

**Only justice can bring peace to Middle East conflicts**

*Sabra lawyer speaks out against arab silence*

*If Arafat is guilty of 'crimes against humanity, he should be tried as well'*

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Without justice there will be no peace in the region and as long as people like Israeli Prime Minister Ariel Sharon and Iraqi President Saddam Hussein both believed to be responsible for crimes against humanity remain in power, the region's problems will not be solved.

These are arguments put forth by leading international law expert Chibli Mallat, who is also behind two initiatives aiming to bring justice to the region.

The first involves forcing Saddam to step down while ensuring that repression never returns to Iraq. The second involves a court case before Belgian courts, accusing Sharon of being "personally responsible" for the 1982 Sara and Shatila massacres, which killed between 800 and 2,000 people.

The case, which was initiated by Mallat and two other Belgian lawyers in June 2001, received an additional boost last week when the Belgian Senate decreed that the accused need not be in Belgium.

"The decision is an important moral victory," said Mallat in an interview with The Daily Star.

Mallat said the new interpretation should add strength to their position at the Court of Cassation on Feb. 12.

"We should arrive on Feb. 12 not only with legal arguments, but with a confirmation, by an almost unanimous vote in the Senate, saying that these people are right," he said.

Mallat said that if the Court of Cassation issues a verdict in their favor, then the investigation would be reopened.

The International Court of Justice issued a decision last year saying that a prime minister cannot be tried while in office, and Belgian courts have to abide by this decision.

"Sharon cannot be indicted while he is prime minister ... But he won't be prime minister forever," said Mallat.

"The important thing is to resume the investigations," he added, "because we have tons of incriminating evidence against Sharon."

“We found out that many of these people were not killed but were abducted to an unknown place and we never found any trace of them again,” Mallat said. But Mallat wishes to see greater involvement by Arabs in this case.

“Arabs have been silent about the case, leaving it to the judiciary to make the decisions,” he said. “But we have seen that the judiciary has not lived up to expectations and needs to be reminded that this is essential to peace in the Middle East.”

“We know why this happens, it’s because of America’s blind support of Israel,” he said.

“If Arab leaders individually and openly support the case against Sharon, they would counter this extraordinary American and Israeli offensive against the law,” he added. Mallat said he found it “very shocking” to see the president of the Palestinian Authority begging for a meeting with Ariel Sharon.

“It should be Sharon who is begging to meet with the Palestinians and them refusing him because of his record of crimes against humanity,” he said.

“It is equally bewildering that the first message of congratulations addressed to Sharon, after he was re-elected as prime minister last week, came from Egyptian President Hosni Mubarak,” he said.

“You see Belgian public opinion reaching far ahead of that of the Arab leaders and public,” he said.

“As long as the person who is responsible for crimes against humanity is deciding the future of the Middle East, there will be no peace,” he said.

Mallat rejected the argument that Palestinians had no choice but to deal with Sharon.

“Israeli society has to face its responsibilities and produce an interlocutor who is not being accused in European courts of crimes against humanity,” he said.

Palestinian leader Yasser Arafat, Saddam Hussein and others are also facing cases in Belgian courts.

“If Yasser Arafat is responsible for crimes against humanity, he should be tried as well,” Mallat said.

Arab silence has not been restricted to lack of involvement in the Sharon case, but has extended to include the Iraqi crisis.

Mallat and a group of more than 30 Arab writers and lawyers, including renowned scholars Edward Said of Columbia University and Yazid Sayegh of Cambridge University, have launched what they call the Iraqi Initiative for Democracy, as an alternative to war.

“Right now we are asked to choose between Saddam and Bush; between war and no war,” said Mallat. “There has to be something better than this. We don’t want to be put between the hammer of Bush and the anvil of Saddam.”

“Just getting rid of Saddam is not interesting to us if it means

he will be replaced by someone more cooperative with the West but who still oppresses and kills his people,” he added. Mallat believes that “no one cares about weapons of mass destruction when Israel’s nuclear arsenal is more dangerous to the region.”

“And the US government is not thinking seriously about democracy,” he added, “but we have to force them to. They might ignore us, but we would have tried.”

Although Mallat says that a strategy to end the repression should be discussed, he proposes one way to end it in Iraq.

“We create safe havens, as was done in the case of Kurdistan in northern Iraq,” he said.

“The international community would tell Saddam: we don’t want to see a single apparatus of repression north or west or south of this line,” he added.

“You don’t tell a dictator to step down. You force him to,” he said.

Gradually, the growing number of “safe havens” would zero in on Baghdad and Saddam until they collapse, said Mallat.

The signatories wish to see the United Nations Security Council adopt their initiative and implement it by sending human rights monitors, backed by a military contingent.

“If they really want to free the Iraqi people from 35 years of dictatorship, you don’t do it through war,” Mallat said.

“There are other ways that are far more civilized and far more convincing than war.”

