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## **Amnesty International urges investigation of Ariel Sharon**

*A court in Brussels will today (3 October 2001) begin to consider arguments about whether Israel's Prime Minister Ariel Sharon may be investigated in Belgium for alleged war crimes committed in Lebanon in 1982 while he was Israel's Minister of Defence.*

*"Amnesty International welcomes actions taken in accordance with international law to combat impunity," said the organization. "We support the judicial investigation into Ariel Sharon's responsibility with regard to the Sabra and Shatila massacre."*

*The complaint against Sharon was first lodged with the Belgian Public Prosecutor's Office in June 2001. Ariel Sharon was Minister of Defence, with overall responsibility for the Israeli Defence Forces (IDF), at the time of the 1982 massacre of Palestinians in Sabra and Shatila refugee camps on the outskirts of Beirut. The IDF allowed the Lebanese Phalange militia to enter the camps where the killing of hundreds, mostly Palestinian refugees, continued for at least 30 hours. The complainants, a group of 23 Lebanese and Palestinians, had filed the case under Belgian legislation enacted in 1993 and 1999 which allows Belgian courts to prosecute foreigners for certain offences committed abroad, including genocide, war crimes and crimes against humanity. However, the resulting investigation was suspended by the investigating magistrate in early September 2001 until doubts about the legal validity of the procedure were resolved.*

*Amnesty International calls on states to ensure prompt, thorough and independent investigations wherever allegations of crimes under international law are made. If such an investigation shows there is*

enough evidence for a prosecution, then, in accordance with international law which allows the national courts of any state to try people accused of such crimes, regardless of the nationality of the alleged perpetrators or victims and regardless of where the crimes were committed, Amnesty International calls on states to bring the accused to trial or extradite them to another country for trial, provided certain safeguards are met. No one may be extradited to a country which cannot assure that any trial on such charges meets international standards for fairness and does not result in the imposition of the death penalty or other cruel, inhuman or degrading punishment.

The lawyer representing Israel argued that Belgium lacks the legal authority to try Ariel Sharon on charges relating to the 1982 massacre. Among her arguments the lawyer stated that Prime Minister Ariel Sharon has immunity as a head of government; the case had already been considered in Israel by the Kahan Commission of Inquiry, which was a judicial commission; the 1993 law cannot be used retroactively; and the case has no connection with Belgium. A Brussels public prosecutor rejected the defence arguments and said that the case should go ahead. The court hearing due to start on 3 October will rule on the legality of the proceedings against Ariel Sharon in Belgium, not on the content of the case against him.

Amnesty International has welcomed Belgium's universal jurisdiction laws and the 27 August 2001 statements attributed to Belgian Prime Minister Guy Verhofstadt voicing support for the legislation and suggesting that it be extended to the entire European Union.

The first case involving the exercise of universal jurisdiction to come to trial in Belgium resulted in the conviction in June 2001 of four Rwandan nationals for war crimes committed in 1994. Amnesty

International welcomed this judgement as a significant step forward in the use of universal jurisdiction, an essential tool in the struggle against impunity.

A number of criminal complaints have been lodged with the Belgian courts against leaders and prominent members of past and present governments. In addition to Ariel Sharon, these have included: former Chilean President General Augusto Pinochet; former Speaker of Parliament and President of the Islamic Republic of Iran Hojjatoleslam Ali Akbar Rafsanjani; former Moroccan Minister of Interior Driss Basri; former Foreign Minister Abdoulaye Yerodia Ndombasi and several other government ministers of the Democratic Republic of the Congo; President Paul Kagame of Rwanda; former President Hissene Habre of Chad; and President Saddam Hussein of Iraq.

### **Background**

The principle of universal jurisdiction permits the national courts of any state to try people accused of crimes under international law, including war crimes, crimes against humanity, and genocide as well as torture, extrajudicial executions and "disappearances," regardless of the nationality of the alleged perpetrators or victims and regardless of where the crimes were committed.

In 1983 the official Israeli Commission of Inquiry into the Events at the Refugee Camps in Beirut concluded that Minister of Defence Ariel Sharon had "disregarded the danger of acts of vengeance and bloodshed by Phalangists... failed to take this danger into account when he decided to have the Phalangists enter the camps...[and had not ordered] appropriate measures for preventing or reducing the danger of massacre as a condition for the Phalangists' entry into the camps." The commission recommended that "the Minister of Defence draw the appropriate personal conclusions arising out of the defects revealed with regard to the

manner in which he discharged the duties of his office." Ariel Sharon resigned from his position as Minister of Defence following publication of the Commission's report in 1983. In February 2001 Ariel Sharon was elected Prime Minister of Israel; he took office in March.

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