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## **COURT CASE AGAINST GENERAL FRANKS IN BRUSSELS**

### **NO IMPUNITY FOR WAR CRIMES COMMITTED BY U.S. TROOPS IN IRAQ**

Twenty victims of war crimes committed by U.S. troops during the recent war against Iraq are filing charges before the federal prosecutor of Belgium for violations of International Humanitarian Law.

The complaint is directed against soldiers—who are not identified at this stage—who have committed war crimes. It mentions General Tommy Franks in particular for ordering war crimes and for not preventing others from committing them or for providing protection to the perpetrators.

The plaintiffs have been seriously injured or have lost relatives as the result of:

- the use of cluster bombs
- attacks on the civilian population including journalists
- acts of aggression against health services and other Iraqi infrastructure
- looting protected by or under orders from the U.S. army.

The plaintiffs and their relatives likewise have reason to fear the devastating effects of depleted uranium munitions used by the U.S. army. Their effects have already been highlighted in the previous wars against Iraq, Yugoslavia and Afghanistan.

Millions of demonstrators throughout the world have voiced their opposition to the war on Iraq. Opinion polls showed that everywhere, between 70 and 80% of the population condemned this war of aggression.

In defiance of the people's will, the Bush administration violated international law by attacking Iraq without the permission of the Security Council and refusing to respect the ban on the use of force included in the UN Charter. In the field, U.S. troops also committed many war crimes, as attested by many sources.

The plaintiffs demand an independent inquiry to identify those responsible for the war crimes of which they were victims. They are also asking for those guilty to be brought to justice.

The complaint was filed in Brussels on the basis of the Belgian law on "universal jurisdiction" as amended on May 7, 2003. The law, as amended, gives the Belgian government the option of filing a case before the International Criminal Court (ICC) or forwarding it to the country of origin of the accused.

The United States, however, has not ratified the Statutes of the ICC, thus rendering a transfer to this court impossible. As for referring the case to the courts of the country of origin, the law demands that the latter afford guarantees of impartiality. That is not the case with American lawcourts for the moment for a number of reasons:

1. As soon as the possibility of filing charges was announced, the spokesperson of the State Department demanded the intervention of the Belgian government to prevent the judiciary from investigating the case.

2. The attitude of the Bush administration clearly shows there is no guarantee that the United States executive would not exercise the same type of pressure on the courts of the country. It should be recalled that this same administration refuses the prisoners detained in Guantanamo any kind of legal status, has set up special secret courts to try people accused of "terrorism" and detains hundreds of foreigners for unlimited periods and without due process. It has thus shown its intention to intervene in judicial procedure and its total lack of respect for the most basic rights of the defence.

3. Congressman Gary Ackerman of New York has introduced a bill to forbid all collaboration with any state trying to exercise universal jurisdiction, and in particular with Belgium.

The victims' testimonies have been documented by doctor Colette Moulaert and doctor Geert Van Moorter, who were on a humanitarian mission for the NGO Medical Aid for the Third World and stayed in Baghdad throughout the offensive. The Coordination STOP USA, which was active against the war in Belgium, will support the plaintiffs and will provide information on the case worldwide.

International appeal :

**NO IMPUNITY FOR WAR CRIMES COMMITTED BY U.S. TROOPS IN IRAQ!**

The undersigned consider:

That U.S. Armed Forces should not remain unpunished if they have committed crimes during the war on Iraq.

That it is important for an independent inquiry to investigate the facts mentioned by the plaintiffs, for civil and criminal responsibilities to be established and for the victims to receive a reasonable compensation.

That U.S. courts do not at the present time provide sufficient guarantees of impartiality in this case.

That an inquiry by the International Criminal Court is impossible, as the U.S. has not ratified its Statutes.

That consequently, the victims have no other option but to approach the jurisdiction of a third country, in this case Belgium.

The undersigned call on the Belgian government not to give in to the diplomatic pressure of the U.S. and not to hinder the judicial process by forwarding the case to the U.S.

I sign:

In the name of my organisation:

Organisation : .....

Email : .....

On my own behalf:

Name: .....

Function: .....

Email : .....

This appeal is coordinated by STOP USA International 53 Chaussée de Haecht, 1210 Brussels.  
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Access to the documentation (CD-Rom), the plaintiffs, and the international team of lawyers  
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