon ordered the houses, in which they had sought refuge, blown up.

Of the case in Belgium specifically, Forman wrote, "We are the ones who should put him on trial, for desecrating the principles of the IDF, which were meant to prevent that horror then, and for the ongoing killing of the innocent now. Due to his subterfuge of the moral integrity of the Jewish people, Ariel Sharon stands accused in the court of Jewish decency. And to those of us who stand in silence, in the words of the great Jewish theologian Abraham Joshua Heschel, 'Some are guilty, but all are responsible.'"