

# Belgian parliament guts "genocide law" to appease Bush administration

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The Belgian parliament has effectively gutted the country's 1993 "genocide law", allowing the government to dismiss a series of cases against foreign political leaders including Ariel Sharon and George Bush senior.

The law of "universal jurisdiction" had enabled the Belgian courts to hear cases involving genocide, war crimes and crimes against humanity regardless of where they were committed or whether the suspects or victims were Belgian. The only successful case brought under the law of "universal jurisdiction" was against four Rwandans, who were jailed for up to 15 years in 2001 for their part in the 1994 genocide, when Hutu militias massacred up to one million people, mainly of the minority Tutsis.

On April 1, the Lower House voted 63 to 48 to support an amendment brought by Prime Minister Guy Verhofstadt's Flemish Liberals and Democrats (VLD). This was followed by Senate approval on April 5 in a special sitting before the closure of parliament ahead of the May general elections. Verhofstadt was supported by the Christian Democratic and Flemish Party (CD & V) and the extreme right Vlaams Blok (Flemish Bloc) in introducing what the Belgian press has called a "diplomatic filter". The amendment was opposed by the Socialist Party and the Greens, both part of the "rainbow coalition" government together with the VLD.

Following the amendment, the judiciary can now reject cases where there are no victims of Belgian nationality or if the plaintiffs have not resided in Belgium for more than three years. The government is also given the power to intervene directly to quash cases if the accused comes from a "democratic country".

The US-based Human Rights Watch said the

amended law created "political and diplomatic hurdles to the prosecution of many human rights crimes."

The 1993 law had led to some 30 cases against foreign leaders being submitted to the courts. The case against Israeli Prime Minister Ariel Sharon relates to the 1982 Sabra and Shattila massacres (Palestinian refugee camps in the Lebanon), and had been deemed admissible in a February Supreme Court hearing. The charges against Sharon led to heavy lobbying behind the scenes by Israel for the law to be scrapped.

According to the BBC, "The use of the law has embarrassed the Belgian government" and "caused major tensions in the Belgian-Israeli relationship".

On March 19, a case was filed against President George Bush senior and Secretary of State Colin Powell, for the bombing of a civilian shelter in the 1991 Gulf War that killed over 400. The case was brought by seven Iraqi families who had lost relatives in the bombing of the shelter in Baghdad. When named in the case, Powell called the law a "serious problem" and warned that it jeopardised Belgium's status as an international hub.

These cases will now very likely be dropped. The American and British politicians and generals prosecuting the present war against Iraq can now visit Brussels without fearing a subpoena from the Belgian courts calling them to account for their actions in Baghdad and Basra.



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