

The Arab Weekly

Decades after Sabra and Shatila massacre, impunity still unchallenged

Impunity and violence are interrelated in a cycle that has to be broken: Unless leaders are held accountable for their actions, violence will continue.



A Palestinian woman carries a portrait of a relative who was killed during the Sabra and Shatila massacre.

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Beirut - Thirty-three years ago, a massacre that shocked the world unfolded in Beirut's Palestinian refugee camps of Sabra and Shatila. More than 1,500 Palestinian civilians were killed by Israeli-allied Christian militiamen during Israel's 1982 invasion of Lebanon.

From 6pm September 16th to 8am September 18th fighters affiliated with the Christian Lebanese right-wing Phalange Party swept through the camp and carried out the massacre as Israeli military leaders were in position overlooking the shantytown. Reports indicated that Ariel Sharon – later prime minister but then Israeli defence minister — witnessed the slaughter.

Militiamen were ordered by the Israeli Army to “clean” Sabra and Shatila of Palestinian fighters under the pretext they remained after the evacuation of Palestine Liberation Organisation (PLO) chairman Yasser Arafat from Beirut.

The massacre occurred shortly after the assassination of newly elected Lebanese president and Phalange Party leader Bachir Gemayel. It was assumed – wrongly — that Palestinian militants had carried out the assassination.

The Israeli Army was reportedly aware of atrocities committed by the militiamen in the camp but refrained from stopping them.

The massacre was not the first, nor the last, crime against Palestinians in the protracted Arab-Israeli conflict. In this case, however, attempts were made to end the impunity of perpetrators and bring justice and compensation to the victims and their families.

International law professor Chibli Mallat, who was among the attorneys representing 28 survivors of the Sabra and Shatila massacre in a case filed in Belgium against Sharon, noted that three decades later the families of the victims have not been compensated and their suffering has fallen into oblivion.

“It is a fact that this horrible massacre took place and until now no serious remedy for the victims has been provided,” Mallat told The Arab Weekly.

“The repetition of large-scale violence and excessive use of force is basically linked to the fact that those who were responsible for such crimes have not been held accountable for what they have committed.”

A lawsuit filed in 2001 under Belgium's Universal Jurisdiction Law did not end with Sharon in prison for his part in the massacre but his indictment by Belgium's Supreme Court in February 2003 set a precedent for prosecuting Israeli officials accused of war crimes.

The case was dropped, however, when Belgium, under pressure from the United States, changed the legislation that had allowed it to try war crimes committed globally. Sharon died in 2014 without facing charges related to the massacre.

“Obviously the main person responsible for this massacre can no longer be reached and be punished effectively but the challenge that the Supreme Court had posed to Sharon at the time succeeded to a large extent, prompting Israel to withdraw its ambassador from Belgium,” Mallat said.

Sharon’s death should not lead to the loss of the right to compensation for the victims’ families, a claim that was acknowledged by the Israeli government in negotiations in the stalled peace process, Mallat said.

“When we worked on the Sabra and Shatila case, one of the interesting documents that we checked was an Israeli memo that included a clause in the now-defunct peace process to include some special compensation to the victims of Sabra and Shatila,” he said. “This makes the need for compensation a reality yet to be fulfilled.”

However, Mallat said, an environment of endemic impunity has left Israel undeterred in committing daily violations of Palestinians’ fundamental human rights.

“Impunity is massive. It happens every day in West Bank settlements... It happens every day in the killing and the use of excessive force against Palestinians,” Mallat stressed.

“The Israeli government remains totally unpunished despite flagrant and obvious violations of fundamental human rights of the Palestinians.”

Mallat said crimes against Palestinians occurred well before the Sabra and Shatila massacre. “The onslaught on the West Bank, for instance, has been massive since 1967. It has displaced tens of thousands of people, impoverished them and taken their land to build settlements without compensation” he said.

“Each and every one of the settlers should be prosecuted criminally and requested to pay compensation for the harm done to West Bank Palestinians.”

Mallat argued that impunity and violence are interrelated in a cycle that has to be broken. Unless leaders are held accountable for their actions, the violence will continue.

“The more you bring people to justice the less there is resort to violence.”

The only way to move forward is to increase the fear of these people who are committing horrendous acts and make them worry that at one point they could be ending up in jail,” he said.

Nonetheless, Mallat hailed the Belgian Court case that indicted Sharon as a landmark towards ending impunity for war crimes.

“International justice is a very slow process but I think this day is coming slowly but surely,” Mallat said.