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Lawyers: Belgian judiciary might hear Sharon case after all

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Lawyers seeking to indict Ariel Sharon say they have been encouraged by legal developments in Belgium in a similar war crimes indictment that could lead to the reversal of a court decision earlier this year to dismiss the case against the Israeli prime minister.

In June, the Belgian Court of Appeals ruled that the case to try Sharon for his role in the 1982 Sabra and Shatila case could not proceed because the defendant was not on Belgian soil. The decision angered the lawyers for the survivors of the massacre, human rights groups and Belgian senators who argued that it failed to honor the spirit of the country's law on universal jurisdiction.

The Court of Cassation Belgium's supreme court is presently considering a plea by the lawyers to overturn the June ruling. At the same time, Belgian senators are attempting to pass an "interpretative law" that would close any existing loopholes in the original 1993 law, allowing Sharon's prosecution to proceed.

Their appeal was given a boost last week when the Court of Cassation reversed a decision by the Court of Appeals to dismiss a similar war crimes case, involving Yerodia Aboulaye Ndobasi, a former Congolese foreign minister.

Although the court of appeals gave two different legal reasons for dismissing the cases against Sharon and Ndobasi, the Sabra and Shatila lawyers are heartened by the fact that the high court is taking these controversial cases seriously enough to reverse rulings.

"The decision ... shows the manifest unwillingness of the supreme court to accept the reasoning of the Appeals Court, and further strengthens the Sabra and Shatila victims in their demand for judicial accountability," a statement from the lawyers said.

The lawyers received a further morale boost through a decision by the high court to postpone a Nov. 27 hearing on the Sabra and Shatila case, a move that lawyers believe is to allow the senators time to push through legislation to tighten the law.

"In truth we knew that the decision of the Court of Appeals (in June) was so poorly reasoned that one was hoping that the judges would rise again to the occasion on an important issue that concerns the whole world," Chibli Mallat, one of the lawyers for the plaintiffs, told The Daily Star.

The case against Sharon was filed in Brussels in June last year under a 1993 law on universal jurisdiction, allowing suspected war criminals to be tried in Belgium regardless of the nationality of the accused and the victims and regardless of where the crime was committed.