

the police themselves were sent onto the Temple Mount in what turned into a police riot, following rock-throwing incidents involving some of the Islamic worshippers. Over the next 48 hours, Israeli Defense Force units carried out assassinations against Fatah and Hamas organizers in the occupied territories, so the situation remains on a hair trigger for war.

LaRouche issued a new call on the Bush Administration to act to stop the outbreak of war, on Aug. 2.

## Israel Starts Sweating Over War Crimes Cases

by Dean Andromidas

Ariel Sharon and the Israeli government are starting to take the war crimes case now before a Belgian Court very seriously. The Israeli government's concern goes well beyond trying to keep its Prime Minister out of the dock for his role in the massacre that occurred 19 years ago in the Sabra and Chatila refugee camps in Lebanon. They now fear, that Israeli government officials, especially military and security officials, will be indicted in European courts for violations of the Geneva war crime conventions. Such violations were not only committed 19 years ago, but are being carried out every day by the Israeli military and security forces against the Palestinians in the West Bank and Gaza Strip. They are the same crimes for which Serbian and Croatian officials are now fac-

ing trial at the war crimes tribunal in The Hague. Already a group of parliamentarians in Denmark plans to file a case against the Israeli Ambassador designate, Carmi Gillon.

Israeli officials and legal experts have made public warnings that the activities of the security and military services in the territories are war crimes, based on the Geneva and Hague conventions. This includes closures and sieges against Palestinian towns and cities, on the excuse that the Israeli government wants to stop terrorists from entering Israel. This is not only a fraud—since any determined terrorist can get past a road block—but it is also a war crime called “collective punishment.” Then there is the destruction of civilian houses, seizure of lands, destruction of orchards, olive groves, and agricultural lands. The most dramatic cases are the extrajudicial assassinations and the expansion of the Jewish settlements. The latter constitutes population transfer: Israelis into militarily occupied lands, and Palestinians from their lands.

Sharon's government knows that, as these cases gain momentum, its propaganda drive to define all violence by the Palestinians as the work of “terrorists,” and every military action by the Israeli military as simply “defense against terrorists,” is untenable. One Israeli commentator wrote in the leading Israeli daily *Ha'aretz*, “The bastards changed the rules.”

Another commentary, by Israeli Knesset (Parliament) member Uri Avnery in the Aug. 1 *International Herald Tribune*, notes that within Sharon's cabinet there is considerable tension on the juridical consequences of the Prime Minister's policies. Avnery wrote how Minister of Transportation Ephraim Sneh, a Labor Party member and retired general, recently burst out against Sharon, “You will not drag me with you to The Hague.” Avnery reminded Sharon that “in the infamous Kafr Kassem massacre affair of 1956, [Israeli]



*With approval from Ariel Sharon's government, Israel's fundamentalist "Temple Mount Faithful" tried a provocation on July 29, nearly guaranteed to set off general religious war. The site was al-Haram al-Sharif in Jerusalem, also considered to have been Solomon's Temple Mount.*

Judge Benjamin Halevy wrote about a 'black flag' waving over illegal orders that soldiers must refuse to follow. This black flag is waving over many orders given daily in the occupied territories." Avneri concluded, "The world is telling us: You have been warned."

## Sharon Gets a Lawyer

The Israeli government has hired a Belgian lawyer, Michelle Hirsch, to represent Sharon in the case before the Belgian courts. This case is the result of a formal complaint brought by 23 Palestinian and Lebanese victims of the 1982 massacre at the Sabra and Chatila refugee camps in Lebanon. Filed under the Belgian law allowing international war crimes cases to be brought before its courts, the plaintiffs accused Sharon of ordering the Phalangist militiamen into the camps with the knowledge that a terrible massacre would occur. Indeed, up to 1,500 people were slaughtered.

Hirsch is an expert in international human rights cases and has represented victims as well as those accused of war crimes. She recently represented victims in the Rwanda war crimes tribunals. According to legal experts, Sharon's move is an admission that he can no longer ignore these legal proceedings and recognizes the serious implications the case has for the state of Israel.

According to her recent statements, Hirsch's legal strategy is to convince the Belgian court that it is not within its jurisdiction to put Sharon on trial (he was "tried" in Israel by the Kahan Commission). The legal team representing the Palestinian plaintiffs counters that the Kahan Commission was not a trial, but a government inquiry which only offered recommendations to the government. The commission included two supreme court judges and a representative of the Israeli Defense Forces. The Kahan Commission found Sharon "indirectly responsible" for the massacre, since he should have known that the Phalangists, whom he ordered into the Sabra and Chatila camps, would conduct a massacre. Among the recommendations made by the commission was that Sharon should be dismissed as Defense Minister. Furthermore, there are sections in the Kahan report which have never been made public, which could be even more incriminating for Sharon.

On July 16, Luc Walley, one of the attorneys for the plaintiffs, visited Israel, where a committee of Israeli and Palestinian lawyers was founded to assist the legal team of the plaintiffs in the Belgian case. Speaking at a press conference in Jerusalem, Walley countered accusations that the case was targeting Sharon. He said, "This is not a case against one person. It is a case against one crime." He added that everyone involved can be questioned and indicted.

A potential breakthrough in the case was the announcement by former Phalangist militiaman Elie Hobeika that he intends to give testimony before the Belgian investigative judge, Patrick Collignon. In 1982, Hobeika was the head of intelligence for the Phalangist militia. The Kahan Commission report claimed that Hobeika ordered the massacres: "The

Phalangist unit that was supposed to enter the camps was an intelligence unit . . . headed by Elie Hobeika."

On July 17 Hobeika told a press conference in Beirut, "I openly declare that I am very satisfied that the Sabra and Chatila case has been brought to Belgium, perhaps giving me the first opportunity in 19 years to tell the truth and defend myself and my reputation . . . and get cleared of this accusation." Hobeika claimed that he has "irrefutable proof" of his innocence, but did not elaborate. Up until the recent Lebanese elections Hobeika was a minister in the Lebanese government.

Reflecting the seriousness with which it is taking the case, the Israeli government has established a legal committee to oversee it, which includes representatives of the Prime Minister's office and several legal experts, some of whom have already travelled to Belgium.

Sources familiar with the Belgian legal system, which is based on Napoleonic law, point out that once a complaint is made and taken up by an investigative judge, as with the Sharon case, it is extremely unlikely that the government could intervene to stop the investigation. Nonetheless, once the judge completes his investigation and presents his recommendations to the Attorney General for prosecution, there is room for some "unofficial" intervention to try to keep the case from trial.

## Sharon Is Not the Only Accused

Meanwhile, the worst fears of the Israeli government have come true: Other war crime cases are being filed against Israeli officials in other European courts where the Geneva conventions have been incorporated into national law. In Denmark, Israeli Ambassador-designate Carmi Gillon faces possible arrest when he arrives in Denmark. Gillon, who was head of the Shin Bet during 1995-96, is accused of being responsible for torture. Gillon admitted this when he told a Danish daily that he approved of "moderate physical pressure" which, according to the United Nations treaty on torture, in fact, constitutes torture. A group of Danish parliamentarians led by Soren Sonbergaard will file a complaint in a Danish court for Gillon's arrest. Although the Danish Justice Minister said that Gillon will not be arrested because of diplomatic immunity under the Vienna Treaty, he admitted that this could be challenged in the courts.

There is considerable support within the Danish population for the judicial process against Gillon, and the Danish government has suggested that Israel withdraw the nomination. Israeli Foreign Minister Shimon Peres has made the situation worse by refusing this request, and by his inept attempt to come to Gillon's defense, saying that, as a government official, he was "only following orders."

Israel reportedly has received reports that similar cases could be filed against Chief of Staff Shaul Mofaz and Air Force commander Maj. Gen. Dan Halutz, for crimes against humanity in relation to military operations in the occupied territories.