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Groundbreaking legal action against Amichai Chikli, Israel's Minister for Diaspora Affairs and the Fight Against Antisemitism.

Brussels- Belgium

The Hind Rajab Foundation has initiated a groundbreaking legal action in Belgium by filing a formal criminal complaint against Amichai Chikli, Israel's Minister for Diaspora Affairs and the Fight Against Antisemitism. The complaint, submitted by Dyab Abou Jahjah, president of the foundation, accuses Minister Chikli of making terrorist threats against him, a Belgian national, with the intent to intimidate and suppress the foundation's advocacy for justice and accountability for war crimes.

A Clear Case of Terrorism

The complaint underscores that Chikli's threat, posted on January 6, 2025, via social media, constitutes an act of terrorism under Belgian law. His message, "Hello to our human rights activist. Watch your pager," refers to a deadly incident in September 2024 when Israeli intelligence detonated 5,000 pagers in Lebanon, killing 12 and injuring at least 2,800 people. By evoking this event, Mr. Chikli threatens Mr. Abou Jahjah with death or at least with the intentional infliction of blows and injuries resulting in mutilation, with the unmistakable intention of intimidating him and instilling fear to compel him to cease his activities aimed at the effective prosecution of international crimes committed by Israeli soldiers during the war in Gaza.

The message is therefore not only directed at Mr. Abou Jahjah but also at that part of the population engaged in the fight against impunity. Such a threat is aimed at causing serious fear to a (part of a) population and can cause significant harm to Belgium, particularly in light of the obligation of the Belgian State under international law to effectively address international crimes. This obligation was reaffirmed in paragraph 11 of the resolution adopted on September 18, 2024, by the United Nations General Assembly, following and implementing the advisory opinion of the International Court of Justice dated July 19, 2024.

If Belgian nationals or residents of Belgium are threatened with attacks on their lives and/or physical integrity because of their activities in this domain, it undoubtedly causes significant harm to the country, especially if such threats are made by a minister of a foreign government that has demonstrated it does not shy away from the actions being threatened.

Thus, the conditions set out in Article 137 §1 and §2 1° and §3 6° of the Criminal Code concerning terrorist offenses are fulfilled. Mr. Chikli's message also constitutes a violation of Article 327 of the Criminal Code, which in its second paragraph states: "The threat of an attack on persons or property punishable by a criminal penalty, made in an anonymous or signed document, without order or condition, shall be punished with imprisonment of three months to two years and a fine."

The Immunity Argument: Why It Doesn't Apply

The complaint firmly establishes that Minister Chikli does not enjoy immunity from prosecution under international law. While serving as Israel's Minister for Diaspora Affairs and the Fight Against Antisemitism, his portfolio does not qualify him for the immunity generally reserved for heads of state, heads of government, or foreign ministers performing official functions.

This position is reinforced by the landmark ruling of the International Court of Justice (ICJ) in the 2002 Arrest Warrant Case (Democratic Republic of Congo v. Belgium).

Moreover, Belgian jurisdiction applies because:

- The victim, Mr. Abou Jahjah, is a Belgian national and resident.

- The threats were disseminated through publicly accessible channels in Belgium.

- The threats have a tangible impact on Belgian citizens and the broader human rights community in Belgium.

Broader Implications

This complaint has far-reaching implications, emphasizing that no individual, regardless of their position, is above the law when engaging in acts of terrorism and intimidation. By targeting Mr. Abou Jahjah, Minister Chikli sought to discourage efforts to hold Israeli soldiers accountable for war crimes committed during the recent conflict in Gaza. This attack is not isolated; it is part of a larger campaign to silence voices demanding justice for Palestine.

The Hind Rajab Foundation has filed this complaint to assert the principle that terrorism, even when wielded by high-ranking officials, will not be tolerated. It sends a strong message that Belgium, as a state bound by international legal obligations, will uphold justice and protect those working to combat impunity for international crimes.

Cancellation of Visit

Upon hearing of the complaint against Mr. Chikli, the Israeli government inquired whether he was entitled to diplomatic immunity. In response, the Belgian authorities clarified that Mr. Chikli does not enjoy immunity and that his arrest is legally possible. This led to the cancellation of Chikli's planned visit to Brussels tomorrow.

This underscores Belgium's commitment to upholding its international obligations to address crimes effectively and sends a clear message that no individual, regardless of their position, is above accountability.

For More information on the legal aspects, contact Mr. Abou Jahjah’s legal counsel Mr. Jan Fermon