Judges Decide Belgian War Crimes Law Cannot Be Used to Try Sharon

June 26, 2002

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The Guardian

<http://www.theguardian.com/world/2002/jun/27/israelandthepalestinians.warcrimes>

Ariel Sharon, Israel's prime minister, cannot be tried in Belgium on war crimes charges relating to the massacre of Palestinians 20 years ago, a court ruled yesterday.

Three appeal judges in Brussels said the case, brought by relatives of those killed by Lebanese Christians, could not proceed against a person who was not in the country.

Mr Sharon - as controversial a figure then as he is now - was the Israeli defence minister at the time of the Sabra and Shatila slaughter of 800 Palestinians, mostly civilians, in September 1982.

Israeli forces were surrounding the two Beirut refugee camps when the killings were carried out by militia forces allied to [Israel](http://www.theguardian.com/world/israel).

Lawyers for the 23 plaintiffs said they would appeal against the judgment, which severely weakened Belgium's unique and controversial law of "universal jurisdiction" for human rights abuses committed anywhere in the world.

The judges did not address the key question of diplomatic immunity for a head of government. But an earlier ruling by the International Court of Justice in The Hague suggested that such immunity could not be challenged.

Immunity for current or former leaders - the issue at the heart of the pursuit of the Chilean former dictator Augusto Pinochet - will be central to the development of international humanitarian law.

Next Monday, the long-awaited International Criminal Court, the world's first such permanent body, comes into existence in The Hague.

But Belgium's 1993 law has brought little but headlines and political embarassment.

So far, the only people actually tried under it are four Rwandans sentenced to between 12 and 20 years last year for their role in the 1994 genocide of the country's Tutsis.

The Sharon case cast a dark cloud over Belgium's relations with Israel, when it was running the EU's rotating presidency last year.

Israel had always argued that [Belgium](http://www.theguardian.com/world/belgium) had no jurisdiction in the case. Mr Sharon, the architect of the Lebanon war, was investigated by Israel's own official commission of enquiry in 1983 and forced to resign as defence minister. But he never faced any criminal charges.

"It's a suit that we always thought was politically moti vated," said Daniel Shek, an Israeli foreign ministry official. The foreign minister, Shimon Peres, said: "One nation cannot judge another nation. A nation that doesn't, fortunately, have to fight terror and war will hardly understand a nation that has to do it."

Palestinian officials said the ruling would encourage Mr Sharon to continue his offensive in the West Bank and Gaza.

"We will never give up our demands that Sharon must be prosecuted for his crimes," the cabinet minister Imad al-Falouji told Reuters.

Amnesty International and Human Rights Watch said they regretted the decision.

It is not clear whether the ruling means that Mr Sharon can now come to Belgium without fear of arrest - although Israeli officials said he had no plans to visit. "I think he would prefer to go to the beach in Eilat," one quipped.

**·** Israeli tanks opened fire with a machine gun on two Palestinian boys in Jenin yesterday, killing one and injuring another. It came days after the army admitted killing three children and a teacher in the West Bank town in error.

Doctors said Bassam Saadi, six, was throwing stones at a tank when he was killed by a bullet to the chest. Fidaa Abu Qandeel, 12, was hit in the leg. The Israeli military said the boys were part of a group that had defied the army's 24-hour curfew on the town, and that troops had used "riot dispersal methods".