Belgium Limits Genocide Law

Belgium is no longer one of the first addresses for international justice. Its parliament has decided to limit its law on crimes against humanity in a move that may keep action against democratic leaders at bay.

It was an issue on which Israel and the United States saw eye to eye. Belgium, under its universal jurisdiction law, was out to prosecute the current leader of Israel and a former president of the United States, and neither country liked the idea at all.

Israel recalled its ambassador for consultations in February because of a new ruling that threatened to prosecute Prime Minister Ariel Sharon on war-crime charges after he left office. And U.S. Secretary of State Colin Powell warned that Belgium was putting its international reputation at stake after he was named last month in a lawsuit for alleged crimes committed during the 1991 Persian Gulf War along with former President George Bush Sr. and current Vice President Dick Cheney.

"It's a serious problem," Powell said. "For a place that is an international center, they should be a little bit concerned about this."

Apparently, Belgium's leaders were more than a little bit concerned, and on Saturday, the parliament's Senate gave final approval to restrictions on the country's "genocide law."

Law focused on genocide

The original law allowed Belgian courts to prosecute people accused of genocide, crimes against humanity and war crimes regardless of where the crime occurred or whether the suspects or victims were Belgian.

The amendments restrict the law's scope, Geraldine Mattioli, international justice fellow at the organization Human Rights Watch, told DW-WORLD on Monday. The changes give the senior prosecutor, for example, the opportunity to decide whether a complaint will be
examined in Belgium or referred to the country concerned if there is no tangible Belgian link. The judiciary could also send complaints to the new International Criminal Court.

The case, however, would be pursued in Belgium if the countries involved did not have a legal system comparable to Belgium's.

"During debates the justice minister made clear that not all cases will be referred to the country concerned. We hope that the minister will only use it in exceptional cases," Mattioli said.

But Mattioli said the revision raised the possibility that the Belgian government might be more susceptible to pressure to avoid trying cases in Belgium.

**Case against Israeli prime minister**

Legal action is pending against Sharon for his role in the massacre of up to 2,000 people carried out by a Christian militia in 1982 in the Sabra and Shatilla refugee camps in Lebanon. Belgian Foreign Minister Louis Michel has spoken out against the case and said his country is not in a position to judge Sharon.

The parliament had been working on altering the law since last July. Mattioli said the effort to alter the law gained momentum after the complaint was filed on March 19 against Bush senior and members of his administration, including Cheney and Powell. Cheney was defense secretary, and Powell was chairman of the Joint Chiefs of Staff. The suit was filed by the families of Iraqi victims of a U.S. attack on a Baghdad shelter that killed 400 people during the 1991 war.

After the case was filed, Belgian Prime Minister Guy Verhofstadt and Michel pushed to modify the law before the end of the legislative session last week. Belgian parliamentary elections are scheduled for May 18.

Final approval came Saturday when the Senate approved the changes in a 36-to-27 vote with five abstentions. The approval backed an earlier vote by the House of Representatives. But Verhofstadt's Liberal Party had to rely on the oppositional Christian Democrats and the extreme right-wing Vlaamse Blok to push through the bill. Lawmakers from Belgian's ruling Green and Socialist parties voted against the amendments because they said the case against Sharon should not be dropped.

The amendments will affect only cases filed after July 1, 2002 -- like the one against Bush senior -- and only those where the country of the accused has war crimes legislation.

**Belgium as a last resort**

Belgium, though, should not be the place people go first to see crimes punished, Mattioli said. "The first place to prosecute a person should be where the crime was committed," she said. She also emphasized the importance of international courts of justice, from the International Criminal Tribunal for the Former Yugoslavia to the International Criminal Court.

"Belgian law should only be used as a last resort," Mattioli said.
About 30 current or former political leaders are facing action under the Belgian law. Other potential defendants include Iraqi President Saddam Hussein, Palestinian leader Yassir Arafat and Cuban leader Fidel Castro.

Only one case has been brought to court since the 1993 law was enacted. Four Rwandans were found guilty of involvement in the 1994 genocide in the African country and were sentenced to up to 15 years in prison in June 2001.

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