

21:18 24Sep2003 UPDATE 1-Belgian cases against Sharon, Bush senior dismissed

(Adds comment from lawyer, paragraphs 6-7)

BRUSSELS, Sept 24 (Reuters) - A Belgian court on Wednesday threw out war crimes cases against former U.S. President George Bush and Israeli Prime Minister Ariel Sharon, helping further ease Belgium's soured ties with Israel and the United States.

Lawsuits had also been filed under Belgium's controversial genocide law against current U.S. President George W. Bush and British Prime Minister Tony Blair, but under recent amendments to the act they are unlikely ever to come to court.

The appeals court in Brussels on Wednesday dismissed cases against Sharon, Bush senior and Israeli General Amos Yaron on grounds that the country's courts did not have the jurisdiction to bring them to trial, according to a court clerk.

The case against Bush senior, father of the current U.S. president, accused him of crimes against humanity during the first Gulf War.

The cases against Sharon and Yaron arose over the massacre of Palestinians in refugee camps in Lebanon in 1982 and a leading lawyer pursuing the case said the battle would continue.

"We are examining the possibility of recourse available in Belgian law to challenge the constitutionality of the amendment and also to bring the case in front of the European Court of Human Rights," said Chibli Mallat.

"The story is not over, it will not be over until the victims of Sabra and Shatila have received justice. It has been 21 years and Sharon, the Lebanese and Israelis (responsible for the massacres) have not been held accountable for crimes against humanity," he told Reuters by telephone from Beirut.

Belgium's federal prosecutor had asked the court to rule on the admissibility of the cases given the recent changes made to the law that had given the country's courts universal jurisdiction to try war criminals.

The 1993 law caused Belgium diplomatic trouble as it led to the courts being flooded with cases against world leaders.

The United States threatened to suspend funding of a planned new NATO headquarters in Brussels if the law was not changed.

Belgium eventually bowed to the pressure, sharply limiting the law in July. Now, only Belgians or people resident in the country for at least three years can file a suit.

Before July, it had made changes to the act to allow it to refer charges against George W. Bush and Blair to the United States and Britain respectively, practically ensuring they would never be brought to a court.

On Tuesday, a Belgian court quashed a case against retired General Tommy Franks, commander of the U.S. forces in the 2003 invasion of Iraq. That case had held him responsible for the use of cluster bombs and the shooting at ambulances and civilians during the invasion.

(Additional reporting by Khaled Yacoub Oweis in London)

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