

Petition seeks war crimes trial for Israeli premier

Indict and arrest Ariel Sharon now! Join us in this worldwide campaign to demand that Sharon be brought to justice!

● Circulate the petition to your friends and colleagues, and to non-governmental organizations, media, and government officials in your home country.
● Sign the petition by sending an e-mail to: IndictSharonNow@aol.com

We will add your name, or your organization's name, to the list of signatories. If you are signing as an individual, please – if you wish – provide your city/country of residence, profession, and organizational affiliation so this information can be published along with your name. It is our goal that this initiative reflect the views of an international constituency, North and South, that remembers the gravity of Ariel Sharon's actions and is committed to seeking international justice in his case. We encourage Israeli citizens and non-governmental organizations to sign the petition, join this campaign, and raise inside Israel the issue of Ariel Sharon's impunity.

● Notify your local newspapers and other media about this campaign, and submit letters to the editor and opinion pieces about Ariel Sharon and the importance of ending his impunity for massacres of innocent civilians.

● Once we have collected signatures, we will recommend other specific activities in your home countries designed to raise the profile of this campaign. We also will circulate to other signatories any suggestions for activities that you send to us at: IndictSharonNow@aol.com

TEXT OF THE PETITION:

We, the undersigned, believe that Ariel Sharon should be indicted and brought to justice. As an Israeli military officer and as minister of defense, Ariel Sharon was a principal in the first degree to murder, war

crimes, grave breaches of the Fourth Geneva Convention, and crimes against humanity, causing the death and injury of thousands of Palestinian and Lebanese civilians.

As Israel's Minister of Defense and architect of that country's brutal invasion of Lebanon in 1982, Ariel Sharon's actions and failure to act facilitated the massacre of at least seven hundred to eight hundred – and by some accounts as many as 3,000 – Palestinian, Lebanese, and other civilians in the Sabra and Shatila refugee camps in Beirut in September 1982.

Three decades earlier, as a young military officer, Ariel Sharon led an Israeli elite commando force, Unit 101, which carried out brutal raids against Palestinians. The massacre in the West Bank village of Qibya, on October 14, 1953, was perhaps the most notorious. Sharon's unit blew up 45 houses in the village, killing 69 civilians, two-thirds of them women and children, according to Israeli historian Avi Shlaim in his recent book *The Iron Wall*.

Judicial authorities in the State of Israel have never shouldered their legal responsibilities and thoroughly investigated and prosecuted Ariel Sharon for these massacres and other crimes. In our view, the failure of the Israeli legal system to act obligates the nations that are High Contracting Parties of the Geneva Conventions to hold Ariel Sharon accountable, irrespective of whether he is a private citizen of Israel, a Cabinet minister, or the head of government.

Article 146 of the Geneva Convention, relative to the Protection of Civilian Persons in Time of War, states that each High Contracting Party "shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed" grave breaches of the Convention, "and shall bring such

persons, regardless of their nationality, before its own courts.

It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a prima facie case."

Article 147 of the Convention states that the grave breaches noted in Article 146 include willful killing, torture or inhuman treatment, including biological experiments; willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile power; willfully depriving a protected person of the rights of fair and regular trial prescribed in the present convention; taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly. Recent developments in the emerging system of international justice – including the cases of Augusto Pinochet, Slobovan Milosevic, the perpetrators of the Rwandan genocide, and others – provide compelling precedents for ending the impunity that Ariel Sharon has thus far enjoyed. He should be indicted for the crimes for which he has been responsible as the first step in a process of accountability that will bring justice to his victims and their families.

SIGNATORIES as of January 11, 2001 (Organizations are listed for identification purposes only unless otherwise indicated)

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Indict Sharon Now initiative is growing in size

The Indict Sharon Now initiative was launched by a group of independent human rights activists, lawyers, and law professors in the United States. Among them are Francis Boyle, professor of international law at the University of Illinois College of Law; Laurie King-Irani, a writer, anthropologist; and former editor of the independent magazine MERIP (the Middle East Report); and Abdeen Jabara, an attorney in New York.

Others also joined in our outreach efforts at an early stage. Some of the organizers cannot be named because their organizations (and employers) have not yet endorsed the petition drive.

The group came together because we believed it was long overdue that the issue of Ariel Sharon's impunity be raised internationally and we ourselves have long been active in issues of international justice, particularly but not only with respect to Lebanon and Israel.

Professor Boyle has written authoritatively on international law issues, and served on the board of directors of Amnesty International USA for four years, from 1988 to 1992.

We initiated this effort without any funds whatsoever, and thus had to rely on informal e-mail networks to circulate the petition. To date, in about one week, the response has been overwhelming: signatures from 31 countries.

Because this effort at this point is entirely volunteer, we still have hundreds of names to add to the petition signatory list, as IndictSharonNow@aol.com is overloaded with messages.

We had no intention of creating an impression that we were a secretive organizing group.

As soon as we can manage, we hope to "announce" the launch of the campaign with a press release, clearly identifiable spokespersons, and answers to FAQ (Frequently Asked Questions).

If we can find some volunteers, we also would very much like to start a web site, but this may take a bit longer to coordinate and arrange.

The aim of our efforts is certainly transparency in terms of who we are, and, more importantly, accountability and international justice for Ariel Sharon.

Amnesty urged investigation

A court in Brussels on Oct. 3, 2001 began to consider arguments as to 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 Phalangist 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 com-

mitted 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 Oct. 3 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 Aug. 27, 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 Inter-

national 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.

Amnesty International website: <http://www.amnesty.org>



Result of ethnic cleansing: A survivor of the Sabra Shatila massacres

Do not allow ethnic cleansing to start again

Charles Glass
New York Press

Raise the alarm! Light the beacon fire! Raise high the warning flag! Ring the Liberty Bell until she cracks again! Only America with all her might can prevent catastrophe. Please, listen, my countrymen, for you will share the blame if the worst comes to pass. Ethnic cleansing, that unfortunate term for the expulsion of one people from its homeland by another, looms. In Croatia and Serbia, the world accepted it as a solution, however unjust. In Bosnia-Herzegovina, the world tinkered with it at the end, but permitted it nonetheless. In Kosovo, the United States, although it did not act to prevent it, stepped in later, devastated Yugoslavia and reversed it.

When it happens this time, my fear is that the United States and, therefore, the world will ignore it. I spoke on the telephone last night to an Israeli friend, who lamented that his people were about to elect "our Milosevic" as prime minister. Step forward, General Ariel Sharon. Opinion polls put him well ahead of the other general, Ehud Barak, who has presided over the inertia of the discredited Oslo settlement and the outburst by Palestinians against it that be-

gan last September. In fact, these are the two men, along with Yasser Arafat, who brought the uprising that the Palestinians call the "Al-Aqsa Intifada" to pass: Barak, with his policy of increasing settlements; Sharon, with his ill-fated intrusion last September onto the Temple Mount, where the Aqsa mosque stands; Arafat, by making life for Palestinians under his partial rule worse than direct occupation since 1967. If Sharon wins, as it seems he will, he will not tolerate the intifada. His settler supporters see a solution in demographic terms: create a Jewish majority in the West Bank as the Israeli army once did in Israel, by expelling the natives.

Until recently, I did not believe Israel would choose the option of expelling the Arabs from the West Bank. It seemed to me that neither Israeli nor world opinion would allow it. I hope I'm right, but an article in the magazine last night in the Lines last December by the Israeli journalist Shraga Elam casts my optimism in serious doubt. Elam writes that "further escalations will be followed by transfer of Palestinians from 'sensitive areas' and the 'arrest of Palestinian Authority officials and imposition of a new military administration.' The ensuing house-to-house

battles would kill thousands of Palestinians, both armed and civilian. The IDF (Israeli Defense Forces) must calculate in the framework of this operation the death of hundreds of Israeli soldiers and with thousands more wounded on both sides."

Shraga Elam found the study with these policy recommendations on the website of the Center for Strategic and International Studies (CSIS) in Washington. The author is defense analyst, Senator John McCain former staffer and sometime ABC News pundit Anthony Cordesman. In the 1980s, Cordesman helped me with stories I was doing for ABC on Iraq's biological and chemical weapons programs. He is reliable, conscientious and, as I read him in the latest version of his report, ruthless. I recommend that you read his "Peace and War: Israel versus the Palestinians – A Second Intifada?" (available at www.csis.org/stratassessment/reports/IsraelPalestine.pdf or by mail from the CSIS). Cordesman's analysis of the Palestinians' economic and social deterioration (about which Edward Said and Noam Chomsky had often warned Americans) since the Oslo accords went into effect in 1993 is as brilliant as his conclusions are terrifying. The combination of failure to agree to a settlement between Israel

and the Palestinians, together with the accession of Sharon to high office, makes Cordesman's "worst-case scenario" more, rather than less, likely.

The end result of warfare might be a situation where the Palestinian response would explode to a point so serious that the only solution available to the IDF would be a state of massive armed occupation in which the IDF had to occupy most Palestinian cities, react with extreme force, and deal with constant low-level violence. Such a "reoccupation" would be far more costly than containment, and could lead to the equivalent of "ethnic cleansing" and Israeli security measures that would drive large numbers of Palestinians out of Israeli security zones or the Gaza or West Bank.

His next sentence, written last December, is most worrying: "Much would depend on the character of the Israeli government involved." Sharon's record, from the night in October 1953 when he commanded the famous Unit 101 in a massacre of between 60 and 70 Palestinians in the village of Qibya to his devastation of Beirut in the summer of 1982, speaks for his character. After the Qibya raid, Foreign Minister Moshe Sharret wrote in his diary, as quoted

by Benny Morris in his excellent history, *Righteous Victims* (Alfred Knopf, 1999), "A reprisal of this magnitude ... has never been carried out before. I paced back and forth in my room perplexed and completely depressed, feeling helpless." Sharret wrote that, had he known what Sharon would actually do on the ground, he "would have screamed to high heaven." The UN condemned Israel for Sharon's action, just as the UN, the US and Israel's Kahan Commission would later condemn Sharon for the massacres at Sabra and Shatila in 1982. Sharon's record is no mystery. Who will be surprised if he remains true to his character, his promises and his gut instincts?

The question is: Will America stop Sharon? Will America's new President prevent the implementation of the worst-case plan that has been partially underwritten by an American think-tank analyst? Or will young George Bush wait and, once thousands of Palestinians are dead, wounded and expelled to Jordan – with all the potential for instability, overthrow of the monarchy and Iraqi intervention that implies – "scream to high heaven"? Better that all of us scream now, when we may make the difference.