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Franks faces Belgium 'genocide' case

18 April 2003

BRUSSELS – US Allied Forces Commander, General Tommy Franks, and a second, unnamed party, could face trial in Belgium for war crimes under the country's amended genocide law after four Belgian doctors lodged a complaint in Brussels.

The four men, two of whom are still in Baghdad, work for the Belgian association Medicine for the Third World and were witnesses to the Allied invasion of the country.

Several events have already been cited by the doctors' lawyer, Jan Fermon, including an ambulance under fire from US troops, the bombing of a market, an attack on a civilian bus, random executions and inaction in the face of hospital pillaging.

This will be the first time Belgium's law of universal competence will be tested since its politico-diplomatic cleanup last month.





The so-called genocide law had given courts in Belgium universal jurisdiction to try cases of genocide, war crimes and human rights violations.

Several clauses were amended so as to avoid the law being used for political complaints in the current climate. It is feared by opponents to the changes however that the law is now left bereft of its previous clout.

The doctors' case is thought to be within the remit of the new law because it is filed on behalf of Iraqi doctors by their Belgian colleagues.

However, the complaint will still have to be vetted by the Belgian government and the country's highest court, the Court of Cassation, before it can go ahead.

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US Secretary of State Colin Powell labelled the Belgian legislation a "serious problem" after joining Dick Cheney and George Bush Senior on a list of suspects in a lawsuit pertaining to alleged crimes committed during the last Gulf War.

General Franks is currently holding residence in one of Saddam Hussein's former palaces in the Iraqi capital – a symbolic gesture heralding the close of the Iraqi conflict.

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