Report: Spain Trying to Rein in Judges on Israel War Crimes Trial

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The 'Wall Street Journal' reported on Wednesday that Spanish authorities are working to limit the jurisdiction of the country's investigative judges and prevent the latter from trying war crimes allegations that occurred elsewhere in the world.

The resolution passed by Spain's Congress on Tuesday amends the current law to prohibit judges from dealing with offenses that have no direct Spanish connection.

Citing 'universal jurisdiction,' Spain's National Court is currently pursuing 13 cases involving allegations of crimes against humanity. Several of these have garnered considerable international attention, with domestic media in the countries being investigated taking a pointedly critical position against the Spanish trials.

The most high-profile ongoing investigations include allegations of US torture against prisoners at Guantanamo Bay, violence against Tibetan protestors by Chinese authorities, and war crimes charges against a number of Israeli military and defense officials involved in the 2002 bombing of Hamas leader Sheikh Salah Shehadeh.

The WSJ reported that the Spanish decision was prompted by the pressure exerted by the foreign governments being charged. Spain's state prosecution has opposed all three cases, and its attorney-general, Cándido Conde-Pumpido, warned that the investigations compromised the standing of the Spanish justice system.

The Israelis named in the lawsuit are then-Defense Minister Binyamin Ben-Eliezer, former IDF Chief Moshe Yaalon, then-Air Force Commander Dan Halutz, former GOC Southern Command Doron Almog, Giora Eiland, then-head of the Israeli National Security Council, and Mike Herzog of the Defense Ministry.

Both Prime Minister Benjamin Netanyahu and Defense Minister Ehud Barak have slammed the decision. Dichter, who is named in the investigation, said Spain had failed to differentiate between terror and the counter-terror measures. "It's surprising that it is in Spain, which has suffered Muslim terror in 2004, that a judge finds it hard to tell the difference between fighting terror and what he calls 'crimes against humanity.'

"Every child know that Shehade was an arch-murderer, that he has the blood of hundreds on his hands. Unfortunately, taking him out resulted in innocent casualties, but we are fighting terrorists who use civilians as human shields."

The case was reviewed by the Israeli High Court of Justice, he added, "But I guess the Spanish judge had other, non-judicial reasons to want to ram Israel. I can't see him launch a similar investigation against US, British or even Spanish officials who took part in numerous anti-terror acts worldwide.