Belgium Clears Way For War Crimes Case Against Israeli Gen Amos Yaron

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<http://rense.com/general38/case.htm>

A Brussels court on Tuesday cleared the way for a war crimes investigation into the alleged involvement of an Israel Defense Forces general in the 1982 massacre of Palestinians in Lebanon, a lawyer said.

The Brussels appeals court ruled that a complaint against former IDF Forces commander Amos Yaron by a group of Palestinians was admissible under Belgium's controversial human rights law. The complaint had been dissociated from a frozen lawsuit against Prime Minister Ariel Sharon.

The court said it was not necessary for Yaron to live in Belgium for the investigation to proceed. "It's an important victory. The path has now been cleared for the investigation to continue," said Luc Walleyn, one of the lawyers for the plaintiffs.

The examining magistrate handling the case could now start interviewing witnesses to the massacre by Israeli-backed Christian militiamen in occupied Beirut, or travel to Lebanon, he said. But Walleyn said the Belgian government might refer the case to Israel to investigate if it wanted to avoid a fresh diplomatic crisis.

The plaintiffs are using a Belgian law that claims universal jurisdiction, allowing the country's courts to try people for crimes against humanity and genocide no matter where they were committed.

In February Belgium's Supreme Court overturned a lower court ruling that Sharon, the prime target of the complaint, and Yaron could not be prosecuted over the massacre in Sabra and Chatila camps because they were not living in Belgium.

But it also said the lawsuit against Sharon could only go ahead once he no longer had immunity as a head of government. That prompted Israel to recall its ambassador for several months until the Belgian parliament voted to water down the law.

Survivors of the massacre of Palestinian refugees hold Sharon responsible for the deaths of hundreds of their kin. He was defense minister at the time of the massacre and in 1983, after the Kahan Commission found him indirectly responsible, he resigned but was never prosecuted.

A recent amendment allows Belgium to send a lawsuit to the defendant's country if that country has a legal system that guarantees to handle a complaint properly. The law was changed to stem a flood of complaints against foreign political figures that threatened to clog Belgium's courts and compromise its foreign policy.

Israel applauded the reform that eased tensions which could now flare up again. Last month, the government applied the amendment to a war crimes suit filed against Tommy Franks, the commander of U.S.-led forces in Iraq. It referred the case to the United States.