

Belgium: New government to scrap universal war crimes law

Richard Tyler
17 July 2003

The first act of the new Belgian government was to order the repeal of legislation enabling Belgian courts to hear cases of genocide, war crimes and “crimes against humanity” regardless of where they were committed and irrespective of the nationality of the victims or perpetrators.

The *law of universal jurisdiction* passed in 1993 has led to cases being launched against a number of international politicians and military figures including former president George Bush, Secretary of State Colin Powell and US general Tommy Franks, Israel’s prime minister Ariel Sharon and British prime minister Tony Blair.

“Changing the universal jurisdiction law is a priority of this government,” Prime Minister Verhofstadt said. True to his word, within minutes of being sworn in by King Albert II of Belgium on July 12, the newly appointed ministers had met and agreed to repeal the law.

Human Rights Watch Brussels spokesperson Geraldine Mattioli expressed sadness and shock at the move. “What saddens me is that, with all the political pressure from the United States and Israel, we have completely forgotten the original point of the law, which was to render justice to the victims of horrible crimes,” she said.

“It’s clearly a disappointment,” said Dan Van Raemdonck of Belgium’s Human Rights League, and Jan Brocatus from the Belgium branch of Amnesty International called the action “a big step back for human rights”.

There was no such displeasure in diplomatic circles. “We cannot fail to be happy at the disappearance of this judicial aberration,” Israeli government spokesperson Avi Pazner told the AFP press agency. In February, Israel had recalled its ambassador “for consultations,”

with diplomatic circles talking of “strains” between the two countries.

A US State Department spokesperson was more circumspect: “We are aware that the Belgian Council of Ministers has approved a new draft bill on the subject. We look forward to studying the text of this draft legislation. It is premature to comment.”

However, there can be no doubt but that the repeal bears Washington’s imprimatur. In an editorial commenting on the decision to rescind the law Belgium daily *Le Soir* wrote of a “hardening of American threats” regarding the construction of a new NATO headquarters in Brussels.

In May, when a case was launched against General Tommy Franks, brought on behalf of the relatives of Iraqis killed in the recent war, Secretary of Defence Donald Rumsfeld froze American funds for NATO’s new \$352 million headquarters, warning that the US might boycott alliance meetings at the present headquarters. Secretary of State Colin Powell, who also faced legal action, called the law a “serious problem” that could “jeopardise” Belgium’s status as an international centre.

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In place of the old law, Verhofstadt said his government would be introducing a new genocide law for cases that only involve Belgians, or where the victim or perpetrator has been living in Belgium for at least three years at the time of the alleged crime. In future, Belgian victims of genocide will only be able to bring a case with the support of the federal prosecutor (a government appointee).

Almost all the current cases will be dropped, although Verhofstadt said actions would continue relating to Rwanda (where Belgian soldiers were killed), Chad (a

case brought against the former dictator Hissène Habré) and Guatemala (concerning the assassination of a Belgian cleric in the late 1970s).

Asked by the press whether President Bush could now feel reassured, Verhofstadt said, “He should no longer be concerned. Belgium, the site of international institutions, has adopted the same law as other European countries.”

Belgium has indeed accepted the same law as other European countries...the law that US might is right.



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