

# The Complaint

## The Complaint Against Ariel Sharon for his involvement in the massacres at Sabra and Shatila

Official translation from the French by The Palestinian Society for the Protection of Human Rights & the Environment (abridged version)

### PRELIMINARIES

Mrs. Samiha Abbas Hijazi, Mr. Abdel Nasser Alameh, Mr. Muhammad Ibrahim Faqih, Mr. Adnan Ali Al Mekkadd, Mrs. Noufa Ahmad Al Khatib, Mr. Ali Salim Fayad, Mr. Ahmad Ali Al Khatib, Mrs. Nazek Abdel Rahman Al Jammal, (All Lebanese nationality) Mrs. Wadha Hassan Al Sabeq, Mr. Mahmoud Younis, Mrs. Fadia Ali Al Doukhi, Mrs. Amina Hasan Mohsen, Mrs. Sana Mahmoud Sersawi, Mrs. Nadima Yousef Said Nasser,

Gemayel in Bikfaya on 12 September that an agreement was concluded authorising the "Lebanese forces" to "mop up" these camps. Mr Sharon had already announced, on the 9th of July 1982, his intention to send Phalangist forces into West Beirut, and in his autobiography he confirms having negotiated the operation with Gemayel in Bikfaya.

According to Ariel Sharon's declarations in the Knesset (Israeli Parliament), the decision that the Phalangists should enter the camps was made on Wednesday, 15 September 1982 at 3.30pm. Also according to General Sharon, the Israeli Commandant received the following instruction: "(t)he Tsahal (Hebrew name for the Israel Defense Force) forces are forbidden to enter the camps. The 'mopping-up' of the camps will be car-



A woman holds up helmets left behind by militiamen after the 1982 massacres in Sabra and Shatila

The full text can be accessed at:  
<http://www.mallat.com/articles/comp.htm>

Mrs. Mouna Ali Hussein, Mrs. Shaker Abdel Ghani Tatat, Mrs. Souad Srour Al Meri, Mr. Akram Ahmad Hussein, Mrs. Bahija Zrein, Mr. Muhammad Shawkat Abu Roudeina, Mr. Fadi Abdel Qader Al Sakka, Mrs. Amal Hussein, Mr. Najib Abdel Rahman Al Khatib, (All Palestinian nationality)

Represented by their counsels: Mr. Luc Walleyn, solicitor (Belgium) Mr. Michael Verhaeghe, solicitor (Belgium)

Mr Chibli Mallat, solicitor (Lebanon) Bring a civil indictment against Messrs. Ariel Sharon, Amos Yaron and other Israelis and Lebanese responsible for the massacres, killings, rapes and disappearance of civilian population that took place in Beirut from between Thursday 16 and Saturday 18 September 1982 in the region of the camps of Sabra and Shatila and the surrounding area.

The charge is based in conformance brought in accordance with the law of 16 June 1993 (as modified by the law of 10 February 1999) relating to the repression of grave violations of international humanitarian law; in particular specifically: Acts of genocide (Article 1, §1) Crimes against humanity (Article 1, §2)

Crimes against persons and goods protected by the Geneva Conventions signed in Geneva on 12 August 1949 (article 1 §3) Equally, the charge is founded on international customary law and on the 'ius cogens' in connection with the same crimes which relate to these crimes.

The plaintiffs have been personally injured and/or have lost close family members or property by as a result of these crimes.

### I. THE FACTS

#### IN GENERAL

On 6 June 1982, the Israeli army invaded Lebanon, in reaction to retaliation for the attempted assassination of the Israeli Ambassador Argov in London on June 4.

Initially, the Israeli government had announced that its intention was to penetrate just 40km into Lebanese territory. The military commander, however, under the orders of Defense Minister Ariel Sharon, decided to execute a more ambitious project that Mr Sharon had prepared previously. Having occupied the south of the country and destroyed any Palestinian and Lebanese resistance there, simultaneously committing a series of violations against the civilian population, Israeli troops proceeded to penetrate as far as Beirut, and by 18 June 1982 they had surrounded the Palestine Liberation Organisation (PLO)'s armed forces in the western side of the Lebanese capital.

After two months of fighting, a ceasefire was negotiated through the mediation of United States Envoy Philip Habib. (...) The Habib Accords envisaged that West Beirut would subsequently be under the control of the Lebanese Army, and the Palestinian leadership was given guarantees by the Americans regarding the security of civilians in the camps after their departure. (...) On 10 September 1982, the multinational forces left Beirut. The next day, Ariel Sharon announced that "2,000 terrorists" had remained inside the Palestinian refugee camps around Beirut. On Wednesday 15 September, the day after the assassination of President-elect Bashir Gemayel, the Israeli Army occupied West Beirut, "encircling and sealing" the camps of Sabra and Shatila, inhabited by Lebanese and Palestinian civilians, armed resistors (more than 14,000 people) having evacuated Beirut and its suburbs.

Historians and journalists agree that it was probably during a meeting between Ariel Sharon and Bashir

ried out by the Phalanges or Lebanese Army."

By Thursday 16 September 1982, the Israeli Army controlled West Beirut. An Israeli military spokesperson declared, "Tsahal controls all strategic points of Beirut. The refugee camps, including the concentrations of terrorists, are surrounded and closed."

By approximately midday, the Israeli military command gave the Phalangist militia the green light to enter the camps. Shortly after 5pm, a unit of 150 Phalangists entered Shatila from the south and southwest.

For the next 40 hours, the Phalangist militia raped, killed and injured a large number of unarmed civilians, mostly children, women and elderly people inside the "encircled and sealed camps." These actions, were accompanied or followed by systematic roundups, backed or reinforced by the Israeli Army, and resulted in dozens of disappearances.

The Israeli Army had full knowledge of what was going on in the camps right up to the morning of Saturday 18th September 1982, and its leaders were in permanent continuous contact with the militia leaders who perpetrated the massacre. Nevertheless, they did not intervene. Instead, they prevented civilians from escaping and arranged for the camps to be illuminated throughout the night by flares.

The count of victims varies between 700 (the official Israeli figure) and 3,500. The exact figure can never be determined because in addition to the approximately 1,000 people who were buried in communal graves by the International Committee of the Red Cross (ICRC) or in the cemeteries of Beirut by members of their families (...). Also, particularly on 17 and 18 September, hundreds of people were taken away in trucks toward unknown destinations, never to return.

In spite of the evidence of what the UN Security Council described as a "criminal massacre," and the sad ranking of the Sabra and Shatila massacres in humankind's collective memory as among the most heinous crimes of the 20th century, the man found "personally responsible" for this crime, as well as his associates and the people who carried out the massacres, have never been pursued or punished. (...)

#### IN PARTICULAR SPECIFICS

B1. Plaintiffs, survivors of Sabra and Shatila.

In annex to the present charges, the plaintiffs submit a statement of their personal suffering. The originals are in Arabic; each statement has been translated into French (and now English). These statements are very telling and convincing:

#### Samia Abbas Hijazi:

On the Thursday, there was shelling when the Israelis came, then it got worse so we went down into the shelter. (...) We learned on the Friday that there had been a massacre. I went to my neighbours' house. I saw our neighbour Mustapha Al Habarat; he was injured and lying in a bath of his own blood. His wife and children were dead. We took him to the Gaza hospital and then we fled. When things had calmed down, I came back and searched for my daughter and my husband for four days. I spent four days looking for them through all the dead bodies. I found Zeinab dead, her face burnt. Her husband had been cut in two and had no head. I took them and buried them. ● Madame Abbas Hijazi lost her daughter, her son-in-law, her daughter's godmother and other loved ones.

#### Wadha Hassan Al Sabeq:

We were at home on Friday 17 September; the neighbours came and they started to say: "Israel has come in, go to the Israelis, they are taking papers and stamping them." We went out to surrender ourselves to the Israelis. When we got there, the tanks and the Israeli soldiers were there, but we were surprised to see that they had Lebanese Forces with them. They

took the men and left us women and children together. When they took the children and all the men from me, they said to us, "Go to the Sports Centre," and they took us there. They left us there until 7pm, then they told us, "Go to Fakhani and don't go back to your house," then they started firing shells and bullets at us.

On one side there were some men who had been arrested; they took them and we have never found out what happened to them. To this day we know nothing about what happened to them; they just disappeared. ● Mrs Al Sabeq lost two sons (aged 16 and 19), a brother and about 15 other relatives.

#### Mahmoud Younis:

I was 11 years old. It was night and we could hear shelling and gunfire. (...) We took refuge in the bedroom and stayed there. As soon as they arrived, they went straight to the living room, and shot at the photos from on the walls, especially the one of my brother, who was killed in "Black September." They ransacked the living room, cursing and swearing. After having looked for us without finding us in vain, they went up to the roof and stayed there all night long. We spent that night in terror in our hiding place, listening to the shooting and people screaming, while Israel fired flares to light the sky until sunrise dawn.

The next morning they started saying, "give yourself up and your life will be spared." My nephew was 18 months old. He was hungry and we were far from the kitchen. My sister wanted him to quieten down, and she put her hand over his mouth for fear of hearing that they would hear his cries. Her husband decided that we would have to give ourselves up, adding that each person's fate was anyway preordained by God anyway. The women went out first, my brothers, my father, my brother-in-law and other members of the family followed. My brother was ill. As soon as they heard our voices, they shot in our direction and came straight back inside the house. They asked us where we had been the

day before when they had come in and not found anyone there. Then they ordered the women and children to go out. My brother-in-law started kissing his little girl as if he were saying goodbye. An armed man came towards my niece, tied a rope around her neck and threatened to strangle her if her father didn't let go of her. He let go of her and gave her to me. They wanted to take me, too, but my mother told them I was a girl. They made my mother and the women walk to the Sports Centre. While I was walking I saw my aunt's husband, Abu Nayef, being murdered near his house with blows of an axe to his head. The dead bodies were disfigured. While I was carrying my niece, I bumped into a dead body that had been hit with an axe and I fell over. They knew then that I was a boy, and one of them put me up against the wall; he wanted to fire a bullet into my head. My mother begged him and kissed his feet so that he would let me go. He pushed her away. When he did that, he heard the clinking of some money she had hidden in her clothes. He asked her what that meant. She replied that he could have all the money he wanted but he had to let me stay with her. In this way we carried on our way and we arrived at the Sports Centre. The Israeli bulldozers were busy digging large trenches. We were told that we all had to get in because they wanted to bury us all alive. My mother started begging him again, and then she asked for a mouthful of water before dying.

At the Sports Centre, I saw the Israeli military, as well as tanks, bulldozers and artillery. All Israeli. We also saw groups of Phalangists with the Israelis.

The Sports Centre was packed with women and children. We stayed there until sunset. An Israeli then came and said, "Everyone go to the Cola region, whoever comes back to the camp will die." We left, as they fired shots in our direction.

● Mr Younis lost his father, three brothers, his maternal uncle, his maternal cousin, two paternal cousins and other members of his family.

#### Sana Mahmoud Sersawi:

We lived in the Said area of Sabra, and when the shelling started we sought refuge at my parents' house in Shatila. This happened on the Wednesday. At about midnight, some women who came from the western quarter said that there killings were taking place. We escaped once again, towards the middle of the camp. Then, when day-break came, we hid ourselves in the shelter of the rest home. I was pregnant at the time, and I had two daughters who were still taking milk. We stayed in the rest home for two days, until Saturday. We didn't have any more milk left. My husband went out to get some for the girls. That night was so long, and the Israelis were firing flares to illuminate the sky. This is how my husband went to Sabra. The Israelis had come as far as the Gaza hospital. After that, I went out to look for my husband, and my sister went to look for her husband. We arrived at the entrance to Shatila. There, they had put the men on one side and the women on the other side. I started looking among all the men. I saw him, and I said to him, "You know, these are Phalangists." He replied, "What happened at Tel al Zaater is going to happen to us." The armed men ordered us to walk in front, and the men behind. We walked like this until we got to the communal grave. There, the bulldozer had started digging. Among us was a man who was wearing a white nurse's shirt; they called him and filled him with bullets in front of everyone. The women started screaming. The Israelis posted in front of the Kuwaiti embassy and in front of the Rihab station requested through loudspeakers that we be handed over to them.

That's how we found ourselves in their hands. They took us to the Sports Centre, and the men were supposed to walk behind us. But they took the men's shirts off and started blindfolding them with them. In that way, at the Sports Centre, the Israelis submitted the young people to an interrogation, and the Phalangists delivered 200 people to them. And that's how neither my husband nor

my sister's husband ever came back. ● Mrs Sersawi lost her 30-year-old husband and her brother-in-law.

#### Su'ad Srour Meri:

On Wednesday, after Bashir (Gemayel) had been killed, we heard Israeli helicopters flying low overhead at a low altitude, and on Wednesday night the Israelis started firing illumination flares, which lit up the camp as though it were day. Some of my friends went down into the shelter. On Thursday evening I went with my brother Maher to see some friends and tell them to come and sleep at our house; on the way the road was full of corpses. I went into the shelter but I didn't find anyone there, so we went back. Suddenly I saw our neighbour, who was injured and had been thrown on the ground. I asked him where our friends were; he replied that they had taken the girls and asked me to help him, but I was not able to rescue him and I went straight back home with my brother. Maher immediately told my father that there was a massacre. I found out from our neighbour that the Phalangists were there. When my father found out, he said that we had to stay inside the house. Our neighbour was also there. We stayed in the house all night long. On Friday morning my brother Bassam and our neighbour climbed up to the roof to see what was happening, but the Phalangists spotted them straight away. A few moments later, around about 13 men knocked on the front door of our house. My father asked who they were, they said, "Israelis." We got up to see what they wanted; they said, "You're still here," and then they asked my father if he had anything. He said he had some money. They took the money and hit my father. I asked them, "How can you hit an old man?" Then they hit me. They lined us up in the living room and they started discussing whether or not to kill us. Then they lined us up against the wall and shot us. Those who died died; I survived with my mother. My brothers Maher and Ismail were hiding in the bathroom. When they [the soldiers] left the house, I started to call my brothers' names; when one of them replied I knew he wasn't dead. My mother and my sister were able to escape from the house, but I was incapable, not able to. A few moments later while I was moving, they (the soldiers) came back, they said to me, "you're still alive?" and shot me again. I pretended to be dead. That night I got up and I stayed there until Saturday. I pulled myself along crawling into the middle of the room and I covered the bodies. As I put out my hand to reach for the water jug they shot at me immediately. I only felt a bullet in my hand and the man started swearing. The second man came and he hit me on the head with his gun; I fainted. I stayed like that until Sunday, when our neighbour came and rescued me.

● Mrs Al Meri lost her father, three brothers, (aged 11, 6 and 3) and two sisters (18 months and 9 months).

#### Mohammed Shawqat Abu Roudeina:

I was at home with my father, my mother and my sister. When the shelling started, we were at the home of my father's uncle. There, the shelling started again, and we went into the bedroom, the men staying in the living room. Then we went to a neighbour's house. There were about 25 or more of us. A little while later, we heard the

cries of a girl who had been injured in the back. Armed men had stationed themselves in the area. Then we heard shooting, screams and strange voices. Aida, my cousin, went up to the shop and turned on the light. A man slit her throat and they dragged her by her hair. She started screaming "Daddy!" then her voice went dead. Her father wanted her to follow her. They killed him immediately. That's how they realised that we were in the house. They came down to the floor above us, where they broke and ransacked everything and we heard them calling out to each other, "George, Tony!" When we heard them breaking everything our voices rose, and that's how they knew that we were on the floor below. One of them came down and saw us. He immediately told the others, and they all came down. My father was sitting on a chair, and as soon as he saw them, he kissed me, put some cologne on me and told my mother to take good care of the children. My father's cousin said to his wife, "the children are your responsibility!"

I will never forget. The image of that day is engraved in my memory. They ordered the men to stand against the wall. They made us go out behind them into the road. When I got to the door, I looked up at the red sky, red streaked with flare grenades. Once we arrived at the beginning of the road, we heard the shots fired at my father and my uncle, as well as some shouting. We walked several metres, flanked by armed men. My cousin saw her father and she started screaming. I saw my father's car, which they had opened and were sitting in. That image is also engraved in my memory, because I asked my mother what they were doing with my father's car but she didn't reply. As we walked along we saw the dead people.

They took us to the Sports Centre, and they placed us there in a room where there was a woman and her children. They brought people there. They took some of them away in cars and killed the others. At that moment, the Israeli tanks were there. Suddenly a mine from which had been there since the beginning of the Israeli invasion exploded. They ran away, and so did we. ● Mr Abu Roudeina lost his father, his (pregnant) sister, his brother-in-law and three other members of his family.

Amal Hussein: On the Wednesday, Israeli aeroplanes started flying over the area and the shooting and shelling began. My brothers and sisters were scared. Those who were scared went down into the shelter next to our house. Thus, one group slept in the shelter and the other group slept in the house. The aeroplanes continued hovering, and there were more and more of them. My three-month-old nephew, who was with my sister in the shelter, started crying. He wanted to eat. She came out with him and four others, and they all came into the house. As soon as she came in - this was on the Thursday - we heard shouting; it was coming from the children and women in the shelter who we could see from our bathroom window. All of a sudden, the armed Phalangists invaded the area. No one could leave the house. All we could hear was the screaming of babies and women screaming. They started killing people. We stayed in the house; we opened the doors and then went into the bathroom with my little nephew. We had gagged his mouth for fear that

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### THE LEGAL TEAM

#### Chibli Mallat



Chibli Mallat was born in 1960 and has practiced law in Lebanon since 1983. He studied International and Comparative Law at Georgetown University in Washington in 1983, after receiving a license in Lebanese law from Université Saint-Joseph, Beirut, a year earlier. Mallat has lectured widely on Islamic and international law and has published many articles, monographs and papers around the world.

Since 1995, Mallat has been Principal of Mallat Law Offices, Beirut. The office was established more than 40 years ago by Wajidi Mallat, former President of the Bar, former minister and first President of the Lebanese Constitutional Council, and specializes in international and domestic private law. He was appointed Chair of European Law at Université Saint-Joseph, Beirut, in September 2000. Mallat is fluent in Arabic, English, French, Spanish and German and has a working knowledge of Italian and Persian. Among other languages he has studied are Russian, Akkadian, Latin, Turkish, Japanese and Indonesian.

#### Luc Walleyn

Luc Walleyn was born in 1949, and has been an advocate since 1972. He is a specialist in immigration law, human rights and humanitarian law. He is also public judge (Juge de Paix) in Schaerbeek-Brussels, occasional lecturer at universi-

ties in Antwerp and Paris, and author of many publications, mainly on immigration law. Walleyn was member of the Council of the Brussels Bar Association, and president of the organization Avocats sans Frontières (Lawyers without Borders) until last year. He participated in ASF-programs in Rwanda, Burundi and Kosovo and represented this organization at the diplomatic conference on the International Criminal Court in Rome in 1998. As counsel of different NGOs, he three times won a judgment of the Court of Arbitration (Constitutional Court) canceling some parts of new immigration and asylum laws. He also initiated the law suit against the Belgian soldiers participating in the peacekeeping operation in Somalia and won convictions for racist behavior. He is now representing the Belgian victims of the former military regime in Guatemala and the Sabra and Shatila victims in their action against Ariel Sharon.

#### Michael Verhaeghe

Michael Verhaeghe was born in 1963 and has practiced law since 1987. He has specialized in criminal law, on two levels: mostly economically-related Belgian criminal law; at an international level, only humanitarian criminal law. Verhaeghe's previous experience in international criminal law includes working on the complaint against former Chilean President Augusto Pinochet (1998) on behalf of the International Confederation of Free Trade Unions and one of its members. He also helped draw up a complaint against various people responsible for the murder and disappearance of two Flemish priests in Guatemala in the early 1990s. He has also lobbied in New York and Rome on behalf of the International Criminal Court. Verhaeghe is also a volunteer for Médecins sans Frontières (Belgian section) and has engaged in numerous missions, mainly to Africa.