

# EYEWITNESS LEBANON

July - August 2006

An International Law Inquiry

ADC-RI



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## PREFACE

The American-Arab Anti-Discrimination Committee (ADC) is the largest Arab-American grassroots membership organization dedicated to protecting the civil rights of Americans of Arab descent, advocating a balanced U.S.-Middle East policy, and promoting the rich cultural heritage of Arabs. ADC works to represent the interests of the Arab-American community which is estimated at over two million, of which approximately 35% trace their roots to Lebanon.

At the onset of the war, over 12,000 U.S. citizens, including several staff members of ADC, remained trapped in all regions of Lebanon, and were unable to leave due to the fighting and the Israeli air and sea blockade. On July 24, 2006, ADC filed a federal lawsuit alleging that the U.S. government failed in its constitutional obligations to take all possible steps to secure the safety and well being of U.S. citizens in Lebanon.

When the humanitarian disaster began to unfold in Lebanon during July 2006, ADC mobilized its resources and initiated a multi-pronged, pro-active campaign to address the crisis. ADC was the first organization to sponsor a peaceful rally in front of the White House call-

ing for active U.S. involvement in ending the human tragedy unfolding in Lebanon and the first to issue electronic Action Alerts calling for a pro-active, constructive role for the U.S.

As details of the catastrophe became apparent, Arab-American attorneys Denyse Sabagh and Houeida Saad contacted ADC with a proposal to document the violations of international humanitarian law in Lebanon. ADC agreed and work on the report commenced.

At the recommendation of Ms. Sabagh and Ms. Saad, the ADC Research Institute (ADC-RI) - a 501(c) (3) affiliate of ADC - retained Virginia N. Sherry, a veteran of Human Rights Watch, as Author and Principal Researcher of this report, and Ms. Saad served as the report's Editor and Field Researcher. Then, in November 2006, Ms. Saad traveled to Lebanon to conduct first-hand interviews and document violations of international humanitarian law. These interviews are cited throughout the report.

This report would not have been possible without Ms. Sabagh and Ms. Saad's generous pro-bono contributions in both time and resources, and Ms. Sherry's professional expertise in this field. ADC also wishes to acknowl-

edge the key support of hundreds of individuals, especially members of the Arab-American community in Detroit, Michigan, who contributed to the costs associated with the report. Additionally, ADC-RI thanks Ms. Saad and John Quigley, international law expert and President's Club Professor of Law at the Ohio State University, for serving as Legal Advisers to this report.

Attorneys, scholars, and other individuals also made contributions to ADC-RI to support the project. ADC-RI thanks all of them for recognizing the importance of this effort. In Lebanon, members of the Beirut Bar Association, and Lebanese Red Cross staff and volunteers, were unfailingly helpful and generous with their time.

Several ADC staff members also helped to make this report a reality. They include: Kareem Shora, National Executive Director; Laila Al-Qatami, Communications Director; Carol Khawly, Director of Legal Advocacy; Tony Kutayli, ADC Communications Coordinator; and Yousef Munayyer, Special Assistant to the President for Finance and Operations. ADC would also like to acknowledge the efforts of Laila Al-Qatami who handled all aspects of printing and distribution of the report, including the cover design and layout.

This report is intended to be an educational resource and academic reference guide. ADC-RI expended all reasonable efforts to ensure that all spellings and names for individual officials, agencies, and organizations are consistent throughout the report. Differences in such ref-

erences found in specific quotations are cited to their original sources in the end notes.

The men and women in Lebanon whose voices are included in this report deserve special mention. All of them agreed to speak for attribution, except one who asked that his first name be withheld. Many of them suffered the loss of immediate family members and neighbors during the war, and they painfully yet patiently responded to questions, recounting the circumstances of the deadly attacks. Most of the families experienced the total or partial destruction of their own homes and other property. Some were living in the wreckage of their houses, and others were still displaced, awaiting financial assistance to rebuild. Despite all these difficulties, the hospitality and time that these men and women extended was truly extraordinary and deeply appreciated.

ADC-RI dedicates this report to all innocent civilian victims of the July - August 2006 tragedy.



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*"When we hit civilians, it is an exceptional occurrence that is not in our character."*  
-- Israeli Prime Minister Ehud Olmert, July 30, 2006.

<b>Chapter 1:</b> Israel's Use of Military Force: The War and Its Goals.....	7
<b>Chapter 2:</b> Warnings and Threats: Terrorizing the Civilian Population.....	29
<b>Chapter 3:</b> The Civilians Left Behind: Deprivation, Danger, and the Illusion of "Safe Corridors" .....	37
<b>Chapter 4:</b> The Scope of the Damage in Civilian Areas of Lebanon .....	53
<b>Chapter 5:</b> Indiscriminate and Disproportionate Attacks on Civilian Residential Buildings: The Voices of Lebanese Eyewitnesses.....	69
<b>Chapter 6:</b> IDF Ground Troops in Taibe Implicated in the Killing of Four Civilians .....	89
<b>Chapter 7:</b> The Use of Indiscriminate Weapons .....	99
<b>Chapter 8:</b> The Targeting of Lebanon's Infrastructure and Economy .....	111
<b>Chapter 9:</b> The Impact of Israel's Attacks on the Environment and Public Health in Lebanon .....	127

Summary and Legal Conclusions .....	139
Recommendations .....	155
End Notes.....	162

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## APPENDICES

Appendix A: U.N. Security Council Resolution 1701(2006) .....	191
Appendix B: U.N Security Council Resolution 425 (1978), Resolution 520 (1982), Resolution 1559 (2004), Resolution 1655 (2006), and Resolution 1680 (2006).....	195
Appendix C: Official Summary of the Winograd Commission Interim Report, April 30, 2007 .....	205
Appendix D: Full Text of Israel Defense Forces (IDF) "Warning" Leaflets Distributed in Lebanon During the July-August 2006 War .....	215
Appendix E: Israel's Censorship Policy During the July-August 2006 War.....	219
Appendix F: Civilians Killed in the IDF Attack in Shiyah, Beirut, August 7, 2006 .....	223
Appendix G: IDF Targets: Bridges in Lebanon .....	225
Appendix H: The Government of Israel During the July-August 2006 War .....	229
Appendix I: IDF General Staff Officers During the July-August 2006 War .....	231



# 1 CHAPTER

## ISRAEL'S USE OF MILITARY FORCE: THE WAR AND ITS GOALS

*"[T]oday's incident is between the State of Israel and Lebanon. As to where to attack, the moment that the state of Lebanon is involved, everything is legitimate – and it's important to know that. Everything is legitimate, and not just southern Lebanon and Hezbollah's border positions."*

--Maj. Gen. Udi Adam, commander of the IDF's Northern Command, July 12, 2006.

*"Lebanon is paying a high price for what is happening from its territory towards Israel: roads, bridges, airports and anybody with brains in his head can continue this list. There are more infra-structures a state can find itself without if it does not take over control of what is happening in it and from it."*

--Lt. Gen. Dan Halutz, IDF chief of general staff, July 14, 2006.

The human and material losses from the military conflict that consumed Lebanon and Israel in July and August 2006 represented a significant failure on the part of the international community to maintain international peace and security, and suppress acts of aggression and other breaches of the peace.<sup>1</sup>

Since May 2000, when Israel withdrew its troops from Lebanon, the U.N. has consistently described the situation along the Lebanon-Israel border (the Blue Line) as "tense and fragile," punctuated by periodic cross-border incidents between the Israel Defense Forces (IDF) and Hizballah fighters.<sup>2</sup> These border skirmishes "tended to set off a chain of escalating exchanges, elevating tensions for periods of several days at a time," the U.N. Secretary-General

reported to the U.N. Security Council in a July 2004 report.<sup>3</sup>

In addition to these incidents, in which both IDF soldiers and Hizballah fighters were killed, there was also a pattern of Israeli Air Force flights over Lebanese airspace, "violating its sovereignty and territorial integrity," the U.N. Secretary-General reported.<sup>4</sup> The invasive flights often were "particularly intrusive and provocative," and went deep into Lebanon, "sometimes generating sonic booms over populated areas."<sup>5</sup> The U.N. Secretary-General consistently reported that in some of these Israeli incursions "the aircraft would sometimes fly out to sea and enter Lebanese airspace north of the UNIFIL<sup>6</sup> area of operations, thus avoiding direct observation and verification by UNIFIL."<sup>7</sup> The Secretary-



General also repeatedly reported to the U.N. Security Council that "Israeli officials maintained the position that overflights would be carried out whenever Israel deemed them necessary."<sup>8</sup>

On the morning of July 12, 2006, another cross-border incident occurred. Hizballah fighters ambushed an IDF patrol, killing three soldiers, injuring two, and taking another two soldiers into Lebanese territory. Following the pattern of similar border skirmishes since the withdrawal of Israeli troops from southern Lebanon in May 2000, the IDF and Hizballah's military forces carried out armed exchanges throughout the day. However, unlike previous incidents, this time Israel notified the U.N. Security Council that it reserved its right of individual self-defense under the U.N. Charter.

The international community remained silent as Israel extrapolated its asserted and legally unchallenged right of self-defense to carry out a massive military offensive against Hizballah military targets, Lebanon's public infrastructure, and Lebanese civilians and their property. The U.N. Security Council did not take immediate or timely action to restrain the State of Israel from its disproportionate use of military force in Lebanon, nor did the Security Council use its authority to impose measures to halt the rockets that were fired into Israeli territory from Hizballah positions in Lebanon. It was not until August 11, 2006, when the members of the Security Council finally agreed unanimously on the text of Resolution 1701, which the governments of Israel and Lebanon later accepted and led to the cessation of hostilities on the morning of August 14, 2006.<sup>9</sup>

Israeli officials made it quite clear in public

statements that one of the goals of the IDF's use of military force in Lebanon was to bring about the implementation of U.N. Security Council resolutions that call for the extension of Lebanese government control over all of Lebanese territory and the disarmament of non-governmental militias.<sup>10</sup> These resolutions do not include provisions that authorize enforcement measures, including the use of force. Without express authority from the U.N. Security Council, the use of military force for the purpose of implementing Security Council resolutions, in whole or in part, was unlawful under the U.N. Charter and, in fact, usurped the role of the U.N. Security Council itself.

Public comments of Israeli government and military officials during the war left little doubt that Israel intentionally threatened and used military force to pressure and punish the Lebanese government for not disarming Hizballah's military forces and assuming full control on the ground in southern Lebanon. These comments are documented in this chapter.

Another component of Israel's military strategy was to target Lebanon's civilian population, its morale, and the infrastructure that supported the civilian economy, in an attempt to diminish the standing of Hizballah as a political force in Lebanon. U.N. Security Council resolutions that mandate the disarmament of militias in Lebanon are silent about the existence of Hizballah as a legal political party in Lebanon that participates in the country's political processes and institutions. Israel's explicitly stated use of military force to alter this internal state of affairs in Lebanon constituted unlawful interference in the political independence of a sovereign state and thus was unlawful under the U.N. Charter.

The often-repeated theme that Israeli officials articulated during the war -- that Lebanese civilians had to "pay a price" for the military activities and political strength of Hizballah -- is clear evidence that Israel's use of force in asserted "self-defense" was in fact a pretext for wide-ranging retaliation aimed at Lebanese civilians generally. The decision to retaliate in such a manner abandoned the principles of necessity and proportionality that must accompany declarations of the right of self-defense under the U.N. Charter. Moreover, the promise of retaliation against the civilian population inevitably blurred the distinction between Hizballah combatants and Lebanese civilians, and legitimate military objectives and protected civilian objects.

The principle of distinction is an essential element of customary international law and international humanitarian law. Israel's blatant disregard of this principle resulted in wide-ranging and destructive attacks that crippled Lebanon's transportation network, decimated major industrial businesses, generated significant air and marine pollution, contaminated villages and agricultural land with deadly cluster-bomb submunitions, and left residential areas in ruin in the south of Lebanon and the southern suburbs of Beirut.

The public comments of Israeli government officials and senior IDF officers presented in this chapter are relevant to establishing the intent of Israel's use of military force in Lebanon. The statements strongly suggest that there was an intent to target not only specific military objectives but the Lebanese civilian population as such. Intentional attacks against a civilian population, or individual civilians not participating

in military activities, are indiscriminate attacks under international humanitarian law and war crimes under the Rome Statute of the International Criminal Court.

After the 2006 war ended, Israel's foreign ministry cautioned IDF officers and government officials to refrain from making "careless statements."<sup>11</sup> Citing an IDF radio report, the Israeli daily newspaper *Haaretz* said that the foreign ministry "fears a wave of lawsuits accusing Israeli military and government officials of war crimes."<sup>12</sup> It added that the ministry's chief legal advisor, in a report, said "their words could later be used against them in foreign lawsuits or indictments for alleging them to be war criminals."<sup>13</sup> This chapter documents some of the public statements that provide evidence of Israel's intent to target and punish the Lebanese civilian population, in violation of the most fundamental principles of international humanitarian law.

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## THE EVENTS OF JULY 12, 2006

On the morning of July 12, 2006, IDF soldiers in two armored Humvee vehicles, patrolling the western section of the Israel-Lebanon border, along the fence between Zarit and Shetula on the Israeli side -- Ramieh and Aita al-Shaab on the Lebanese side -- came under fire from Hizballah forces.<sup>14</sup> A report of the U.N. Secretary-General to the U.N. Security Council outlined the sequence of events:

The crisis started when, around 9 a.m. local time, Hizballah launched several rockets from Lebanese territory across the withdrawal line (the so-called Blue Line) towards Israel Defense

Forces (IDF) positions near the coast and in the area of the Israeli town of Zarit. In parallel, Hizbollah fighters crossed the Blue Line into Israel and attacked an IDF patrol. Hizbollah captured two IDF soldiers, killed three others and wounded two more. The captured soldiers were taken into Lebanon.<sup>15</sup>

The Hizballah fighters attacked the vehicles with small-arms fire and anti-tank missiles.<sup>16</sup> According to a post-war *Washington Post* investigation carried out in Israel: "Contact with the patrol was lost after the Hezbollah team knocked out the trailing Humvee, killing the soldiers inside. But it took 20 minutes to confirm that Staff Sgts. Ehud Goldwasser, 31, and Eldad Regev, 26, were missing from the first vehicle, a delay that gave the gunmen a large lead as they fled through olive orchards to the Lebanese border village of Aita al-Shaab."<sup>17</sup> (On June 25, 2006, a similar operation by Hamas fighters who infiltrated the Israeli side of the Gaza border resulted in the killing of two IDF soldiers, the injury of another four, and the capture of IDF Cpl. Gilad Shalit. These events precipitated the major IDF military operation in Gaza called "Operation Summer Rain."<sup>18</sup>)

IDF Lt. Col. Ishai Efroni, deputy commander of the Baram Brigade post near the Israel-Lebanon border, told the *Washington Post* that he sent "a Merkava tank, an armored personnel carrier and a helicopter" into Lebanon to go after the Hizballah fighters headed toward Aita al-Shaab.<sup>19</sup> The tank "unexpectedly veered onto a road near a known Hezbollah post," and an explosive device detonated under it, killing the four soldiers inside the vehicle.<sup>20</sup> Hizballah reported that the tank was destroyed at about 11:00 a.m., as it "advanced into al-Rahib site on the border, west of the village of Aita al-Shaab,

towards the Lebanese territories."<sup>21</sup>

"The fight to retrieve the bodies lasted hours and killed the eighth Israeli soldier of the day," the *Washington Post* reported.<sup>22</sup>

According to Hizballah secretary-general Sheikh Hassan Nasrallah, IDF forces entered Lebanon on July 12, 2006, from one position; he added that Israel "through various channels, asked for a cease-fire [in the area of Lebanon where the tank was destroyed] to evacuate its dead and wounded. The area is in the middle. We said that what is required is a comprehensive cease-fire and not a cease-fire in a certain area."<sup>23</sup>

The U.N. Secretary-General's report described fire and counterfire along the entire Lebanon-Israel border after Hizballah forces attacked the IDF patrol:

Subsequent to the attack on the patrol, a heavy exchange of fire ensued across the Blue Line between Hizbollah and IDF. While the exchange of fire stretched over the entire length of the Line, it was heaviest in the areas west of Bint Jubayl and in the Shab'a farms area.

Hizbollah targeted IDF positions and Israeli towns south of the Blue Line. Israel retaliated by ground, air and sea attacks. In addition to airstrikes on Hizbollah positions, IDF targeted numerous roads and bridges in southern Lebanon within and outside the UNIFIL area of operations. IDF has stated that those attacks were to "prevent Hizbollah from transferring the abducted soldiers."<sup>24</sup>

Hizballah secretary-general Nasrallah stated at a press conference later on July 12, 2006, that the operation to capture IDF soldiers was planned over a five-month period.<sup>25</sup> He said that the two IDF soldiers "are now in a safe and very far place," and made it clear that the organization was holding them as hostages. "These pris-

oners that we hold will never go home except in one way: indirect negotiations and an exchange. That is it...Israel usually negotiates with us. At first they say no, but then they accept."<sup>26</sup> He also stated that Hizballah did not want a military escalation: "We do not want to escalate things in the south. We do not want to push Lebanon into war....I do not request a cease-fire, but if any party engages in an effort to achieve a cease-fire, then we do not have any problem with that because we do not have any intention to escalate matters."<sup>27</sup> He threatened, however: "If they choose confrontation, then they should expect surprises."<sup>28</sup>

The most recent precedent for indirect deals between Israel and Hizballah to exchange prisoners was Hizballah's capture of three IDF soldiers in October 2000, whose remains were eventually swapped in January 2004 for hundreds of Palestinian, Lebanese, and other prisoners in Israel – including Hizballah cleric Sheikh Abdel Karim Obeid and Lebanese guerrilla leader Mustafa Dirani of the Believers Resistance, whom IDF commandos captured in Lebanon in 1989 and 1994, respectively -- as well as the remains of dozens of Hizballah fighters Israel held.<sup>29</sup>

On the afternoon of July 12, 2006, "the Government of Lebanon requested UNIFIL to broker a ceasefire. Israel responded that a ceasefire would be contingent upon the return of the captured soldiers."<sup>30</sup>

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### **Israel's Initial Military Responses and Additional Threats**

On July 12, 2006, the IDF spokesman stated

that Israel's initial military response included "over 100 aerial attacks in Lebanon, targeting mainly Hizballah bases."<sup>31</sup> The spokesman added that the IDF attacked "[a] number of bridges and roads in Lebanon...in order to prevent Hezbollah from transferring the abducted soldiers."<sup>32</sup> The spokesman said that three of the bridges crossed the Litani River, and two crossed the Zahrani River.<sup>33</sup> In a television newscast on the evening of July 12, Hizballah's *al-Manar* station provided a longer list of the bridges that it said the IDF targeted that day, adding that one civilian was killed and others wounded in these attacks.<sup>34</sup> It identified the bridges as: al-Qasimiyah (where it reported that Muhammad Fadlallah al-Saghir was killed and three people wounded); the bridge linking al-Ayshiyah and Jarmaq (wounding people traveling in a car of *New TV*); al-Qa'qa'iyah and al-Hijjah al-Mi'mariyah bridges; al-Zahrani bridge (six people injured); the bridge connecting Jizzin and Marjayoun; the 6 February bridge between al-Zirariyah and Tayf al-Say; and the bridge between al-Mahmudiyah al-Dimashqiyah and Kfar Tabnit.

The *Manar* news report also said that the towns of Aita al-Shaab, Rumaysh, al-Rishaf, Rami, al-Duhayrah, and Ras al-Naqurah were bombed; there were air raids in Kfar Sir, Zawtar al-Gharbiyah, Frun, Qa'qa'iyat al-Jisr, and al-Darh in Tyre; an air raid on Kfar Shuba that wounded three people, including one child; and artillery shelling in al-Arquq.<sup>35</sup>

In public comments on July 12, 2006, Israel's prime minister Ehud Olmert and senior IDF officers made clear that the military response in Lebanon would be wide-ranging and punishing. The prime minister characterized Hizballah's

actions as "an act of war," and said that the Lebanese government was responsible:

This morning's events were not a terrorist attack but the action of a sovereign state that attacked Israel for no reason and without provocation. The Lebanese government, of which Hezbollah is a member, is trying to undermine regional stability. Lebanon is responsible and Lebanon will bear the consequences of its actions.<sup>36</sup>

He added that Israel's response would be "very painful":

It is absolutely clear to the international community that Israel will respond and that it will respond in an unequivocal fashion that will cause those who started this act of war to bear a very painful and far-reaching responsibility for their actions.<sup>37</sup>

Prime Minister Olmert also said: "The IDF is operating in Lebanon. The Cabinet will convene this evening in order to approve additional IDF responses in Lebanon. I am certain that these responses will be felt in the right places and with the necessary strength following the murderous provocation that came to the State of Israel from Lebanese territory."<sup>38</sup>

Maj. Gen. Udi Adam, commander of the IDF's Northern Command, provided additional information at a press conference on the evening of July 12, 2006. He said that Israeli military forces had "already raided dozens of infrastructure targets and headquarters....We are in the middle of a job, and we must give it time."<sup>39</sup> Gen. Adam stated that the IDF was preparing for "a mighty response," and, echoing the prime minister's earlier comments, held the Lebanese government responsible:

Since the incident began, the IDF has been responding very forcefully in the air, sea, and

land, and is readying for a mighty response later on in order to defend Israel's citizens and IDF soldiers, to bring back the captives, and to prevent the continuing terror from Lebanon. We have wide-ranging and comprehensive plans about which I won't elaborate here....We see the Lebanese Government as responsible for the well-being of our soldiers, for everything that is happening on and from its territory, definitely from its territory vis-à-vis the State of Israel.<sup>40</sup>

Gen. Adam emphasized that "the dispute is between us and the Lebanese state."<sup>41</sup> He stated that Israel held the Lebanese government responsible for Hizballah's military activities that day, and the IDF's military targets would include "everything" in Lebanon:

[T]oday's incident is between the State of Israel and Lebanon. As to where to attack, the moment that the state of Lebanon is involved, everything is legitimate – and it's important to know that. Everything is legitimate, and not just southern Lebanon and Hezbollah's border positions. The moment a state is responsible, we will realize and demand this responsibility.<sup>42</sup>

IDF chief of general staff Lt. Gen. Dan Halutz was quoted by Israel's Channel 10 television as saying: "If the soldiers [who were taken hostage] are not returned, we will turn Lebanon's clock back 20 years."<sup>43</sup>

On July 12, 2006, Israel informed the U.N. that it reserved its right of self-defense under Article 51 of the U.N Charter to use force in response to Hizballah's attacks.<sup>44</sup>

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### **Israel's Decision to Expand the Use of Force in Lebanon**

On the night of July 12, 2006, the Israeli gov-



ernment decided to launch a major military campaign in Lebanon.<sup>45</sup> Military and intelligence officers briefed government ministers during a two-hour meeting at the IDF's headquarters in Tel Aviv.<sup>46</sup> The civilian officials were presented "with a plan to strike Lebanon's roads, bridges, international airport and other infrastructure, especially in the Shiite Muslim south," according to a *Washington Post* investigative report.<sup>47</sup> The plan was based on the use of airpower, not IDF ground troops:

The conventional Israeli military plan for an attack on southern Lebanon is called "Stones of Fire." The doctrine has been revised over the years, but it still relies on a ground invasion force of four army divisions.

Lt. Gen. Dan Halutz, Israel's chief of staff, set that plan aside. Instead, Halutz, the first air force general to lead the military, emphasized air power. He hoped aerial assaults would encourage Lebanon's Sunni Muslim and Christian populations to turn against Hezbollah...<sup>48</sup>

A senior Israeli government minister, who was not further identified, said: "I would not want to be a Lebanese citizen today. They had a good life and now suddenly, because of a coalition partner [Hizballah] in their government, they're going to suffer."<sup>49</sup> Israeli journalist Shimon Schiffer provided this view of the IDF and government goals:

The political goals of the military moves being taken are to force the Lebanese government to move its army to the border with Israel and get Hizballah out of there. In private conversations, [Prime Minister] Olmert, [Defense Minister] Peretz and [Foreign Minister] Tzipi Livni are not talking about another surgical-pinpoint operation against Hizballah targets. They are speaking about heavy blows against

Lebanese government targets that will make the Siniora government take action against Hizballah.<sup>50</sup>

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## The Winograd Commission's Findings

Prime Minister Olmert's government established a commission of inquiry in September 2006 to examine the preparation for and conduct of the IDF's military campaign in Lebanon.<sup>51</sup> As a government-appointed commission, it differed from a state commission of inquiry, whose members would have been appointed by the president of Israel's Supreme Court.<sup>52</sup> The Winograd Commission, as this body is now widely known, held sessions in Tel Aviv in which 74 Israelis testified, most of them government officials and IDF officers.<sup>53</sup>

The Winograd Commission presented its classified interim report to Prime Minister Olmert and Defense Minister Peretz on April 30, 2007, and released an unclassified version to the public the same day.<sup>54</sup> The commission stated that the "core" of the interim report was the "detailed examination of the decisions of senior political and military decision-makers ...to go to war [in] the wake of the abduction of the two soldiers on the morning of July 12, [2006]."<sup>55</sup>

The commission found that the government's decision on the night of July 12, 2006, "to respond with an immediate, intensive military strike was not based on a detailed, comprehensive and authorized military plan, based on careful study of the complex characteristics of the Lebanon arena."<sup>56</sup> It stated that Prime Minister Olmert "made up his mind hastily, despite the fact that no detailed military plan was submitted

to him and without asking for one."<sup>57</sup> The commission also stated that IDF chief of staff Lt. Gen. Halutz "responded impulsively" after the soldiers were captured, and "did not alert the political leaders to the complexity of the situation," the commission disclosed.<sup>58</sup> The full Israeli government "authorized an immediate military strike that was not thought-through," the commission added.<sup>59</sup>

The Israeli cabinet's endorsement of Gen. Halutz' approach "was gained in part through ambiguity in the presentation of goals and modes of operation, so that ministers with different or even contradictory attitudes could support it," the commission found.<sup>60</sup> It stated that government ministers "voted for a vague decision, without understanding and knowing its nature and implications."<sup>61</sup>

The Winograd Commission found that IDF chief of staff Lt. Gen. Halutz "did not provide adequate responses to serious reservation [sic] about his recommendations raised by ministers and others during the first days of the campaign, and he did not present to the political leaders the internal debates within the IDF concerning the fit between the stated goals and the authorized modes of action."<sup>62</sup> For these and other reasons, the commission concluded that Gen. Halutz "failed in his duties as commander in chief of the army and as a critical part of the political-military leadership, and exhibited flaws in professionalism, responsibility and judgment."<sup>63</sup>

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### **JULY 13, 2006: IDF ATTACKS COMMENCE ON "LEBANESE NATIONAL TARGETS"**

On July 13, 2006, the IDF reported at 15:18 hours that it had carried out aerial attacks on over 70 targets in southern Lebanon, including "28 Hezbollah organization headquarters, bases, posts, and outposts," another "17 access routes and bridges, in order to disrupt the transportation of Hezbollah terror operatives," and "28 launching grounds, weapon warehouses, and Hezbollah centers."<sup>64</sup> The targets included what the IDF described as Hizballah headquarters northwest of the village of Yatar and other Hizballah military bases near villages in southern Lebanon.<sup>65</sup> The IDF also announced aerial attacks on Beirut international airport, Hizballah's *al-Manar* television station in Beirut, and "a full blockade on Lebanon waters."<sup>66</sup>

The first Israeli civilians deaths during the war occurred the same day. Katyusha rockets fired from Lebanon killed a 40-year-old woman in Nahariya and a 33-year-old man in Safed.<sup>67</sup> (The following day, a seven-year-old boy and his grandmother were killed in a rocket attack in Meron.<sup>68</sup> The next Israeli civilians deaths came on July 16, 2006, when eight employees of Israel Railways were killed in a rocket strike on the train depot in Haifa.)<sup>69</sup>

IDF chief of staff Gen. Halutz warned: "If rockets are launched towards Israeli cities, Beirut will be included among the targets. And yesterday we striked [sic] Beirut International Airfield to hint to the Lebanese government that nothing is safe once they are operating against Israel. Nothing is safe. It is as simple as that."<sup>70</sup> He also



stated:

We want to restore the quiet to the northern border but more than anything we want to force the Lebanese government to take responsibility for deeds against Israel originating from its territory. They must decide whether they are part of terror or part of a nation that counts among the nations of the world.

The operation we have undertaken is quite broad. It began immediately with the abduction incident and continued from then until this moment, and it will continue as long as necessary.

The government of Israel has given us the permission and the requisite clearance to act to carry out national policy as prescribed. The operation at this time is essentially ground-based fire, and *we are striking various targets in Lebanon, both Lebanese national targets and those belonging to Hezbollah*. We will continue to do this as necessary until we achieve our goals.<sup>71</sup>

Gen. Udi Adam, head of the IDF Northern Command, echoed Gen. Halutz in a press briefing later in the evening of July 13: "Our goal is for the Lebanese government to take responsibility and deploy its army in southern Lebanon so as to prevent actions against Israel from its territory, and to implement the UN's resolution on the matter."<sup>72</sup>

An IDF statement on July 13, 2006, made a similar point: "The IDF holds the Lebanese government fully responsible for terror attacks emanating from its territory, and their consequences....The government of Lebanon is breaching the UN Security Council decision and fails to remove the threat from its border with the State of Israel, and so carries a full responsibility for the aggression."<sup>73</sup>

The military campaign, which Israel first called "Operation Just Cause" and then renamed "Operation Change of Direction," was unfolding. There was an early promise that Israel would not target the civilian population. "Lebanese civilians are not targets of IDF activities. IDF's target is terrorists....we are bombarding known locations, only against terror targets and only with precise weapons," said Maj. Gen. Gadi Eizenkot, head of the IDF's Operations Directorate.<sup>74</sup> But exceptions had already emerged. On July 15, 2006, for example, the IDF carried out a deadly attack on a convoy of vehicles carrying civilians who were fleeing the Sunni Muslim border village of Marwahin, as residents responded to IDF loudspeaker broadcasts to evacuate. The strike left 21 civilians dead, including 14 children.<sup>75</sup> As the war continued, there were additional indiscriminate attacks that left behind hundreds of dead civilians and enormous physical damage to civilian property and public infrastructure. As in previous military conflicts with Israel, it was Lebanese civilians again who paid the highest price.

The position of the U.S. administration of President George W. Bush was that Israel held the moral high ground in the military conflict, and that civilian casualties on the Lebanese side were less morally significant than those on the Israeli side. On July 13, 2006, the U.S. permanent representative to the United Nations, Ambassador John Bolton, was asked to comment about the rising civilian casualties in Lebanon. He stated that there was "no moral equivalence" between the casualties in Israel and those in Lebanon:

I think it's always tragic when there are civilian casualties as a result of military action. The

question is whether the actions themselves were motivated by a desire to target civilians or whether it's simply a sad and unfortunate consequence of otherwise legitimate military action. There's certainly no moral equivalence between an act of terrorism directed at civilian population and the tragic loss, on the other hand, the tragic loss of civilian life as a consequence of military action.<sup>76</sup>

Ambassador Bolton ignored the neutrality of international humanitarian law with respect to the unambiguous legal duty to protect civilians during armed conflict. Israeli military actions that targeted civilians and civilian objects were not exempt from the application of legal standards because Israel asserted its right to self-defense. Nevertheless, he repeated his analysis in a subsequent formal statement to the U.N. Security Council:

[T]here is no moral equivalence between acts of terrorism and Israel's exercise of its legitimate right to self-defense. Of course it is a matter of great concern to us, as President Bush has stressed, that civilian deaths are occurring. It is a tragedy, and I would not attempt to describe it any other way. We have urged the government of Israel to exercise the greatest possible care in its use of force. But it is a mistake to ascribe a moral equivalence to civilians who die as the direct result of malicious terrorist acts, the very purpose of which are to kill civilians, and the tragic and unfortunate consequences of civilian deaths as a result of military action taken in self-defense.<sup>77</sup>

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## THE GOALS OF ISRAEL'S MILITARY OPERATION

IDF chief of staff Gen. Halutz provided the

most detailed summary of the scope of the military campaign at a news conference on July 14, 2006. He stated that Israel viewed the Lebanese government as an agent of Hizballah, and promised that Lebanon would pay a "high price" during the military conflict:

The government of Lebanon is responsible for what is happening on its soil and from its soil. It has been unable to overpower a terrorist organization that is holding it captive, and has thereby become its agent....

This battle...is wide-ranging and intensive. We first and foremost attacked all that we could at this time that is associated with Hezbollah. The organization still has many targets, and as I said at the outset of my remarks, about 20 minutes ago, targets in the centre of the Hezbollah-Shi'i district in Beirut were attacked. These targets are located around Hezbollah's command and control headquarters.

This is a large area, and we have the ability and intention to continue hitting it as long as this is necessary in order to make clear that the State of Israel cannot and does not want to continue a situation in which rockets are launched at it day after day.

Hezbollah took upon itself the task of protecting Lebanon. In practice it operates as the destructor of Lebanon. *Lebanon is paying a high price for what is happening from its territory towards Israel: roads, bridges, airports and anybody with brains in his head can continue this list. There are more infrastructures a state can find itself without if it does not take over control of what is happening in it and from it.*<sup>78</sup>

Gen. Halutz stated that the IDF's attack on Hizballah headquarters in south Beirut represented "first a physical attack on the target itself. Second, *this is intended to make clear to the Greater Beirut area and Lebanon that they swal-*

*lowed a cancer which they have to expel. Otherwise, this state will pay prices like they paid in the past.* They are apparently used to paying very high prices for terrorist organizations taking over control of them."<sup>79</sup>

With respect to the war's goals, Gen. Halutz said:

Our objective is to hit Hezbollah and to force – force is not a good word – to expect the government of Lebanon to take responsibility. The meaning of the government of Lebanon taking responsibility means removing Hezbollah from the border, and the entry of somebody else instead, somebody who represents the sovereign in Lebanon. The sovereign is not Hezbollah.<sup>80</sup>

Gen. Halutz also commented about the scale of the operation: "The scope of this battle is different from those we knew in recent years. In many ways, the hits on the terrorist targets in Lebanon are unparalleled in the last 20 years. We will continue to operate as long as necessary until the objectives for which we set out are achieved."<sup>81</sup>

On July 14, 2006, the day that Gen. Halutz outlined Israel's military goals, Military Intelligence, a branch of the IDF distinct from and independent of the army, military and naval forces, questioned the ability of the IDF to achieve the stated military goals. A report of the research division of Military Intelligence, which was circulated to senior Israeli officials, "concluded that the heavy bombing campaign and small ground offensive then underway would show 'diminishing returns' within days. It stated that the plan would neither win the release of the two Israeli soldiers in Hezbollah's hands nor reduce the militia's rocket attacks on Israel to fewer than 100 a day."<sup>82</sup> The Military

Intelligence assessment reportedly "crumbled" the earlier consensus among government ministers in support of the war plan, and Foreign Minister Tzipi Livni, in the Political-Security cabinet meeting on July 14, 2006, voted against the bombing of Beirut's southern suburbs.<sup>83</sup>

But supporters of the military operation prevailed, and "the cabinet, led by Olmert, continued voting to expand the war as proposed by Halutz and other proponents of the air campaign," the *Washington Post* reported.<sup>84</sup> On July 19, 2006, the government's Political-Security cabinet issued this communiqué: "The intensive fighting against Hizbullah will continue, including strikes against its infrastructure and command centers, its operational capabilities, its war materiel and its leaders with the goal of bringing the abducted soldiers back to Israel, halting the firing of rockets at Israeli communities and targets and to remove this threat from them."<sup>85</sup>

At a press conference on July 27, 2006, Gen. Halutz enumerated four goals of the military campaign:

The aims we have set for ourselves are achievable, the first of which is creating conditions leading to the safe release of the kidnapped soldiers. The second is to remodel the security situation along the border and to prevent the Hizbullah from reaching Israeli territory. The third aim is to weaken the Hizbullah organization, and the fourth is for the Lebanese government to exercise its sovereignty over its own domain and activities that emanate from its territory.<sup>86</sup>

In April 2007, the Winograd Commission, Israel's governmental commission of inquiry, concluded that the declared goals of the IDF military campaign in Lebanon "were too ambitious,"<sup>87</sup> and that some of the goals "were not

clear."<sup>88</sup> It held Prime Minister Olmert "responsible for the fact that the goals of the campaign were not set out clearly and carefully, and that there was no serious discussion of the relationships between these goals and the authorized modes of military action."<sup>89</sup> The Commission charged that the prime minister "made a personal contribution to the fact that the declared goals were over-ambitious and not feasible."<sup>90</sup>

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## THE REQUIREMENT OF PROPORTIONALITY UNDER INTERNATIONAL LAW

One of the fundamental principles of international humanitarian law is proportionality. It requires that in any armed conflict attacks must be limited to military objectives, and must be conducted in a manner that minimizes harm to civilians and civilian objects. Any attack that may be expected to harm civilians, and is "excessive in relation to the concrete and direct military advantage anticipated [by the attacking party]," is prohibited.<sup>91</sup>

In a letter to the U.N. Security Council on July 17, 2006, the Lebanese government charged that Israel was carrying out "a disproportionate aggression manifested in a continuous barrage of air, sea, and land, a systematic destruction of infrastructure with the single goal of inflicting as much pain as possible on the Lebanese people."<sup>92</sup> The letter continued:

In a pretended act of self-defence:

- ◆ Israel killed over 100 civilians and wounded several hundred Lebanese civilians within four days

- ◆ Israel destroyed Beirut airport and the other airports of Lebanon
- ◆ Israel destroyed major bridges and cut any connection between Lebanese regions
- ◆ Israel hit Lebanese ports and all international roads, cutting off Lebanon from the world and preventing all rescue aid from reaching inhabitants
- ◆ Israel committed a massacre in Marwaheen, slaughtering 21 innocent women and children<sup>93</sup>

The letter emphasized that the Lebanese government had no prior knowledge of Hizballah's cross-border attack on July 12, 2006, and did not sanction it:

The Lebanese government announced from the first instance when the events broke, that it had no prior knowledge of what happened. Nor did it endorse the operation carried out by Hizbollah, which led to the abduction of the two Israeli soldiers. That did not stop the aggression from escalating. Under no circumstances does Israel have the right to destroy Lebanon, displace its people and demolish the country's infrastructure.<sup>94</sup>

At least one member of the British government appeared to agree. Dr. Kim Howells, Middle East minister in the United Kingdom's Foreign and Commonwealth Office, visited Lebanon during the war and commented:

The destruction of the infrastructure, the death of so many children and so many people: these have not been surgical strikes. If they are chasing Hezbollah, then go for Hezbollah. You don't go for the entire Lebanese nation. I very much hope that the Americans understand what's happening to Lebanon.<sup>95</sup>

On the Israeli side, Gen. Halutz made it clear that military restraint was no longer in Israel's interests. He stated this:

The restraint which we showed over the course of years is interpreted by those among the terrorists as weakness. On this count, they made a horrible mistake by assuming that we would persist in holding back and restraining ourselves. Our duty as an army was – and we did as such – to recommend a halt to this development, which stems from a sense of us not having an answer.<sup>96</sup>

Maj. Gen. Benny Gantz, commander of IDF ground forces, dismissed any suggestion that Israel had responded with disproportionate military force in Lebanon after the Hizballah's capture of two IDF soldiers on July 12. "I don't think it was disproportionate. It should have been much stronger, and that's what we're going to do," he said on July 26, 2006.<sup>97</sup>

The U.S. permanent representative to the U.N., Ambassador John Bolton, also weighed in. "I think it's important that we not fall into the trap of moral equivalency here," he said on July 23, 2006. "What Hezbollah has done is kidnap Israeli soldiers and rain rockets and mortar shells on innocent Israeli civilians. What Israel has done in response is act in self-defense. And I don't quite know what the argument about proportionate force means here. Is Israel entitled only to kidnap two Hezbollah operatives and fire a couple of rockets aimlessly into Lebanon?"<sup>98</sup> In posing this rhetorical question, Ambassador Bolton ignored the clear principles of international humanitarian law that define proportional military responses during armed conflict.

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## **TARGETING LEBANESE CIVILIANS IN VIOLATION OF INTER- NATIONAL HUMANITARIAN LAW**

The public statements of Israeli military officials cited thus far in this chapter provide evidence that the State of Israel was intent on exacting a "price" from the Lebanese government and the civilian population for Hizballah's military presence in southern Lebanon and the cross-border attacks of the organization's military forces.

As IDF chief of staff Gen. Dan Halutz stated on July 14, 2006, the entire country had "swallowed a cancer which they have to expel," and, if Lebanon did not, "this state will pay prices like they paid in the past." One strategy of Israel's war plan was to use force to weaken Hizballah not only militarily but also politically, in the realm of Lebanese public opinion. To cite only one example, on July 15, 2006, Israeli aircraft dropped leaflets on Sidon, the largest city in the South. With a caricature of Sheikh Hassan Nasrallah as a serpent, this leaflet read: "Is the resistance ... helping Lebanon? The resistance ... is destroying Lebanon!"<sup>99</sup>

The leveling of residential sections of Beirut's southern suburbs and towns and villages in southern Lebanon; the destructive strikes on private industrial firms; attacks on the electricity infrastructure; the crippling of a vast number of highway interchanges and bridges throughout the country; and the imposition of a complete air and sea blockade of the country were all elements of a military campaign designed to punish the civilian population. It was the specific intent that destruction of this magnitude would influence Lebanese public opinion and diminish Hizballah's political standing in the country.



Prime Minister Olmert stated as much in a speech on August 1, 2006:

[W]e all know that ... those who fired the missiles will not hurry again to create friction which will instigate a confrontation that will lead to such missile fire, since *they know the price they have to pay. The country that they are part of pays, the population whose support is the source of their strength pays, as does everything around them.*<sup>100</sup>

In an interview on August 2, 2006, Prime Minister Olmert commented about the impact of the war on Lebanese civilians, and on Hizballah's political power:

All the population which is the power base of the Hizballah in Lebanon was displaced. They lost their properties, they lost their possessions, they are bitter, they are angry at Hizballah and the power structure of Lebanon itself has been divided and Hizballah is now entirely isolated in Lebanon, in the Arab world, except for Iran and Syria.<sup>101</sup>

After the war, Prime Minister Olmert continued to expound on this theme. In an interview in September 2006, he expressed confidence that "Hizbullah will cease to play the same role that it used to play," and added:

The sentiment of the people of Lebanon – not the Shi'ite community but the rest – is entirely against Hizbullah. I think [the war] has started a process that will change the nature of politics in Lebanon, and will also change the nature of the role that Hizbullah will play. It has diminished the significance of Hizbullah as a strategic arm of Iran. And it will certainly help quiet down the south part of Lebanon as a major source that can trigger violent confrontations between Israel and Lebanon.<sup>102</sup>

Gen. Halutz, the IDF chief of staff, declared that this objective had been achieved. He said on

July 27, 2006, that Hizballah's standing had been weakened internationally and inside Lebanon. "Never have so many countries united against this terror organization," he stated, adding: "I do not think there has ever been a situation in which the Lebanese people rejected to the point of revulsion the entity that brought destruction upon their country."<sup>103</sup>

Prior to these public statements, other Israeli government officials made comments that suggested intent to punish the Lebanese civilian population during the war. On July 21, 2006, for example, Israel's permanent representative to the U.N., Ambassador Dan Gillerman, repeated Gen. Halutz' "cancer" metaphor in references to Hizballah. In a statement to the U.N. Security Council, he said:

The world has learned how deeply Hizbullah has penetrated Lebanese society. The world has learned again how ruthless and indiscriminate Hizbullah is...We have been aware, for years, of this deadly, cancerous growth, insidiously invading this beautiful, potentially prosperous country, and we have warned about the danger repeatedly...

The government of Lebanon, for its own political reasons, has chosen conflict with Israel instead of battling the cancer that occupies the body and soul of its very country. *This cancer must be excised.* It cannot be partially removed or allowed to fester. *It must be removed without any trace,* or, as cancers do and will, it will return and spread, striking and killing again....<sup>104</sup>

Ambassador Gillerman also rejected distinctions between the organization's political cadres and those who served as combatants in the military wing:

We are told of a so-called "political branch" of

Hizbullah. Do not be misled by this ruse – an attempt to paint a kinder face on cold-blooded terrorists who are intent on cold-blooded murder. The Hizbullah member of parliament and the terrorist in the hills launching rockets at Israeli civilians both have the same strategy and goal. These labels cannot be allowed to give legitimacy to a gang of thugs.<sup>105</sup>

It was clear that civilians who remained in southern Lebanon, with no military connection to Hizbullah, were arguably the most vulnerable during the war. For example, Israel's then-Minister of Justice Haim Ramon asserted: "For Israel, there are no longer civilians in southern Lebanon."<sup>106</sup> He elaborated a few days later with the comment that "*anyone who is in South Lebanon today is assumed to be a terrorist related to Hezbollah.*"<sup>107</sup> He added: "More than once, actually numerous times, we called upon everyone who was in South Lebanon to leave the area so that they will not be harmed. *Anyone who is close to Hezbollah and who aides Hezbollah, is considered a terrorist.* Bint Jbail is not a civilian settlement. It is a military zone. It must be dealt with as a military zone....Civilians are not supposed to be present in Bint Jbail."<sup>108</sup>

On the same day that Mr. Ramon made these comments, the IDF warned civilians in southern Lebanon that its military forces "will totally destroy any village from which missiles are fired toward Israel."<sup>109</sup> This promise of unlawful and indiscriminate destruction was carried on *al-Mashriq* radio, Israel's Arabic-language station that broadcasted into Lebanon during the war.<sup>110</sup>

After the war ended, Israeli officials continued to challenge the protective immunity of Lebanese civilians who had decided to remain in the south of Lebanon or who were unable to leave. For example, Daniel Carmon, Israel's

deputy ambassador to the U.N., stated in a television interview "that there is hardly any distinction between Hezbollah and the civilian population....[W]e cannot for sure prove that all the civilians in southern Lebanon were purely innocent civilians."<sup>111</sup>

It is an egregious violation of international humanitarian law if Lebanese civilians in their home villages and towns were presumptively viewed as legitimate military objectives. Maj. Gen. Amos Yadlin, the head of Israel's Military Intelligence, explored the issue of civilian immunity in a paper published in 2004. In reference to the Palestinian conflict, but with applicability to the 2006 war in Lebanon, he offered clear views about distinctions between combatants and civilians:

How do we differentiate between terrorists and non-terrorists? International law says one may target any soldier .... We know that everyone on the other side who belongs to a certain mosque may support terror because in that mosque they are inciting to terror. Everyone on the other side who watches Palestinian TV may support terror because the entire Palestinian media is supporting terror. Is it legitimate to attack them? No.

We have to learn who belongs to the *operational terror chain*, which include the suicide bomber, the one who produces the explosives, and the driver. Everyone who is directly involved in terror is a legitimate target in this war on terror. Those who are indirectly involved in terror are not a legitimate target. The one who brings in money to the Hamas charity in Nablus, who is indirectly involved in terror, will be arrested by the legal system and not targeted by a military action. The same holds for the preacher in a mosque who says that all Jews are pigs and monkeys.<sup>112</sup>



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## ASSIGNING RESPONSIBILITY FOR LEBANESE CIVILIAN CASUALTIES TO HIZBALLAH

Throughout the war, the IDF consistently presented the message that its own destructive air strikes were the sole responsibility of Hizballah. On July 15, 2006, the IDF stated that Hizballah "took on itself the role of defending Lebanon, while in [actuality] it acts as a destroyer of the country, and Lebanon is paying a heavy price," mentioning the damage that Israel had already inflicted on roads, bridges, and airports.<sup>113</sup> It also said that although "every effort" was being made to avoid harm to civilians, "[r]esponsibility for endangering [the] civilian population rests on the Hezbollah terror organization, which operates and launches missiles at Israel from populated civilian areas."<sup>114</sup>

Asked to comment on July 27, 2006, about the IDF's accomplishments during two weeks of military activity, Gen. Benny Gantz, who commanded IDF ground forces, replied: "I would suggest asking what Hezbollah has achieved. They came as defenders of Lebanon but basically have destroyed the country."<sup>115</sup>

Following the bombing of a residential building in Qana that killed 28 civilians on July 30, 2006, Israel's U.N. ambassador Dan Gillerman blamed Hizballah for the attack, and said that Lebanese citizens should have been demonstrating in the streets in opposition to the organization. In a statement to the U.N. Security Council, he said that the civilians in Qana "may have been killed by Israeli fire, but they are the victims of Hizballah: they are the victims of terror. If there were no Hizballah, this would never have happened."<sup>116</sup> He continued: "Israel has

repeatedly beseeched the residents of Qana to leave. I would not be surprised if Hizballah made them stay." The ambassador also directed remarks to his Lebanese counterpart in the room:

[T]ell your people, the brave people of Lebanon...that the demonstrations held today in Beirut should not be against the United Nations; they should be against Hizballah. Hizballah is the one that has caused you all this pain. Hizballah is the monster that you have allowed to grow....Make it clear that this must end – not that hostilities and fire must end, but that terror and Hizballah must end, because until they do, there will be hostilities and there will be fire, and *more innocents will pay the price*.<sup>117</sup>

Ambassador Gillerman's attempt to shift the legal burden of responsibility for the Qana attack had no basis in international humanitarian law. The government of Israel, not Hizballah, remains legally responsible for indiscriminate and disproportionate attacks that the IDF carried out on Lebanese territory.

Even on the last day of the war, the IDF continued to hammer home this theme, reminding residents of Beirut that they had "paid a price," and blaming Hizballah for the devastation that was inflicted. On the morning of August 14, 2006, just prior to the implementation of the U.N.-mandated cessation of hostilities, Israeli aircraft dropped leaflets over Beirut. One of the leaflets read:

Hezbollah has brought upon you many accomplishments: Ruin, destruction, displacement and death. Are you capable of paying this price once again? Be Aware: The Israel Defense Forces will return and utilize the necessary force against every terrorist act launched from Lebanon which affects the state of Israel.<sup>118</sup>

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## UNLAWFUL RETALIATION

On July 16, 2006, a Hizballah missile attack on a maintenance building at Haifa's train station killed eight workers. In response, Israeli Defense Minister Amir Peretz threatened civilians in Beirut's southern suburbs. "For those who live in the Hezbollah neighborhood in Beirut and feel protected – the situation has changed," he stated.<sup>119</sup> An hour after the Haifa attack, "Israeli warplanes engaged in a fierce bombardment of targets in southern Beirut and southern Lebanon, killing 45 people and wounding more than 100 according to local reports," the *New York Times* reported.<sup>120</sup> It added that the bombing of Beirut's southern suburbs "continued throughout the day and evening."

Gen. Halutz reportedly ordered the IDF to retaliate in Beirut in response to Hizballah's rocket attacks on Haifa. On July 24, 2006, a senior Israeli Air Force officer told reporters in an off-the-record briefing that "the equation was created by Halutz that every rocket strike on Haifa would be answered by IAF [Israeli Air Force] missile strikes on ten 12-story buildings in the Beirut neighborhood of Dahiya, a Hizballah stronghold," the *Jerusalem Post* reported.<sup>121</sup>

The officer's disclosure circulated in the Israeli media and the IDF sought to discredit it:

After the officer's remarks were published on *The Jerusalem Post* website as well as other Israeli news sites, the IDF Spokesperson's Office released a statement insinuating that reporters had misquoted the senior officer and claimed that the publications were false and that Halutz had never issued such a directive.

The IDF Spokesperson's Office later retracted its accusation that reporters had misquoted the officer and issued a second statement claiming that the high-ranking officer had made a mistake and was wrong in claiming that Halutz had issued such a directive.<sup>122</sup>

Retaliatory attacks against civilians and civilian objects are strictly forbidden under international humanitarian law.<sup>123</sup>

The Association for Civil Rights in Israel (ACRI), a leading Israeli human rights organization, wrote to Defense Minister Amir Peretz about Gen. Halutz's reported order, advising that it was unlawful under international humanitarian law. ACRI stated that "revenge, as a motive for a military operation" is "illegitimate and absolutely prohibited." ACRI added:

The harming of civilians, the damaging of civilian infrastructure, and the undertaking of a deliberate policy to instill terror into a civilian population, is strictly prohibited by international humanitarian law, and is even liable to constitute war crimes. A red flag of egregious illegality hovers over the orders issued by the Chief of Staff. Furthermore, the grave and illegal acts that are being carried out against the Israeli civilian population [by Hizballah military forces] cannot be cited as a means of justifying illegal orders such as these."<sup>124</sup>

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## ISRAEL'S USE OF FORCE IN LEBANON AND INTERNATIONAL LAW

One of the objectives of the United Nations system under international law, as codified in the U.N. Charter, is to prohibit the use of force to resolve disputes between states. Article 2(4) of the charter states:

All members shall refrain in their international

relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

It is noted in this chapter that Israeli Prime Minister Ehud Olmert characterized Hizballah's cross-border ambush of the IDF patrol and the capture of two IDF soldiers on July 12, 2006, as "not a terrorist attack but the action of a sovereign state that attacked Israel for no reason and without provocation." Gen. Udi Adam, head of the IDF's Northern Command, stated on July 12, 2006, that "today's incident is between the State of Israel and Lebanon." Accepting these statements at face value, Israel's use of military force in response to this border incident was unlawful under Article 2(4) of the U.N. Charter.

Since the withdrawal of IDF troops from Lebanon in May 2000, the international community repeatedly acknowledged that the border area between Lebanon and Israel was tense and volatile. It also recognized in successive U.N. Security Council resolutions that the Lebanese government was yet to exercise its full sovereignty throughout the country, up to the border with Israel.<sup>125</sup> Under these circumstances, the Hizballah military operation that targeted two IDF vehicles across the border fence could not be characterized in legal terms as an attack on Israel by the sovereign state of Lebanon. But if, as Prime Minister Olmert and senior IDF commanders stated, the matter was between the Republic of Lebanon and the State of Israel, the use of military force against Lebanon's territorial integrity should not have been Israel's first step but the last recourse to consider under international law.

There were options other than the use of mil-

itary force that could have been pursued to obtain the release of the captured soldiers, accelerate the dismantling of militias in Lebanon, and extend Lebanese government control up to the Blue Line separating the two countries. In its April 2007 interim report, the Winograd Commission made a similar point about the decision to react immediately to the cross-border events of July 12, 2006, with "a sharp military response."<sup>126</sup> The commission stated:

[I]n making the decision to go to war, the government did not consider the whole range of options, including that of continuing the policy of 'containment,' or combining political and diplomatic moves with military strikes below the 'escalation level,' or military preparations without immediate military action – so as to maintain for Israel the full range of responses to the abduction.<sup>127</sup>

The commission noted that Prime Minister Olmert decided to use massive force in Lebanon as a first resort "without close study of the complex features of the Lebanon front and of the military, political and diplomatic options available to Israel."<sup>128</sup> It added that the prime minister "made his decision without systematic consultation with others, especially outside the IDF, despite not having experience in external-political and military affairs."<sup>129</sup>

After the two IDF soldiers were captured, Lebanon's Council of Ministers, or cabinet, released a statement that "declared that it had not been aware of the incident, it did not take responsibility for it and did not endorse what had happened."<sup>130</sup> On the afternoon of July 12, 2006, the Lebanese government "requested the United Nations Interim Force in Lebanon (UNIFIL) to broker a ceasefire," and Israel "responded that a ceasefire would be contingent

upon the return of the captured soldiers."<sup>131</sup> By establishing this condition, Israel essentially ruled out the use of peaceful means to resolve the issue.

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### **Israel's Invocation of the Right of Self-Defense under International Law**

Under international law and the U.N. Charter, there are only two legal justifications for an individual state, or a group of states, to use force against another state. The first is a state's assertion of its exercise of the inherent right of self-defense, which is part of customary international law and codified in Article 51 of the U.N. Charter. Article 51 of the charter states:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

The second lawful basis for the use of force is pursuant to a U.N. Security Council decision that authorizes the use of force under Chapter VII of the U.N. Charter in order to restore or maintain international peace and security.

International law expert Antonio Cassese notes that the right of self-defense under Article 51 "is an *exception* to the ban on the threat or use of force laid down in Article 2(4) of the U.N.

Charter, which has by now become a peremptory norm of international law (*jus cogens*). Like any rule laying down exceptions, that on self-defense must be *strictly construed*."<sup>132</sup> Cassese also notes that in all cases the use of military force "must be proportionate to this purpose of driving back the aggression."<sup>133</sup>

The State of Israel invoked its right of self-defense under Article 51 to justify its use of military force in Lebanon. On July 12, 2006, the government sent identical letters to U.N. Secretary-General Kofi Annan and French ambassador Jean-Marc de La Sabliere, then president of the U.N. Security Council, describing the events of that day as "a grave threat not just to Israel's northern border, but also to the region and the entire world."<sup>134</sup> It claimed that the government of Lebanon was responsible, and added that the governments of Syria and Iran, described as "terrorist states," also had responsibility.<sup>135</sup> The letter also stated that "[t]he ineptitude and inaction of the government of Lebanon has led to a situation in which it has not exercised jurisdiction over its own territory for many years."<sup>136</sup> It continued:

The Security Council has addressed this situation time and time again in its debates and resolutions. Let me remind you also that Israel has repeatedly warned the international community about this dangerous and potentially volatile situation. In this vacuum festers the Axis of Terror: Hizbullah and the terrorist states of Iran and Syria, which have today opened another chapter in their war of terror.<sup>137</sup>

The Israeli government informed the U.N. that it reserved what it stated was its right under Article 51 of the U.N. Charter to use force in response to Hizballah's attacks:

Today's act is a clear Declaration of War, and is in blatant violation of the "Blue Line," United Nations Security Council resolutions 425, 1559, 1680, and all other relevant resolutions of the United Nations since Israel withdrew from southern Lebanon in May 2000.

Israel thus reserves the right to act in accordance with United Nations Charter Article 51, and exercise its right of self-defence when an armed attack is launched against a member of the United Nations. The State of Israel will take the appropriate actions to secure the release of the kidnapped soldiers and bring an end to the shelling that terrorizes our citizens.<sup>138</sup>

Israel was not subjected to an "armed attack" on July 12, 2006, in the sense that the term is understood under customary international law.<sup>139</sup> In the 1986 ruling of the International Court of Justice (ICJ) on the merits in *Nicaragua v. U.S.*, the court stated that:

[I]t may be considered to be agreed that an armed attack must be understood as including not merely action by regular armed forces across an international border, but also 'the sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to' (inter alia) an actual armed attack conducted by regular forces, 'or its substantial involvement therein'.<sup>140</sup>

In the border incident of the morning of July 12, 2006, armed forces of the Lebanese government did not enter Israel, and the government of Lebanon did not authorize or otherwise sanction Hizballah fighters to cross the Blue Line, ambush, and capture IDF soldiers.

The ICJ also commented in the *Nicaragua* decision that a "mere frontier incident" is on a

different level of "scale and effects" than an "armed attack."<sup>141</sup> A recent and classic example of an armed attack is Iraq's invasion of Kuwait in August 1990. The incursion of Hizballah fighters into Israeli territory on the morning of July 12, 2006, for the planned purpose of capturing IDF soldiers – a border incident in which three soldiers were killed and two taken into Lebanon – does not meet the definition of an "armed attack" under customary international law.

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### **Limitations on the Use of Force in Self-Defense under International Law**

It is well established under international law that a sovereign state's exercise of the right of self-defense does not automatically grant to it a blank check to use unlimited armed force against another sovereign state in pursuit of military and political goals. The use of force must conform to the customary international law principles of proportionality and necessity. In the chapters of the report that follow, it is demonstrated how Israeli military forces carried out attacks that violated these basic principles.

When the Israeli government decided on the night of July 12, 2006, to expand its military operations in Lebanon, and attack both Hizballah military targets and those it described as Lebanese "national targets," such as the transportation and electricity infrastructure, it commenced an unlawful and disproportionate use of force under international humanitarian law. In fact, Israeli government and military officials repeatedly and specifically stated during the war that among the goals of the use of force was the implementation of provisions of various U.N. Security Council



resolutions that called for "the disbanding and disarmament of all Lebanese and non-Lebanese militias," and "the extension of the control of the Government of Lebanon over all Lebanese territory."<sup>142</sup> The use of force to accomplish these goals was unlawful under the U.N. Charter.

The successive U.N. Security Council resolutions that called for implementation of these measures did not authorize the use of military force to achieve them. Under international law, Israel did not have the legal right to enforce Security Council resolutions unilaterally. U.N. Security Council Resolution 1559, in fact, specifically called upon "all parties concerned to cooperate fully and urgently with the Security Council for the full implementation of this and all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty, and political independence of Lebanon."<sup>143</sup> The language of the resolution required cooperation, and did not authorize the use of force. Moreover, the resolution stated that the Security Council "*decides* to remain actively seized of the matter," indicating that the Council's role as to future courses of action was preeminent and could not be usurped by individual states acting in its stead and without its authorization. Israel's use of force in Lebanon to implement provisions of Security Council resolutions thus constituted a usurpation of the authority and power of the Council itself, and was unlawful under Article 2(4) and Article 51 of the U.N. Charter.





## 2 CHAPTER

### WARNINGS AND THREATS: TERRORIZING THE CIVILIAN POPULATION

*"The IDF will intensify its activities and will heavily bomb the entire area from which rockets are being launched against the State of Israel. Anyone present in these areas is endangering his life."*

--From an IDF leaflet dropped over southern Lebanon during the war.

*"The reason for the evacuation of the population is to leave us open space and an open area to hit military and terrorist targets and not to deal with the problem of civilians."*

-- Brig. Gen. Shuki Shachar, IDF chief of staff of the Northern Command, July 2006.

Israel specifically sought to displace the Lebanese civilian population in massive numbers during the war, and one of the ways it successfully accomplished this was to issue threatening warnings in the form of leaflets dropped from aircraft. "The reason for the evacuation of the population is to leave us open space and an open area to hit military and terrorist targets and not to deal with the problem of civilians," said Brig. Gen. Shuki Shachar, IDF chief of staff of the Northern Command.<sup>1</sup>

In addition to creating what it hoped would be free-fire zones, with no civilians present, Israel also had a parallel political reason for displacing hundreds of thousands of people: the massive population movement was viewed as an effective form of political pressure on the Lebanese government. Ze'ev Schiff, the prominent Israeli military affairs analyst, noted that the IDF "used this technique before, in

Operation Accountability in 1993 and in Operation Grapes of Wrath in 1996."<sup>2</sup> He described how the policy evolved in 2006:

The road to this decision had a number of stages. First, villagers were instructed to leave when the IDF wanted to destroy bunkers or missiles or carry out other operations in a particular village....Then, this policy was expanded. The military difficulty involved in preventing the launching of short-range missiles gave rise to the idea of encouraging large numbers of civilians to flee northward, toward Beirut, to serve as a source of pressure.<sup>3</sup>

By August 5, 2006, over 915,762 Lebanese were displaced, about 25 percent of the total population, the Lebanese government's Higher Relief Council, an arm of the Council of Ministers, reported.<sup>4</sup> Of this total, 220,000 people had fled to Syria, Jordan, Cyprus, and states in the Persian Gulf; the remaining civilians were displaced inside Lebanon, with some 130,762 of

them housed in 761 schools throughout the country.<sup>5</sup> Another 565,000 were living with family and friends, sheltered in mosques and churches, or living outdoors in parks and other public areas.<sup>6</sup>

The largest number of internally displaced civilians were located in Mount Lebanon, followed by Beirut, and then villages and towns in the South that were considered relatively safe.<sup>7</sup> In Sidon, Lebanon's largest city in southern Lebanon, about 35,000 civilians had fled there before the end of July 2006, increasing the population by one-third, according to mayor Abdel Rahman al-Bizri.<sup>8</sup> As noted in Chapter 1 of this report, Israeli prime minister Olmert voiced apparent satisfaction with the results of this massive movement of civilians: "All the population which is the power base of the Hizbollah in Lebanon was displaced. They lost their properties, they lost their possessions, they are bitter, they are angry at Hizbollah," he said.<sup>9</sup>

In addition to these hundreds of thousands of civilians, Lebanese dual nationals who were in the country for the summer were also displaced by the war. The number of dual nationals who fled by sea was unprecedented, according to one authoritative post-war report:

When the evacuation occurred during the Summer 2006 War, the majority of those who were evacuated or who left Lebanon on their own were Lebanese dual nationals visiting during the summer. Their numbers were so staggering that many of their host countries later said that their assisted departure from Lebanon was the largest evacuation of non-combatants by sea ever undertaken. This was particularly true of the most popular countries of immigration: Australia, Canada, France, Germany, Sweden and the United States.<sup>10</sup>

The American-Arab Anti-Discrimination Committee (ADC) was deeply concerned during the conflict that the U.S. government was not fulfilling its constitutional obligations to protect U.S. citizens in a crisis or time of war. On July 24, 2006, ADC filed a lawsuit in Federal District Court for the Eastern District of Michigan, alleging that U.S. Secretary of State Condoleezza Rice and then-U.S. Secretary of Defense Donald Rumsfeld were not taking all possible steps to secure the safety and well being of U.S. citizens in Lebanon.<sup>11</sup> The lawsuit asked the federal court to issue an order compelling the Secretary of State and Secretary of Defense to request a ceasefire and to stop any shipments of weapons or any other military support to Israel during the evacuation of all U.S. citizens from Lebanon. Plaintiffs to the lawsuit included U.S. citizens who returned from Lebanon during the hostilities, and others who remained in the country.<sup>12</sup>

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## THE IDF'S WARNING LEAFLETS

Throughout the war, Israeli aircraft dropped leaflets over population centers in southern Lebanon and Beirut, warning civilians to leave their homes.<sup>13</sup> The leaflets, written in Arabic and sometimes illustrated with caricatures of Hizballah secretary-general Sheikh Hassan Nasrallah, allowed the Israeli government to claim that it was taking diligent steps to protect the civilian population.<sup>14</sup>

Among the IDF's first warnings to civilians in southern Lebanon were those that the IDF said on July 17, 2006, that it issued to the town of Bint Jbail and the villages of al-Tiri, Yaroun,

Kounin, Maroun al-Ras, Yatar and Bazouriyeh.<sup>15</sup> Bazouriyeh, in the Tyre district, is the home village of Hassan Nasrallah; the other five villages are part of the Bint Jbail administrative district. The IDF warning "called for" civilians in these locations "for their own safety, to evacuate their houses and distance themselves from areas in which terror activity is conducted." It added that the IDF "does not view the civilian population in southern Lebanon as an enemy and does not wish to harm them."<sup>16</sup> It also threatened: "In the event that attacks are carried out from within additional villages IDF will not hesitate to act decisively against the terror threat."<sup>17</sup> If the purpose of the warning was to protect civilians, the text of the "warning" did not provide specific information for civilian residents of the South to act upon, other than to leave the area completely.

Similar to the IDF's use of military force in Lebanon in 1993 and 1996, when one of the objectives also was to drive the population north, the Israeli government never acknowledged during the 2006 war the real and practical difficulties of, or made provisions for, Lebanese civilians who were unable to leave their homes in the South for economic or other reasons. It is a well-known fact that Lebanon does not have a public transportation system and that poverty is widespread in the southern regions of the country. It is also known that southern villages and towns are not equipped with a system of proper underground shelters for civilians to use during shelling and bombing.

The warnings served other purposes as well. First, the text of some of the leaflets – threatening the heavy bombardment of entire areas, in one case -- appeared specifically designed to terrorize the civilian population, a clear violation of

international humanitarian law.<sup>18</sup> Second, when civilian casualties occurred, as they did frequently, Israel blamed the victims because they had not heeded the warnings to evacuate. For example, following the attack on a residential building in Qana on July 30, 2006, which killed 28 civilians and led to a 48-hour partial pause in Israel's aerial bombardment of Lebanon, the Israeli government attempted to exculpate its military forces from legal responsibility for the attack.

The defense that the IDF put forth was that it had "warned" civilians in Qana to evacuate, and that the IDF did not know that civilians remained in the village. In a statement, Israel's foreign affairs ministry said:

Residents of the region and specifically the residents of Qana were warned several days in advance to leave the village....In order to spare unnecessary injury of innocent civilians in the village, the IDF has taken a number of precautions aimed at protecting these civilians, including the aerial dispersal of fliers calling for their temporary relocation outside of the area. Thus, the civilian population in the village was warned and was requested to temporarily vacate the village...*The presence of civilians was not known to the IDF in light of the repeated warnings given to the village residents.* The IDF would not have attacked this target, despite its value as a terrorist asset, had it known that the residents remained in the building.<sup>19</sup>

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## THE WARNINGS ESCALATE IN SCOPE AND SEVERITY

As the war continued, the warnings became more threatening and all encompassing. The IDF spokesman stated in a communique on July

19, 2006, that the leaflets were "intended to warn the Lebanese to stay clear of areas from which rockets are launched against Israel, as these will be targeted by the IDF and civilians present in those area are endangering their lives."<sup>20</sup> The text of the leaflet that the spokesman made public that day threatened heavy bombardment of entire areas:

To the people of Lebanon!

Pay attention to these instructions!

The IDF will intensify its activities and *will heavily bomb the entire area* from which rockets are being launched against the State of Israel. Anyone present in these areas is endangering his life.<sup>21</sup>

This specific threat of indiscriminate heavy bombing of entire areas, if these areas were civilian in character, represented a blatant violation of international humanitarian law.<sup>22</sup> Such a threat also spread fear and terror among civilians who would not or could not leave their homes and villages. If Hizballah forces fired rockets from an open area on the outskirts of a village, what was the "entire area" that would be attacked in response? Was there any place where civilians would be safe? The language of the leaflet left it to vulnerable civilians themselves to contemplate the answers to such questions.

The leaflet also included another warning that signaled a major shift in Israel's strategy in the conduct of the war with respect to the civilian population. It stated that Israel reserved the right to target any pickup truck or truck moving south of the Litani River. Such vehicles, the leaflet stated, "will be suspected of transporting rockets and weapons and may be bombed. You must know that anyone traveling in a pickup

truck or truck is endangering his life."<sup>23</sup> The poverty in southern Lebanon, coupled with the fact that so many families earn livelihoods from farming and other agricultural activities, made this ban particularly onerous. Farming families with the financial means to own only one vehicle were more likely to choose versatile pick-up trucks rather than automobiles.

International humanitarian law does not give license to an attacker to target objects on the basis of mere suspicion, particularly if such objects could be civilian in nature and use.<sup>24</sup> Moreover, given the warnings that the IDF had already issued for civilians to flee their villages, the ban on pick-ups and other trucks denied local residents who did not have access to automobiles the option of escaping northward in vehicles of this type.

On July 20, 2006, the IDF began its campaign to force the flight of all civilians who remained south of the Litani River. The Israeli daily *Haaretz* reported: "The IDF [on July 20] called on hundreds of thousands of residents in all the villages in South Lebanon, up to the Litani river, to head northward....The IDF order was issued on a radio station that broadcasts in Arabic from Israel, as well as through flyers distributed in the region yesterday."<sup>25</sup> The warnings to evacuate continued over the weekend of July 21-22. Leaflets dropped from aircraft stated:

To residents of villages south of the Litani River: due to the terror incidents being carried out from within your villages and homes against the State of Israel, the IDF is forced to respond immediately, even within villages. You are all asked to evacuate the villages immediately for your own welfare.

The State of Israel.<sup>26</sup>

The warning messages and threats continued. On July 23, 2006, the IDF spokesman stated that the IDF "has called upon the Lebanese population" in 22 villages, which the spokesman named, "to vacate the area and move north of the Litani River today." The threat was clear: "People who ignore this warning are endangering themselves and their families," the spokesman added.<sup>27</sup>

A leaflet dropped on July 25, 2006, included another warning for the mass evacuation of civilians living south of the Litani River, threatening attacks inside villages. On the left-hand side of the leaflet was a caricature of Hizballah leader Hassan Nasrallah hiding behind a shield on which a man, woman and child were bound at their ankles and wrists. The caption read: "He who says he is protecting you is really robbing you." The text of the leaflet read:

To all citizens south of the Litani River

Due to the terror activities being carried out against the State of Israel from within your villages and homes, the IDF is forced to respond immediately against these activities, even within your villages. For your safety! We call upon you to evacuate your villages and move north of the Litani River.

The State of Israel<sup>28</sup>

On July 26, 2006, Hizballah forces fired 151 rockets into Israel, the largest number since the conflict began. The next day, the IDF's Arabic-language radio station *al-Mashriq*, which was broadcasting into Lebanon during the war, stated that the Israeli army "will totally destroy any village from which missiles are fired toward Israel." Then-Israeli justice minister Haim Ramon advocated the bombing of villages before Israeli ground forces entered them.

"These places are not villages," he was quoted as saying. "They are military bases in which Hezbollah people are hiding and from which they are operating."<sup>29</sup>

The IDF drew a 26-kilometer line on a map of southern Lebanon that extended from Qlaileh, a village near the coast south of Tyre, roughly due east to the village of Houla, located about two kilometers from the border with Israel. On July 28, 2006, the IDF spokesman reported that "the IDF has called upon the Lebanese population in the areas south [of the line] to vacate buildings by 10:00 am today and move northward. The warnings were issued through local sources and Arabic language media."<sup>30</sup> The spokesman described the line as running from "Qlaile in the west, through Siddiqine, Sultaniye, Majdel Slim and up to a point west of the village of Houla, near the Israeli-Lebanese border."<sup>31</sup> He added: "Any vehicle traveling in this area [south of the line] after 10:00 am and any person who chooses not [to] follow this warning is putting his and his family's safety at risk."<sup>32</sup> The spokesman said that this specific warning "was issued in addition to previous warnings, calling for the Lebanese civilian population south to the Litani River to move northward."<sup>33</sup>

On the morning of August 2, 2006, the IDF again warned civilians in the south of Lebanon to leave immediately. Leaflets were dropped on ten villages, some of them reportedly as far as 20 kilometers from the Israel-Lebanon border.<sup>34</sup>



## **ALL VEHICULAR MOVEMENT BANNED SOUTH OF THE LITANI RIVER**

On August 7, 2006, the IDF expanded its prohibition on the movement of pickup trucks and trucks to include a comprehensive ban on any vehicular traffic south of the Litani River. This left all civilians remaining in southern Lebanon trapped in place, with no safe means of transportation anywhere for any reason. The IDF warned that any vehicle traveling south of the Litani River would be presumed to be a military objective, as of 10:00 p.m. on August 7. The order was open-ended, to "remain in effect until further notice." The IDF spokesman stated that the order "was communicated to the population in southern Lebanon via media outlets and leaflets as well as through local channels. These limitations apply to journalists as well, as this is a combat zone from which terrorists operate, and as such, we cannot guarantee the safety of journalists in the area."<sup>35</sup>

Israel's foreign affairs ministry posted the full text of this warning, in its original Arabic and in English translation, on its official website. The English translation read:

To the Lebanese civilians south of the Litani River

Read this announcement carefully and follow the instructions.

The IDF will escalate its operations, and will strike with great force the terrorist groups which are exploiting you as human shields, and which fire rockets from your homes at the State of Israel.

Any vehicle of any kind traveling south of the Litani River will be bombarded on suspicion of

transporting rockets, military equipment and terrorists.

Anyone who travels in any vehicle is placing his life in danger.

The State of Israel.<sup>36</sup>

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## **DIRECT THREAT OF ATTACKS AGAINST CIVILIANS**

On August 10, 2006, in the aftermath of the deadly bombing of a block of residential buildings in Shiyah in Beirut's southern suburbs (see Chapter 5), the IDF dropped threatening leaflets over Shiyah and two other neighborhoods. The text suggested that indiscriminate attacks were imminent:

To residents of Hay El-Sollum, Burj al-Barajneh and Shiyah: For your own safety, you must evacuate those neighborhoods immediately, and evacuate every place where Hezbollah members or aides exist or carry out terrorist activities. You must know that the expansion of Hezbollah terrorist operations will lead to a painful and strong response, and its painful results will not be confined to Hassan [Nasrallah's] gang and criminals.<sup>37</sup>

The leaflet clearly states that the IDF considered any member of Hizballah a legitimate military objective, which is a violation of the principle of distinction in international humanitarian law.<sup>38</sup> Only combatants may be targeted, not members of the political wing of an organization who have no direct role in the planning, decision-making, or combat-related activities of the military wing.<sup>39</sup> In addition, the threat that Israel's attacks would "not be confined" to Hizballah operatives left the impression that no one was safe and all civilians were potential targets.

During Israel's 1982 invasion of Lebanon, similarly threatening leaflets were dropped over West Beirut. One of them read as follows:

[T]he IDF is continuing its war against the terrorists and has not used its full force yet. The IDF is concerned not to hurt innocent civilians and anyone who doesn't fight against it.

Residents of Beirut, make use of the ceasefire and save your lives. You have the following exits: (a) through the IDF forces to the East on the Beirut-Damascus axis, (b) northward towards Tripoli.

Save your life and those of your beloved ones –  
The commander of the IDF.<sup>40</sup>

A subsequent leaflet included additional threatening language:

Thousands of your brothers have taken the opportunity given them and have left Beirut and are now living in peace and safety. You who are still present in Beirut today: remember that time is running out. The later you leave, the more you expose your life and the lives of your loved ones to danger.<sup>41</sup>

A report that examined Israel's violations of international law during the 1982 invasion noted that "the warnings were part of the stragem used in other wars by Israel – to put pressure on the population."<sup>42</sup> The report continued:

The primary motive was not humanitarian. Several thousands of people did not follow these warnings because the majority of them had no way of finding a refuge in the East, or could not reconcile themselves to leaving their only possessions. But, above all, it must be remembered that the fact that there existed a civilian population, which could and should be protected, imposed a heavy responsibility on Israel from the legal point of view.<sup>43</sup>

## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

The language of the IDF leaflets, particularly the threats to destroy villages, bomb entire areas heavily, and target moving vehicles on the basis of suspicion, appeared intentionally crafted to terrorize the civilian population, which is a violation of international humanitarian law. Article 51(2) of Protocol I states:

The civilian population, as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited.

The Association for Civil Rights in Israel (ACRI) made this point in a letter that the organization sent to Prime Minister Olmert and Defense Minister Peretz on July 20, 2006. The letter expressed concern about the impact of IDF military operations on Lebanon's civilian population and, in reference to the IDF leaflets, cautioned that there was "a thin line which absolute care must be taken not to cross, which differentiates between the alerting of a civilian population to danger that is inherent to their remaining in areas close to a conflict zone, and a specific policy of instilling terror in a civilian population, which is explicitly prohibited by international humanitarian law."<sup>44</sup>

Article 8(2)(e)(viii) of the Rome Statute of the International Criminal Court defines as a war crime "ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand." The IDF instructions ordering all civilians south of the Litani River to evacuate their homes and



temporarily move north was overly broad and did not appear to be justified by military necessity, unless that military necessity was leaving the IDF with a huge swath of territory empty of civilians. Moreover, if the security of the civilian population was the major impetus for this evacuation order, the IDF should have provided information about protected corridors through which civilians could flee, or even times of day when such movement would be safe. It did neither.

The banning the movement of all pick-ups and other trucks did not take into consideration the lack of a public transportation system in Lebanon and the poverty that was prevalent in the south. Pick-up trucks and other larger vehicles, if properly marked and escorted on safe corridors by, for example, the Lebanese Red Cross, could have provided for the movement of large numbers of people, including extended families living together, who did not own their own vehicles and did not have the financial means to hire private taxis. Had the IDF incorporated measures of this nature into the evacuation orders it could have more convincingly claimed that its intent was to provide for the security and protection of the civilian population.

The IDF's August 7, 2006 ban on all vehicular movement south of the Litani River, with the specific threat that any moving vehicle was liable to be attacked on the basis of suspicion that it was a military objective, was illegal under international humanitarian law. Civilian vehicles traveling on the roads were protected under the laws of war, and the IDF was required to distinguish between legitimate objects of attack, such as vehicles carrying Hizballah fighters and weaponry, and those transporting civilians. The

IDF was required to take precautionary measures, and "do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects".<sup>45</sup> Substitution of the vague standard of "suspicion" as the justification for attacks on any moving vehicle south of the Litani was a violation of international humanitarian law because such attacks were indiscriminate, "of a nature to strike military objectives and civilians or civilian objects without distinction."<sup>46</sup>

Last, none of the warning leaflets absolved the State of Israel or the IDF of its obligations under international humanitarian law to protect the civilian population in its areas of military operations. Warnings issued to civilians to evacuate specific villages, or entire areas of a country, never release the attacking party from its obligations at all times to distinguish between combatants and civilians, and limit attacks to military objectives only. Such warnings are not blank checks to carry out attacks that are indiscriminate or disproportionate under the laws of war.

# 3 CHAPTER

## THE CIVILIANS LEFT BEHIND: DEPRIVATION, DANGER, AND THE ILLUSION OF "SAFE CORRIDORS"

*"For many days, the concept of humanitarian corridors has been used to mask the reality: it is impossible to get safe access to the villages in the south. The so-called corridor is a kind of alibi because in effect there is no real access for humanitarian organizations in the south. And the international community is deluding itself, it if believes there is."*

--Christopher Stokes, Medecins Sans Frontieres (Doctors without Borders), director of operations and head of mission in Lebanon, July 31, 2006.

*"The time for improved access is long overdue. Even life-saving, emergency evacuations so desperately needed are, at best, delayed for days. We also face enormous obstacles to bringing in aid convoys loaded with essential foodstuffs, water and medicines for trapped civilians."*

--Jakob Kellenberger, president of the International Committee of the Red Cross, August 10, 2006.

Despite Israel's efforts to empty southern Lebanon of civilians during the war, about 100,000 people remained south of the Litani River by the beginning of August 2006.<sup>1</sup> These women, children and men included the poor, the elderly, and the disabled. This chapter describes conditions that terrified civilians in the South endured, including walking for miles with infants and young children to seek shelter in hospitals, mosques, on U.N. bases, and at private homes in villages judged to provide greater safety. It includes information about IDF indiscriminate attacks on the vehicles of fleeing civilians and those of the Lebanese Red Cross carrying out medical evacuations of the wounded.

The chapter also examines the well-publicized struggle of international humanitarian organizations, including U.N. agencies, to meet the needs of the civilian population for food, water, medicine, fuel, and other aid, in the face of a pattern of IDF denials of safe passage to relief convoys.

ADC-RI interviewed residents of the South who would not or could not leave their villages, including those who were too frightened because of the danger on the roads and others who stayed behind with family members who were handicapped or elderly.<sup>2</sup> During the war, the Lebanese and international media reported indiscriminate IDF attacks that targeted and

killed fleeing civilians who were packed into cars and minivans. There were also cases of elderly men and women who were killed in the bombing of their homes and on the roads as they tried to flee by foot.<sup>3</sup>

Other civilians stayed in place because they did not own vehicles and could not afford the escalating cost of private transportation to take them north. There is no public transportation system in Lebanon, and the gap has always been filled by privately owned, relatively low-cost taxis, typically shared by passengers who pay drivers individually based on their final destinations. During the war, taxi drivers charged extraordinarily high prices to travel on roads where civilian vehicles were subjected to indiscriminate attacks by IDF forces.

Joseph Salmassi, a U.S. citizen from Michigan, and his family were in the village of Tibnin in the south of Lebanon during the war, visiting his wife's parents. When the town came under heavy bombardment, he contacted the U.S. embassy in Beirut "so many times, and they said, 'We can't get to you,'" he told the *New York Times* in Cyprus, where the family had arrived on a U.S. navy vessel on July 21, 2006. Mr. Salmassi said that he paid \$3,000 to hire two taxis to transport his family to Beirut. "We put white blankets on top of the cars so the airplanes wouldn't hit us," Mr. Salmassi recalled. "Bombs landed on the side of the road as we traveled. There were cars lying on the side of the road with dead people in them."<sup>4</sup>

When journalists reached villages in the South that had been under siege and cut off for weeks, such as Aitaroun and Bint Jbail, they described the civilians who had been left behind. For example, CNN correspondent Ben

Wedeman visited Aitaroun on August 1, 2006, with a group of other journalists as Israel's 48-hour partial suspension of the bombing was nearing its end. In a video report broadcast the same day, he described the young, elderly and disabled civilians who remained in the village. At the time of the visit, U.N. and Lebanese Red Cross personnel had not yet had access to Aitaroun, according to Wedeman. Another journalist reported that the village was "a mass of ruins," with "collapsed buildings and deep craters [that] made the streets impassable for vehicles." He encountered one elderly couple carrying Australian passports, "pleading to be taken out of Aitaroun."<sup>5</sup>

A group of journalists visited Bint Jbail on July 31, 2006, and one of them described how "dozens of people emerged, squinting...at a scene of destruction so complete that they barely understood what they were looking at. Their town had been crushed...pulverized into a chalky dust....The bombing was so fierce that many did not venture outside at all since it began, nearly three weeks ago."<sup>6</sup>

Another journalist found dehydrated and hungry civilians, many of them elderly.<sup>7</sup> He quoted Ali Hakim, 80, whose home had been destroyed, who described the situation as a "nightmare."<sup>8</sup> Rescue workers found Mariam Saghir, 80, and Mariam Sharara, who was blind and elderly, hiding in a basement.<sup>9</sup> Zeinab Diabis, another elderly woman, was looking for her brother Ahmed, who was blind and had lived with her for 30 years. She refused to leave the town until her brother was located; he was eventually found alive in the basement of a house.<sup>10</sup>

Civilians who remained behind in southern

Lebanon faced the constant danger that their homes or other places where they were sheltered would come under Israeli attack. This vulnerability was made particularly clear after the IDF attack that killed 28 civilians in a residential building in Qana on July 30, 2006. In remarks at a press conference following the attack, Brig. Gen. Amir Eshel, chief of staff of the Israeli Air Force, described remaining civilians "who live together with terror, by agreement or coercion" as "the source of the evil." He stated:

We focus on targets that are distinctly terrorist targets, as we understand them. We deeply regret the civilian casualties....Our knowledge is not perfect, but those who live together with terror, by agreement or by coercion, that is the source of the evil. And our way to defend Israeli citizens is to ultimately hit this chain of terror and to eliminate it.<sup>11</sup>

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### **THE SEARCH FOR SAFETY: INTERNAL DISPLACEMENT WITHIN SOUTHERN LEBANON**

Some residents of the South moved from their home villages to nearby areas that they believed offered greater safety, while others left their homes and found shelter in hospitals, schools, and on UNIFIL bases that could accommodate them.

For example, the predominantly Christian border village of Rmeish, southwest of Bint Jbail, was home to about 8,000 people before the conflict. Families fled to Rmeish from nearby Ain Ibil, Aita al-Shaab and other Shiite villages that were under Israeli attack, increasing the population to about 30,000, Agence France Presse reported.<sup>12</sup> There were difficult living conditions for both residents and the displaced.

"There has been no water for two weeks, no more bread, no more fuel, no more medicine. Now we are forced to fill baby bottles with the scum-filled water from the pond," mayor Khalil el-Hage said.<sup>13</sup> One local resident took a journalist to her father's house, where she said about 100 people from Aita al-Shaab, several kilometers to the northwest, were living. "The children have lice because they can't wash themselves and they're packed like sardines – sixty people living in apartments with just three bedrooms," she said.<sup>14</sup>

Hospitals were also packed with terrified civilians, some of whom fled long distances on foot with their children. By July 25, 2006, the two-story general hospital in Tibnin was serving as a refuge for about 1,350 civilians, according to one of several journalists who visited that day, and the conditions were difficult. "There are no doctors here. Water does not run. The electricity was cut on the war's first day," the journalist reported.<sup>15</sup> He found Abeer Faris with her newborn boy, Khatar, just three days old; she told him that she walked from Bint Jbail to Tibnin nine hours after giving birth, accompanied by her husband Mohammed, her sons Aissa and Mustafa, and daughter Israa.<sup>16</sup>

There were also about fifty civilians in the hospital from Ain Ata, six miles away, which had been subjected to three days and nights of bombing, and other civilians had fled from Aitaroun, about ten miles away, Maroun al-Ras, and Yaroun. "Family after family listed dead and wounded relatives," the journalist reported.<sup>17</sup> "Time and again, they pleaded for help in getting the bodies excavated from rubble that had entombed them in their villages," he added. Saadeh Awadeh, 60, from Aitaroun, said that

seven of her relatives were killed there in an Israeli airstrike; she named them as her brother Moussa and his wife Jamila, and five children, ages five to fifteen years old: Ali, Abeer, Hassan, Mariam and Mohammed.<sup>18</sup> Civilians continued to shelter in Tibnin hospital until the closing day of the war. On August 14, 2006, the International Committee of the Red Cross provided family food parcels to 150 people who were living there.<sup>19</sup>

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### **Bases of U.N. Peacekeepers Accommodate Displaced Civilians**

Residents of the South also sought safe haven on UNIFIL bases. Throughout the war, the international peacekeepers sheltered civilians, escorted others out of their villages to safer locations, and carried out medical evacuations. UNIFIL reported that the government of Lebanon made formal requests for UNIFIL to escort civilians from certain villages, and UNIFIL contacted the IDF to obtain safe passage.<sup>20</sup> On more than one occasion, Israeli attacks put the lives of these civilians at risk.

On July 15, 2006, for example, the Lebanese government asked the peacekeepers to assist several hundred residents of Marwaheen who wanted to leave. UNIFIL explained how its forces responded:

UNIFIL dispatched a patrol to the village the same day, which stayed with the villagers throughout the night. [On July 16], UNIFIL was able to provide a humanitarian escort to 283 villagers from that area to Tyre. During this mission the team came under fire, which endangered the lives of local civilians and UNIFIL troops. Initially, Hezbollah fired rockets from the vicinity of the village and subse-

quently the IDF fired into [the] village on two occasions.<sup>21</sup>

On July 20, 2006, 36 civilians, most of them women and children from the village of Maroun al-Ras, were inside the patrol base of the U.N. Observer Group Lebanon near the village when the base came under attack. "Four artillery shells impacted inside the base," UNIFIL said, "including three direct impacts on the building which caused extensive damage and cut electricity and communication connections." At the time of these incidents, Hizballah was firing from "the immediate vicinity" of the U.N. position, UNIFIL added.<sup>22</sup> On July 21, 2006, three more artillery shells hit the building inside the base.<sup>23</sup> The next morning, the civilians decided to leave and move further north.<sup>24</sup> (Chapter 5 of the report includes additional information about IDF artillery rounds that landed inside UNIFIL positions.)

On July 22, 2006, UNIFIL's Ghanaian battalion was sheltering 69 civilians from Kafr Dunin after Israeli aircraft bombed the area. The group was comprised of women, children, and four elderly men.<sup>25</sup> In a report the same day, UNIFIL said that civilians were leaving border villages such as Addaïseh, Hula, Mays al Jabal, Kafr Kila and Markaba, and locations more distant, such as Marjayoun and Ibl al-Saqi.<sup>26</sup> The next day, civilians continued to flee from these locations, as well as from Bint Jbail, although there was "increasing destruction and obstacles on the roads," UNIFIL stated.<sup>27</sup>

UNIFIL's Ghanaian base near al-Duharya accommodated about 1,000 civilians from Alma al-Shaab, al-Bustan, Yarin, al-Duharya, and nearby villages, as of midday on July 26, 2006. Over half of the civilians traveled to Tyre later

that day, and UNIFIL sought to transport the remaining 330 to Tyre with a humanitarian escort the next day. There were also over 600 civilians inside UNIFIL's headquarters in Naqoura on July 26, 2006. UNIFIL escorted 250 of them to Tyre that day, and another 300 to the city on July 27, 2006.<sup>28</sup>

In total, UNIFIL peacekeepers escorted about 100,000 civilians to safer areas during the conflict, and tried to minimize the number of displaced civilians inside its bases.<sup>29</sup> "We did not have shelter for them, and our positions were frequently under fire. We would take them inside when we assessed it was best for them, then we tried to organize quick relocation. Our assessment was that it was safer for civilians if they were dispersed. We remember Qana in 1996," senior advisor Milos Struger told ADCRI.<sup>30</sup> (The IDF attack on the UNIFIL base in the village of Qana on April 18, 1996, during "Operation Grapes of Wrath," killed over 100 civilians who were sheltered there.<sup>31</sup>)

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## IDF ATTACKS ON FLEEING CIVILIANS

The IDF targeted and killed civilians who were fleeing the war zone in the South of Lebanon as early as July 15, 2006, with the attack on residents fleeing Marwahin, as noted in Chapter 1 of this report. These attacks continued throughout the conflict, and influenced some residents of the South to remain in their communities rather than heed the Israeli military's warning to evacuate north of the Litani River.<sup>32</sup> To cite only two examples from July 23, 2006, five civilians were reported killed, and at

least 20 injured, in IDF attacks on vehicles traveling roads in southern Lebanon that led west to the relative safety of Tyre on the Mediterranean coast.

At approximately 10:00 a.m. on July 23, 2006, an Israeli helicopter reportedly fired a missile at a minivan that was carrying civilians fleeing from the village of al-Tiri. Journalist Nicholas Blanford was on the scene when Lebanese Red Cross workers came to extricate the wounded from the vehicle. He saw the bodies of three dead people, and noticed "a jagged hole in the roof of the crumpled bus, created by a missile fired minutes earlier by an Israeli helicopter that had blasted the vehicle off the road."<sup>33</sup>

The attack took place "along a road cut into the side of a steep hill beyond Siddiqine village," Blanford reported. Red Cross volunteers told him that there were 19 people in the bus from al-Tiri, about seven miles away. A 12-year-old survivor, Abbas, said: "Someone came for us and we drove with other cars out of the village. We were trying to keep up with the others when we were hit." He said that his uncle, grandmother, and another man were killed.<sup>34</sup> Ghadir Sha'ita, 15, was one of the injured. Her face was "pitted with shrapnel and badly burnt," and injuries to her jaw and mouth made it impossible for her to speak.<sup>35</sup>

Another journalist arrived minutes after the attack. She reported that 54 members of the Sha'ita family had boarded three white minivans, heeding the Israeli warnings to evacuate. "Three passengers sitting in the third row were killed instantly, including [a grandmother]," she said, and 16 other passengers were wounded. "Those passengers who were not killed or



injured by shards of burning metal were hurt when the van plunged into the side of a hill....A number of the dead, including the three members of the Sha'ita family, remained trapped in their cars because it was too dangerous to retrieve their bodies."<sup>36</sup>

Musbah Sha'ita, one of the survivors of the attack, commented: "We put a white flag. We were doing what Israel told us to do. What more do they want of us?"<sup>37</sup> Israeli aircraft had dropped leaflets warning residents of about twelve villages, including al-Tiri, to leave by 7:00 pm on July 22; the Sha'ita family did not have transportation arranged until the following morning.<sup>38</sup>

A U.N. spokesman said that "minivans are a target for Israel because they can take Katyusha rockets for Hizballah, so they do not contemplate too long. They just shoot it."<sup>39</sup>

Also on July 23, 2006, the home of Usra Jawad in Aita al-Shaab was reportedly bombed and destroyed.<sup>40</sup> After the attack, Usra and her three sisters, who were visiting her, left in a car with Usra's children, eight-year-old Zeinab and four-year-old Mohammed.<sup>41</sup> The women planned to travel to their parents' house north of Tyre. En route, Israeli aircraft attacked their car, killing two of the sisters, who were teachers.<sup>42</sup> Usra, her two children, and her third sister were injured, and transported to Najem Hospital in Tyre, where a journalist interviewed them.<sup>43</sup>

Dr. Ahmad Mroue, director of Jabal Amal hospital in Tyre, called July 23, 2006, "the day of the cars," and described it as "very bad."<sup>44</sup> He said that his hospital provided medical care to 41 people who were wounded that day, "all thought to be civilians seeking refuge north of the Litani river after heeding Israeli warnings to leave the

area."<sup>45</sup>

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### **The Attack on the Convoy from Marjayoun: August 11, 2006**

On the night of August 11, 2006, the IDF indiscriminately attacked a long convoy of Lebanese army and civilian vehicles in the Bekaa Valley, killing six people and wounding 32, according to the International Committee of the Red Cross (ICRC).<sup>46</sup> One of those killed was Mikhael Jbayleh, a first-aid volunteer with the Lebanese Red Cross who was providing assistance to one of the wounded.<sup>47</sup>

UNIFIL provided information about the circumstances surrounding this attack. It reported that on the afternoon of August 10, 2006, the IDF assumed control of the Marjayoun headquarters of the Lebanese Joint Security Forces (JSF).<sup>48</sup> According to UNIFIL,

At the request of the Lebanese government, UNIFIL dispatched 2 Armored Personnel Carriers to the JSF [headquarters] in Marjayoun [on the morning of August 11] to facilitate the withdrawal of the JSF and to escort them out of town (approximately 350 troops, all ranks). Israeli forces informed UNIFIL that they agree [sic] to such a request. The Internal Security Forces (ISF) personnel in Marjayoun also joined the JSF for the relocation. It is reported that a significant number of local residents with civilian vehicles gathered [on the morning of August 11] in the town with the intention of joining the JSF convoy and relocating to the north. However, it seems that all the roads leading from Marjayoun are destroyed and it is not possible to leave the area at this time.<sup>49</sup>

The convoy finally departed Marjayoun on the afternoon of August 11, 2006; it consisted of 97 military vehicles and 100 civilian vehicles.<sup>50</sup>

UNIFIL stated that it "informed the IDF about the convoy and its planned route to Beirut through the west Bekaa valley."<sup>51</sup> UNIFIL described the route of the convoy, and the location at which the UNIFIL escort left the convoy:

The convoy followed 2 UNIFIL APCs [armored personnel carriers] out of the town to Ibil as Saqi. It was reported that 365 additional civilian vehicles from Marjayoun joined the convoy in the area of Ibil as Saqi. Subsequently, the convoy departed from [the] UNIFIL area of operations and continued north.<sup>52</sup>

At approximately 10:00 p.m., UNIFIL stated, Lebanese authorities communicated to UNIFIL that "the convoy came under Israeli air strikes in the general area of Kefraya in the west Bekaa, and a number of people were killed and wounded. UNIFIL conveyed this information to the IDF and asked them to immediately cease attacks on the convoy."<sup>53</sup>

The IDF did not dispute that it attacked the convoy, and admitted that the strike was carried out on the basis of suspicion. The IDF spokesman stated:

Yesterday evening, August 11, 2006, the IDF identified suspicious movement along a route forbidden for travel which had been used by Hizbullah to transport rockets and other weaponry. Acting on the suspicion that these were Hizbullah terrorists transporting weaponry an aerial attack was carried out.

Further inquiry into the incident following information from UNIFIL has concluded that the movement was of a convoy that had left Marjayoun earlier.

It is important to note that a request for the passage of the convoy was submitted to the IDF coordination apparatuses prior to its departure and was not authorized. Furthermore

a curfew has been placed on any non-authorized vehicular movement south of the Litani River several days ago.<sup>54</sup>

UNIFIL spokesman Milos Strugar stated, "Israeli forces had been told in advance of the convoy's passage, and had given it the green light. We are trying to find out what happened."<sup>55</sup>

The ICRC issued a public statement after the attack, saying it "deplores the continuing lack of respect for the rules governing the conduct of hostilities, such as the distinction between military objectives and civilian persons and objects."<sup>56</sup> The organization added:

Medical personnel, ambulances and other means of medical transport must be respected and protected, and their work must be facilitated.

The ICRC has repeatedly expressed its concerns about insufficient precautions taken in attacks by the parties to the armed conflict.

It is unacceptable that after more than 30 days of ongoing military operations all necessary precautions to spare civilian life and those engaged in medical work have still not been taken.<sup>57</sup>

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## HUMANITARIAN NEEDS IN THE SOUTH OF LEBANON

As the war continued, it left the civilians who remained in the south in dire need of food, water, and medical care, in addition to safe shelter. On July 26, 2006, the ICRC reported that over the previous three days its representatives visited seven border villages (Bint Jbail, Aitaroun, Kfar Kila, Houla, Meis al-Jebel, Blida and Rmeish) and another ten villages near Tyre (Tibnin, Qana, Bazouriyeh, Jouaya, Silaa, Srifa,

Maaroub, Deir Qanoun an-Nahr and Abassiyeh).<sup>58</sup> The ICRC characterized the situation for civilians in these villages as "alarming," and stated:

Water is scarce, as tanker trucks are no longer supplying some of the villages. Moreover, water pumps are not working for lack of electricity and fuel. Food supplies are running low and basic medicines are needed, in particular for treatment of chronic diseases.<sup>59</sup>

In Blida, the ICRC found 700 people, 300 of them children, sheltered in a mosque.<sup>60</sup> "In several villages, people have been hiding since the beginning of the military operations. Displaced people are sheltered in schools and patients are stranded in hospitals, waiting to be evacuated," it added.<sup>61</sup>

Medical evacuations of wounded civilians were particularly difficult. From July 12, 2006 through August 21, 2006, Lebanese Red Cross (LRC) workers and volunteers evacuated 984 injured persons, transported an additional 7,684 medical cases, and recovered 398 bodies.<sup>62</sup> The organization, whose 6,000 volunteers were fully mobilized during the war, found it impossible to reach and evacuate all the civilians in need of medical assistance. One problem was the bombed-out major roads and the need to take circuitous alternative routes, which significantly increased the time of the rescuers' journeys. Another problem was the lack of safe passage for Lebanese Red Cross vehicles.

Ghaleb Ayoubi, a practicing attorney and LRC volunteer, told ADCRI that the organization did not move its ambulances or other vehicles without safety clearance, and outlined how the process worked. He said the LRC provided the ICRC with information such as "the num-

ber of cars and ambulances in the field, the license plate numbers, the kind of mission, the roads that would be taken, and the number of workers on the mission," and the ICRC then coordinated passage with the IDF and Hizballah. "The ICRC would clarify, seek permissions, and negotiate to ensure the safety of Lebanese Red Cross workers and volunteers," Mr. Ayoubi explained. Despite this process, "even when we were cleared, we were attacked. Sometimes the ICRC did not have an answer [for the attacks], and we would receive verbal apologies from the IDF, through the ICRC," he added.<sup>63</sup>

Mr. Ayoubi stated that there were 12 attacks on LRC vehicles during the war, direct and indirect, and "it was not accidental." He explained that one of the techniques the IDF used was to fire around the vicinity of traveling vehicles in such an intimidating manner that the drivers knew that if they continued to move, the vehicles would be attacked. Describing these as "indirect hits," he said that the intent appeared to be "to immobilize the Lebanese Red Cross."<sup>64</sup> One direct attack took place on the night of July 23, 2006, when two Lebanese Red Cross vehicles were targeted in Qana, injuring six Lebanese Red Cross workers and their three civilian passengers.<sup>65</sup>

An NBC News correspondent traveled with the LRC from Beirut to Tyre on July 26, 2006, and reported the limitations on medical evacuations:

[N]ot only did the Red Cross volunteers face treacherous conditions, but they also faced heart-wrenching decisions. Although they found dozens in dire need, they had room for only six in their vehicles....

It was a modest mission – just three ambulances and one minivan. They want to get a larger group of 20-30 ambulances down here, but without assurances from the Israeli Defense Forces that they can bring in that many and remain safe, they are just going in small groups.<sup>66</sup>

The situation deteriorated further after the IDF imposed a total ban on any vehicular traffic south of the Litani River, beginning at 10:00 p.m. on August 7, 2006. Ambulances and other vehicles of the Lebanese Red Cross sat idle, despite the continuing need for the evacuation of injured civilians to functioning hospitals. Kassem Shaalan, one of the Red Cross medics based in Tyre, explained the frustration: "We get many calls from villages saying they have injured people, but there is no permission to go. Yes, people could be dying because we can't get to them in time."<sup>67</sup>

The ICRC described the circumstances surrounding one medical rescue operation in August 2006 that was delayed for two days because safe passage could not be secured from the IDF.<sup>68</sup> On August 9, 2006, Moussa Khalil, the caretaker in an orphanage in the village of Marroub, located 15 kilometers east of Tyre, arrived at the ICRC office in Tyre. It had taken him two days to get there. When the war started, the children in the orphanage were evacuated but Mr. Khalil and his family stayed in the facility, taking shelter in the basement. Mr. Khalil left the building to secure food and water for his family, and when he returned he found the four-story building bombed and collapsed. "He could hear cries from beneath the heavy rubble," the ICRC reported.<sup>69</sup>

When Mr. Khalil reached Tyre and described what happened, relief workers responded imme-

diately. They "quickly prepared a rescue plan together with Lebanese Civil Defence and the Lebanese Red Cross. Every second counted. Heavy moving equipment would be brought along and the night spent working in Marroub despite the dangers. Although prepared to leave on a second's notice, it took two additional days to get a guarantee of safe passage."<sup>70</sup> When the rescue workers finally arrived at the ruins of the orphanage, there were no survivors.<sup>71</sup>

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## HAMPERING THE DELIVERY OF HUMANITARIAN RELIEF

The State of Israel was "acutely aware of the humanitarian situation" in Lebanon during the war, its foreign affairs ministry stated on July 26, 2006.<sup>72</sup> The ministry said that Israel had "established, through contacts with the United Nations Office for the Coordination of Humanitarian Affairs, a humanitarian corridor to meet the needs of those affected on the Lebanese side. This corridor is designed for the shipment of humanitarian supplies and the evacuation of civilians in need of medical care, as well as foreign nationals wishing to evacuate."<sup>73</sup>

International humanitarian organizations and U.N. agencies that sought to deliver assistance to civilians, however, faced a reality far different than the one that the foreign ministry described. Some aid workers said that the corridor was an illusion.

As the war continued, and as the IDF's bans on vehicular traffic in the South increasingly became more restrictive, humanitarian agencies were unable to deliver desperately needed food, water, medical supplies and other aid to the

remaining civilians in a consistent and timely manner.

The IDF's permission, in the form of security clearance, was required to guarantee safe passage for each aid convoy. The U.N. Joint Logistics Center, which is responsible for coordinating logistics for humanitarian organizations during major emergencies, operated in Lebanon until October 31, 2006. It reported that all aid convoy movements in Lebanon were required to request "concurrence" from the IDF 36 hours in advance.<sup>74</sup> A compulsory part of the process was the submission of "detailed convoy route maps" to the IDF; such maps did not exist and had to be prepared quickly and meticulously.<sup>75</sup>

Israeli military authorities consistently denied security clearance to UNIFIL and international humanitarian organizations seeking to reach civilians trapped throughout the South. The complaints about the lack of clearance were numerous and sustained. As early as July 20, 2006, there were public appeals for humanitarian access to civilians. "We ask all parties to the conflict to respect the neutrality and impartiality of aid workers and to allow unfettered access to all areas, to allow us to reach these very needy people as quickly as possible," said Naila Sabra, U.N. World Food Programme regional director for the Middle East and Central Asia.<sup>76</sup>

The ICRC was not able to transport its first humanitarian relief supplies to southern Lebanon until July 21, 2006, nine days after hostilities started. The first two ICRC trucks that reached Tyre from Beirut carried 24 tons of aid, after receiving security clearance from Israel. "This is the first time that we have received a response [from Israel] to the demand to supply humanitarian aid," an ICRC spokesman said.<sup>77</sup>

On July 23, 2006, the IDF pledged to cooperate with international efforts to deliver humanitarian aid to Lebanese civilians. Its statement read as follows:

IDF will acquiesce to requests from international bodies to assist in the distribution of humanitarian aid to residents of Lebanon who are not associated with terror activities. In addition, IDF will work to coordinate the transfer of aid in order to prevent damage to it.

The aid is being assembled by international organizations and will begin with the arrival of ships loaded with humanitarian supplies to the port in Beirut. From there the supplies will be transferred to aid centers around Lebanon, with the coordination and permission of IDF.<sup>78</sup>

On July 26, 2006, the first U.N. humanitarian supplies reached Tyre, in a convoy of ten trucks that traveled from Beirut. The trucks were carrying supplies such as flour, other food, medicine, and sanitary items from the World Food Program, the World Health Organization, the U.N. Children's Fund (UNICEF), and the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). A spokeswoman for U.N. Secretary-General Kofi Annan said the U.N. hoped to see "a regular dispatching of humanitarian supplies along safe humanitarian corridors inside Lebanon to the people most affected by the ongoing military hostilities."<sup>79</sup>

However, complaints about the lack of access to safe passages continued. At a press briefing in Geneva on July 25, 2006, the Office of the U.N. High Commissioner for Refugees (UNHCR) expressed its frustration that the IDF continued to block delivery into Lebanon of its aid supplies that were assembled and waiting for the green



light in Damascus, Syria:

It is enormously frustrating to be right on the back doorstep of Lebanon and ready to move in with hundreds of tonnes of aid, but the door remains closed. We have hundreds of tonnes of tents, mattresses, blankets and other aid which could be delivered in a matter of hours if we only had access to the country.<sup>80</sup>

It was not until July 29, 2006, that six U.N. trucks carrying 140 tons of UNHCR relief supplies arrived in Beirut via the Arida border crossing with Syria.<sup>81</sup>

The seriousness of the situation on the ground prompted a U.N. call on July 28, 2006, for a three-day "humanitarian truce" to evacuate trapped civilians and the wounded, and deliver food and other emergency supplies. The appeal was made during Under Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Jan Egeland's briefing to the U.N. Security Council, upon his return from a mission to Lebanon, Israel, and the Gaza Strip.<sup>82</sup>

Following the attack in Qana that killed 28 civilians on July 30, 2006, Israeli Prime Minister Olmert stated: "We express our readiness to cooperate with all elements that are engaged in providing humanitarian assistance."<sup>83</sup> Israel announced a 48-hour partial suspension of aerial bombing, but this measure also proved frustrating for humanitarian aid organizations.

"We have not been told, as humanitarian workers, anything of the details of this so-called humanitarian truce," said the U.N.'s Jan Egeland.<sup>84</sup> "This is a question of life and death, not only for the Lebanese but for humanitarian personnel that we know the scope and timings and details," he added.<sup>85</sup>

In the absence of information about the pre-

cise meaning of Israel's declared "humanitarian truce," the U.N. continued to request security clearance from the IDF for each individual aid convoy. "We're planning to send three convoys to the south tomorrow but we're still waiting for the green light -- which is not enough. There are massive needs in the region, and they are growing," said U.N. spokesman in Lebanon Khaled Mansour.<sup>86</sup> "If we want a system where we can send convoys anywhere over a period of 48 hours, then we need guidelines. We don't have the precise clarification of the terms of this policy and the exact guidelines," he explained.<sup>87</sup>

The U.N. World Food Programme (WFP) reported on August 1, 2006, that of the 18 trucks it sought to send with food to Tibnin, Rmeish and Naqoura, the IDF granted clearance for only six to travel to Tibnin. WFP emergency coordinator Amer Daoudi commented:

We are increasingly frustrated that our convoy movements are being hampered, leaving people in the south stranded for what is now nearly three weeks. We have no time to waste – they are running out of food, water and medicine. Many are poor, sick, or elderly and could not be evacuated earlier.<sup>88</sup>

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## **MOUNTING CRITICISM FROM INTERNATIONAL HUMANITARIAN ORGANIZATIONS**

Complaints escalated about the apparent Israeli intent to enforce isolation and deprivation on the civilians remaining in the South, particularly in light of the new IDF announcement that, as of 10:00 p.m. on August 7, 2006, any vehicle traveling south of the Litani River would be considered a legitimate military objective.<sup>89</sup>



This measure prompted outspoken criticism from international humanitarian organizations. "To forbid all forms of movement, without distinction, will lead to even more civilian deaths and suffering," commented Dr. Rowan Gillies, president of *Medecins Sans Frontieres International*. "We refuse to accept this paralysis of humanitarian assistance and will continue to assist those in need."<sup>90</sup> Roland Huguenin of the ICRC, who was in Tyre, said that for three days the IDF had not granted permission for the ICRC to travel to civilians in villages to the east and south of the city. With respect to IDF's total ban on vehicles, he commented: "Our contention is that there may be military necessities, but that doesn't mean the entire region should be off-limits. The fact that you give prior warning doesn't exonerate you of responsibility under international law," he said.<sup>91</sup> The ICRC also reported that a ship from Cyprus carrying relief supplies to Tyre had to be redirected to Sidon on August 7 because "the ICRC did not receive the green light for this operation." The vessel was loaded with over 20,000 ready-to-eat meals, 1.5 tons of water and sanitation equipment, and three tons of kitchen sets and bedding, the ICRC said.<sup>92</sup>

ICRC president Jakob Kellenberger visited Lebanon and Israel from August 6-11, 2006, and specifically requested that Israeli authorities improve the access of humanitarian organizations to the South. "The time for improved access is long overdue," he said. "Even life-saving, emergency evacuations so desperately needed are, at best, delayed for days. We also face enormous obstacles to bringing in aid convoys loaded with essential foodstuffs, water and medicines for trapped civilians....anything short of

full access to these areas is insufficient."<sup>93</sup>

Even at the point when it was widely known that a U.N. Security Council-mandated cessation of hostilities was imminent, the IDF continued to veto the delivery and distribution of humanitarian supplies. For aid agencies that had supplies inside Lebanon, another problem was obtaining Israeli clearance for distribution. For example, the World Food Programme (WFP) managed to transport aid supplies to Sidon on August 9, 2006, but did not receive IDF clearance to send a convoy on to Nabatiyeh, according to spokeswoman Christiane Berthiaume.<sup>94</sup> The WFP reported that on August 12, 2006, the IDF did not give clearance for any aid convoys. "We have not got concurrence [on safety] from the Israeli army on any convoys at all, north, south or anywhere in the country. Despite the political agreement [the U.N. Security Council ceasefire resolution], we've ground to a halt," stated spokesman David Orr. A ship carrying 250 tons of food and fuel for the ICRC finally reached Tyre after a nine-day wait for clearance. "This will go quickly. We need more aid," said the ICRC's Roland Huguenin. "The biggest problem we face now is to distribute it to villages because we need clearance from Israel."<sup>95</sup>

UNICEF also reported that the Israeli military was not cooperative in giving safe-passage clearance to its aid convoys. "About half of our convoys are being denied access, and those that are provided access or guaranteed access by the Israeli Defense Forces occasionally have to come back because that access is revoked," said Dan Toole, UNICEF's director of emergency programs. "We cannot provide humanitarian assistance while an active war is going on without absolute certainty of the protection of our staff

and our convoys. Right now, we do not have that," he added.<sup>96</sup> On August 11, 2006, UNICEF executive director Ann M. Veneman appealed for a cessation of hostilities so that humanitarian agencies could supply needy children and other civilians, citing "limited access to clean water, food, medicine and hygiene supplies."<sup>97</sup>

Jan Egeland of the U.N. called the hindering of aid convoys "a disgrace," adding: "We have not had any access for many days to the besieged population of southern Lebanon."<sup>98</sup>

Israeli authorities continued to withhold authorization for the departure of aid convoys through the closing days of the war. On August 11, for example, UNIFIL reported that a "humanitarian convoy to distribute food to the villages in the western sector, and other humanitarian activities planned by UNIFIL, could not proceed in the last five days due to the denial of consent by the IDF."<sup>99</sup>

The IDF spokesman said on August 12, 2006, that aid convoys were denied permission for security reasons only. "Dozens of aid convoys have been authorized and coordinated with the IDF through the various aid services operating in Lebanon, those convoys that were not authorized were denied coordination solely due to security concerns. Of the aid convoys that were authorized and coordinated by the IDF throughout this entire period not a single convoy was hit by IDF fire."<sup>100</sup>

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## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

International humanitarian law defines civilian relief during armed conflict as food, medical supplies, clothing, bedding, means of shelter, and "other supplies essential to the survival of the civilian population."<sup>101</sup> The pertinent part of Article 23 of the Fourth Geneva Convention provides for the free passage and distribution of "medical and hospital stores" to the entire civilian population, which the International Committee of the Red Cross has authoritatively defined to include "any pharmaceutical products used in either preventive or therapeutic medicine, as well as consignments of medical, dental or surgical instruments or equipment."<sup>102</sup> Article 23 further provides for the "free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases." It is a war crime under the Rome Statute of the International Criminal Court to "wilfully impede relief supplies as provided for under the Geneva Conventions."<sup>103</sup>

If civilians lack adequate medicine, food and other supplies, the parties to international armed conflicts must "allow and facilitate rapid and unimpeded passage of all relief consignments, equipment and personnel...even if such assistance is destined for the civilian population of the adverse Party."<sup>104</sup> The parties also must "protect relief consignments and facilitate their rapid distribution."<sup>105</sup> Precisely because civilian lives are at stake in such situations, time is always of the essence in distributing relief supplies. The parties are permitted to "prescribe the technical arrangements, including search, under which

such passage [of relief supplies, equipment and personnel] is permitted."<sup>106</sup> During the war, the IDF outlined the procedures that relief agencies and organizations had to follow to obtain guarantees of safe passage.

The publicly expressed views of various U.N. agencies with a presence in Lebanon during the war, as well as those of major private international humanitarian organizations operating inside the country, made clear that civilians in southern Lebanon were in urgent need of relief supplies and medical assistance. The provisions of international humanitarian law placed an affirmative obligation on the State of Israel to ensure that the needs of civilians were met in a manner that was timely. Israel did not meet this obligation.

There are several reasons to argue that Israel's blocking of the delivery of humanitarian aid, including medical assistance, to Lebanese civilians was intentional. First, the IDF specifically sought to empty southern Lebanon of civilians and establish free-fire zones.<sup>107</sup> Second, there was a presumption on the Israeli side that the civilians left behind in the South were active or at least passive supporters of Hizballah, and that their very presence there – after the IDF repeatedly instructed civilians to move north of the Litani River – was somehow an indication of military involvement with Hizballah or non-military political allegiance to it. This presumption was flawed under the most basic principles of international humanitarian law. The civilian population always enjoys protection under international humanitarian law "unless and for such time as they take a direct part in hostilities."<sup>108</sup> Another important international humanitarian law provision states: "In case of

doubt whether a person is a civilian, that person shall be considered a civilian."<sup>109</sup> Lastly, as to Israeli government and military statements that Hizballah fighters were present in civilian villages and towns in the South, international humanitarian law is also quite clear: "The presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character."<sup>110</sup>

Civilians who remained in the South, and were not engaged in military activities on behalf of Hizballah as combatants or operatives who in other ways contributed to the military effort, enjoyed the full protections of international humanitarian law, including the delivery of medicine, food, water, and other supplies essential to their survival.

It is worth noting that Israel emphasized its specific humanitarian efforts with respect to foreign nationals who were trapped in Lebanon during the war, but had little to say about similar efforts with respect to Lebanese civilians located in areas of military operations. "Since July 12, the IDF has helped to coordinate the evacuation of at least 70,000 foreign nationals from Lebanon," Israel's foreign affairs ministry reported.<sup>111</sup> It continued:

A total of 213 passenger ships, 123 land convoys and 196 helicopters have been allowed to dock in or travel through Lebanon to evacuate the expatriates and tourists. The convoys were able to travel on approved routes, without fear that they would get caught in the middle of IDF-Hizballah gunbattles or in the sights of [Israeli Air Force] jets.<sup>112</sup>

If the IDF had the capacity to accomplish these tasks, and move expatriates and tourists out of harm's way during the war, it remains an

unanswered and important question why the delivery of humanitarian relief to beleaguered civilians in southern Lebanon was the subject of protracted criticism from U.N. relief agencies and international humanitarian organizations. Under no circumstances should Israeli government officials or IDF commanders have operated under the assumption that civilians remaining in the South had lost their protections under international humanitarian law.

If in fact the hampering of aid delivery to civilians was intentional, individual Israeli government and military officials bear criminal responsibility for war crimes in violation of Article 23 the Fourth Geneva Convention.



# 4 CHAPTER

## THE SCOPE OF THE DAMAGE IN CIVILIAN AREAS OF LEBANON

*"There is no tactical military significance to conquering Bint Jbail [but] there is another sort of significance...that of symbolism and what we are doing, we are doing for those who are going to tell the story tomorrow."*

--Gen. Moshe Kaplinsky, IDF deputy chief of staff, July 27, 2006.

*"Bint Jbail is pretty much in ruins."*

--Maj. Gen. Udi Adam, head of the IDF Northern Command, July 29, 2006.

A major consequence of the July-August 2006 war was the total or partial destruction of an estimated 30,000 housing units in Lebanon, which left about 250,000 children, women, and men homeless.<sup>1</sup> This chapter describes how Lebanese civilians experienced and viewed the destruction in their own communities, and includes information from journalists and other independent observers who reported and documented the damage.

Most of the uprooted civilian population found shelter with relatives or host families "in cramped conditions with considerable strain on limited financial and other resources."<sup>2</sup> Between August 14, 2006, when the U.N.-mandated cessation of hostilities went into effect, and the end of that month, about 500,000 internally displaced women, children and men returned to their areas of residence, and 60 to 70 percent of them returned to their home villages.<sup>3</sup> Some of these returnees had no option but to live inside

or adjacent to their uninhabitable houses.<sup>4</sup>

By November 2006, between 150,000 and 200,000 people remained displaced inside Lebanon, according to the Office of the United Nations High Commissioner for Refugees (UNHCR), the U.N. refugee agency.<sup>5</sup> UNHCR noted that a more precise count was impossible because the Lebanese government did not have a mechanism in place to register those who were unable to return to their homes.<sup>6</sup>

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### SOUTHERN LEBANON

The south of Lebanon was the area of the country where Hizballah fighters were well entrenched, and from which 3,970 rockets and missiles were fired into Israel during the war.<sup>7</sup> Control of the territory on the Lebanese side of the Blue Line and its vicinity, the U.N. Secretary-General reported to the U.N. Security Council, "seems to remain for the most part



with Hizbollah."<sup>8</sup> He reported that "Hizbollah has maintained and reinforced a visible presence in the area, with permanent observation posts, temporary checkpoints and patrols. It carried out construction work to fortify and expand some of its fixed positions, demined the adjacent areas, built new access roads and established new positions close to the Blue Line."<sup>9</sup>

According to Ze'ev Schiff, the prominent Israeli military affairs correspondent, Hizbollah's Nasser unit, comprised of about 500 men, was deployed in the central and eastern front-line villages of southern Lebanon.<sup>10</sup> It was this unit, according to Schiff, that had short-range rockets at its disposal, which were fired into the central and eastern Galilee region of Israel. "Most of the rockets land in fields," Schiff wrote, "but there have been strikes against Safed, Meron, Nazareth and others."<sup>11</sup> The second Hizbollah unit was positioned in the "area of Tyre," and fielded longer-range rockets, including upgraded Iranian Katyushas and 220mm rockets from Syria.<sup>12</sup> With a 35-kilometer range, it was the modified Iranian Katyushas that first reached the city of Haifa.<sup>13</sup>

The military commanders and fighters of Hizbollah, as well as the organization's weapons and military installations, were legitimate military objectives under international humanitarian law. The magnitude of the destruction in civilian areas throughout southern Lebanon during the war, however, places a high burden on the State of Israel to justify that each attack – by aerial bombardment or artillery fire – was directed at specific military objectives, as defined under the laws of war. Under the Rome Statute of the International Criminal Court, "the extensive destruction and appropriation of property, not

justified by military necessity and carried out unlawfully and wantonly" is a war crime.<sup>14</sup>

In addition, IDF attacks that were directed at specific military objectives – such as rocket launchers, storage sites for military equipment and weapons, and vehicles carrying combatants or military equipment – were required to meet the test of proportionality under international humanitarian law. This basic principle puts limits on attacks on military objectives if the expected civilian casualties or damage would be excessive in comparison to the advantages expected to be gained from destruction of the military objective.<sup>15</sup>

Particularly in cases of IDF attacks on homes and apartment buildings where civilians resided, the legal burden is on Israel to identify the military objective that was the target, and explain how the civilian casualties and damage were justified by the specific military advantage that the IDF gained from the attack. This has long been an issue with respect to Israel's military operations in Lebanon. In an assessment of IDF attacks during the 1982 invasion of Lebanon, a commission of inquiry noted that under international humanitarian law a "military objective must possess a substantial degree of importance to justify an attack" that places civilians at risk.<sup>16</sup> The commission found that, "in a large number of cases such military significance was lacking in an attack on a particular object – and that the high level of civilian casualties and damage was reasonably to be expected to occur – and did occur. The responsibility for these attacks rests with the individual pilots and commanders who launched these attacks. They, in the Commission's view, committed violations of the laws of war."<sup>17</sup>

The scope of the reported damage to residential buildings throughout the south of Lebanon was vast. For example, soon after the cessation of hostilities went into effect on August 14, 2006, UNIFIL conducted initial damage assessments in twelve villages in three administrative districts hardest-hit during the war: Bint Jbail, Tyre, and Marjayoun.<sup>18</sup> It found that 80 percent of the residential buildings were destroyed in Taibe in the Marjayoun district and Ghanduriyah in the Bint Jbail district. In five other villages, at least half of the homes were destroyed. The figure was 60 percent in Zibqin in the Tyre district; 50 percent in Markaba and Qantarah in the Marjayoun district; and 50 percent in Jebel al-Botm and Bayyadah in the Tyre district.<sup>19</sup>

The U.N. Office for the Coordination of Humanitarian Affairs (OCHA) reported findings from U.N. assessment visits in late August 2006 to the villages of Qantarah, Ghanduriyah and Srifa. It found a higher level of damage in Ghanduriyah than UNIFIL initially reported; the "extensive destruction" there had damaged about 90 percent of the village's homes. In all three villages, at least half of the residents displaced during the war had returned – 90 percent to Qantara, 60 percent to Ghanduriyah, and 50 percent to Srifa – and those with uninhabitable homes were living with relatives or neighbors. None of the three villages had electrical power or water supplies.<sup>20</sup>

In village after village, the level and description of the destruction had a sobering similarity. In Qlaileh, southeast of Tyre, the housing stock was 50 percent destroyed, according to deputy mayor Kamal Abu Khalil.<sup>21</sup> In Haddatha, a village about five kilometers northeast of Bint Jbail, with a population of some 900 people in

170 families, the village center was described as "unrecognisable, with a mosque, shops and about 100 houses reduced to rubble."<sup>22</sup>

Of the reported 252 villages in Lebanon that sustained physical damage during the war, the 99 that suffered the most extensive destruction were "adopted" by states in the region and elsewhere, representing pledged aid of \$640 million, as of September 27, 2006.<sup>23</sup> The Persian Gulf state of Qatar pledged to finance the complete reconstruction of four towns and villages: Ainata, Aita al-Shaab, Bint Jbail, and Khiam.<sup>24</sup>

### **Bint Jbail**

Bint Jbail, with its historic old town and more modern residential areas, was an urban battlefield during the war. The old town and its ancient *souq*, or market, was subjected to punishing aerial bombardment and artillery strikes, reducing centuries-old stone buildings to rubble. A journalist who visited the town on July 31, 2006, described it "as mass of ruins."<sup>25</sup> Two days earlier, Maj. Gen. Udi Adam, then head of the IDF's Northern Command, made a similar observation. "Bint Jbail is pretty much in ruins," he said.<sup>26</sup>

When ADC-RI visited Bint Jbail in November 2006, evidence of the massive destruction was still quite visible. The central areas of the historic old town, including the market, where the buildings date back 600 years, were substantially destroyed, with every structure heavily damaged. A Lebanese engineer working with the Qatar-financed rehabilitation of Bint Jbail said that about 1,000 old stone homes were totally destroyed during the war. He noted that the architectural challenge was to

rebuild with respect for Bint Jbail's historical legacy, and use the old stones in the new construction.<sup>27</sup>

The head of Bint Jbail's municipal government, Dr. Ali Bazzi, and Afif Bazzi, an elected member of the town council, told ADC-RI that 38 people were killed in Bint Jbail during the war, including six children, and another 17 were seriously wounded.<sup>28</sup> They said that 1,200 houses were directly hit and totally destroyed, and another 400 were severely damaged but still standing.<sup>29</sup> In a separate interview, the engineer involved in the reconstruction work in Bint Jbail, gave higher damage assessment figures; he said that there were about 3,400 homes in the town, and 2,300 of them were destroyed or severely damaged during the war.<sup>30</sup>

Echoing the comments of so many other men and women whom ADC-RI interviewed in southern Lebanon, one resident of Bint Jbail said: "I was here in the 1980s and in 1996 [during Israel's "Operation Grapes of Wrath"], but I have never seen anything like this."<sup>31</sup>

At the entrance to the town ADC-RI saw the charred remains of a large one-story building, the Haj Gazi Bazzi Factory, a furniture store. Next, ADC-RI observed the Sikni Beydoun School, an all-girls' facility, which was repeatedly targeted in bombings during the day and at night, according to a Lebanon Red Cross representative who accompanied ADC-RI on the visit. Every gas station in the town had been attacked, as well as schools where civilians had taken shelter.<sup>32</sup>

Staff members of Ghandour hospital in Bint Jbail, a facility that is part of Hizballah's health care network, told ADC-RI that the building was hit two times during the war, and one attack apparently targeted the housing of the hospital's

medical director; the building was also surrounded by cluster bombs.<sup>33</sup> "We lost electricity when they hit the second time," said Haj Fouad Taha, the hospital's director. "We never saw any rockets being fired from around the hospital area to justify hitting it. We would have been able to hear rockets that were fired near us, but we never did. We saw the IDF eye to eye – they knew that we were here. But once CNN and other media came to take pictures of the hospital, they left us alone," he added.<sup>34</sup>

Haj Bazzi, a 68-year-old shoemaker, told ADC-RI that his shop was destroyed in an attack on the seventh day of the war that killed the 60-year-old man who lived in the apartment upstairs.<sup>35</sup> He explained that his shop was located on the ground floor of a two-story building in the Harat Birki area, which is distant from the historic section of Bint Jbail. The attack occurred when Mr. Bazzi was in the process of moving his own vehicles and his daughter's car away from the shop and closer to his home, which was located a few minutes away from the shop (there was no parking on the narrow street in the immediate vicinity of his house). He said that the bombing was getting worse, and he wanted the vehicles as close as possible in the event that the family had to flee. "As I was moving one of the vehicles, I heard the roar of the planes and the whistling sound of the bombs. It was so bad, and I kept driving," he said.

It visibly saddened Haj Bazzi to describe the one civilian death from the attack:

Khalil Daoud Bazzi lived on the second floor of my building. He was 60 years old and not married. It was 13 days before anyone could come and dig Khalil out of the rubble. They found his body in pieces.<sup>36</sup>

An ADC-RI representative saw clothing of Khalil Bazzi that remained in the wreckage of the building.

In a separate attack, Haj Bazzi's residence sustained collateral damage in the form of broken glass and a tremendous amount of dust. "It was frightening because we were all inside when the glass blew in, and there was nowhere to hide," he remembered. Mr. Bazzi, his wife, three of his daughters, and three grandchildren were in the house at the time. He explained that when the war began, his daughter who worked as a nurse in Beirut was driving to Ainata with a sister who was visiting from Colombia with her three children, all under seven years old. The women and children first went to Ainata, to the home of another sister, but when the violence escalated they all moved into the family home in Bint Jbail. A few hours after the women and children arrived, the sister's house in Ainata was destroyed in an attack. At the time of ADC-RI's interview with the family, one of the sisters had just returned from digging through the rubble of the home. She arrived with the only items that she had been able to salvage, a small floor rug and several pieces of clothing.

Mr. Bazzi told ADC-RI that neither he nor any members of his family were affiliated with Hizballah. He said that he lost about \$25,000 in supplies and equipment in the attack that destroyed his shoemaking shop. He added that he had lived in Beirut for thirty years and left for Bint Jbail because of the civil war, noting that he had also lost a business in the capital in the 1980s.<sup>37</sup>

On July 27, 2006, IDF chief of staff Lt. Gen. Dan Halutz claimed that there were no civilians in Bint Jbail: "Bint Jbeil was bombed from the

air and by artillery to the extent that we calculated to be sufficient [prior to the introduction of IDF ground forces]. This is not a humanitarian issue, as Bint Jbeil was empty of citizens and surrounded by terrorists both inside and out."<sup>38</sup> But there were at least 300 civilians remaining in the town at that time, who were unable to be evacuated because "the Israelis targeted anything that moved," according to Dr. Ali Bazzi, a retired medical doctor. With the bombing halt that began on July 30, 2006, about 260 residents of the town started walking on the road to the hospital in Tibnin, about nine kilometers to the north, with some of them carrying others on their backs, said Dr. Bazzi.<sup>39</sup> After the bombing halt, Israeli forces targeted Bint Jbail indiscriminately for 36 hours; no one was sure about the exact weaponry that was brought to bear in this sustained assault.

Hussein Bazzi, 55, a resident of the area of Bint Jbail known as Harat Abella, told ADC-RI that he remained in the town throughout the war. He cited as the reason his 25-year-old disabled son, who was unable to walk due to a childhood disease that left him crippled. He said that his wife evacuated to Sidon with their adult married son. Mr. Bazzi added that Harat Abella suffered only broken windows and damage from shrapnel that hit building exteriors. There was bombing near his home, he said, which hit a grove of fig trees and destroyed it. Adjacent to the grove was a tiny two-room structure that was the home of Haji Im Hassan, a woman of about 85 years old.<sup>40</sup> She lived alone and was disabled, unable to walk.

The bombs that hit the grove ricocheted onto her house, destroying the door and the front room. The blast tossed the contents of the front

room into the grove, including a refrigerator and small couch, Mr. Bazzi said. The elderly woman was in her bed in the second room at the time of the attack and, miraculously, was not harmed. He added that Haji Im Hassan had two children, living in Tyre and Sidon, but she refused to leave her home during the war.<sup>41</sup>

The massive damage that the IDF inflicted on residential and other civilian structures in Bint Jbail appeared to be intentionally indiscriminate, according to reported comments of high-ranking IDF officers during the war. Maj. Gen. Benny Gantz, who commanded IDF ground troops, described Bint Jbail as Hizballah's "terror capital," and "the symbolic heart" of the military conflict, although he admitted that "there may be other places with more weapons and more fighters."<sup>42</sup> A post-war report in the Israeli daily newspaper *Haaretz* noted that on July 16, 2006 – the fifth day of the conflict – Bint Jbail was "raised for the first time as a target for a possible IDF operation."<sup>43</sup> Gen. Gantz reportedly recommended to IDF chief of staff Gen. Halutz that Bint Jbail be "dismantled," and the population forced north. Gen. Gantz was quoted as saying:

Hassan Nasrallah's victory speech [in May 2000 after the IDF's withdrawal from southern Lebanon] was made in Bint Jbail. We must dismantle that place, it is a Shi'ite place – and they must be driven to the North. I would even consider a limited ground operation in this area, which can be held.<sup>44</sup>

Ten days later, on July 26, 2006, three IDF officers and five soldiers were killed in Bint Jbail. The following day, Gen. Halutz "gave new instructions" to attack the town.<sup>45</sup> The deputy chief of staff, Gen. Moshe Kaplinsky, reportedly said at the meeting: "There is no tactical military

significance to conquering Bint Jbail [but] there is another sort of significance...that of symbolism and what we are doing, we are doing for those who are going to tell the story tomorrow."<sup>46</sup> The head of the Northern Command, Gen. Udi Adam, reportedly disagreed with the proposal for a symbolic and victorious IDF battle in Bint Jbail, and said: "We do not need a heroic battle in order to conquer that crap-hole."<sup>47</sup> But Gen. Halutz made the decision to go forward with another Bint Jbail operation, and responded to Gen. Adam this way: "On point of principle, I tell you this: You say there is no story. Well, I think there is one – and it's not on their side, it's on our side."<sup>48</sup> At about the same time that these discussions were taking place, a high-ranking IDF officer stationed on the Israel-Lebanon border told the *Jerusalem Post*: "This is a war of symbols. This is not just about killing Hizbullah fighters but is about destroying the organization's symbols of pride."<sup>49</sup>

These reported exchanges among the senior IDF officers who directed Israel's military operations indicate that Bint Jbail was targeted and indiscriminately attacked because it was considered a symbolic location. The destruction of thousands of civilian structures and an entire historic district in the town, for the purpose of achieving a symbolic "victory," represents a grave violation of international humanitarian law, which prohibits indiscriminate attacks. Indiscriminate attacks are "those which are not directed at a specific military objective," and thus "are of a nature to strike military objectives and civilians or civilian objects without distinction."<sup>50</sup> The IDF's indiscriminate attack on Bint Jbail on a massive scale appears to be a war crime under the Rome Statute of the International



Criminal Court for which individual IDF commanders have criminal responsibility.

The disclosure of the reported decision-making of IDF commanders about targeting Bint Jbail raises important questions about the bombing and almost-total destruction of the former Khiam prison on July 20, 2006. This site may also have been viewed as a "symbolic" target because its very presence was a highly visible historic reminder of the crimes of torture perpetrated there during the Israeli occupation of the south of Lebanon, as explained below.

### **Khiam**

Khiam is a large town with a population of about 30,000 people and 4,000 to 5,000 homes, according to Nayef Kharais, 44, an elected member of the town council.<sup>51</sup> He told ADC-RI that about 1,000 homes were totally destroyed during the war, as well as 70 businesses, including those located on the ground floors of residential buildings. Five schools were completely destroyed, he stated. Two were private schools (Jesus the Son of Mariam School, and the Lebanese Lycee), and three were public (the local high school, the English School, and the Mehaniyee School).<sup>52</sup> An engineer working with the Qatari government's rehabilitation project in Khiam reported that a total of 3,100 homes in Khiam were damaged during the war.<sup>53</sup>

Khiam is perhaps best known internationally as the place where Israel and its proxy South Lebanon Army militia maintained a notorious detention center until the Israeli withdrawal from Lebanon in May 2000.<sup>54</sup> Within days of the 2000 withdrawal, the former prison began to draw visitors from all over the country, includ-

ing Lebanese who had been imprisoned and tortured there and served as informal guides. Visitors were free to roam the grounds, read handwritten lists of the names of torturers, and inspect the dormitory cells, solitary confinement spaces, and sites where torture had been administered. Under Hizballah's operation and management, the site was transformed into a more formal "museum," and continued to attract Lebanese and foreign visitors alike.

On July 20, 2006, Israeli aircraft demolished the facility in four bombing runs, an attack that the IDF never explained or justified, to the knowledge of ADC-RI.<sup>55</sup> An ADC-RI representative toured the site in November 2006 and observed that each building, except for one, appeared to have been specifically targeted and destroyed. The rubble was not cleared away, but remained as it was in the aftermath of the attack. At each pile of rubble, photographs were now provided of the structure that was bombed, along with a description of its use when Khiam functioned as a detention center. The original tall metal gates at the entrance to the prison were untouched.

ADC-RI interviewed residents of Khiam who witnessed indiscriminate attacks on residential buildings.<sup>56</sup> Others were not present when their homes were reduced to rubble. For example, retired teacher Ismail Abdallah, 78, left Khiam on the third day of the war with his wife Fatmeh Salameh, 74, and their daughters Nawal, 54, and Rajaa, 44. "I have never been affiliated with any militias," he told ADC-RI, "but when we came back our house was completely destroyed." He was renting another house in town at the time of the interview.<sup>57</sup>

Hassan Abdallah, a 57-year-old U.S. citizen



who lives in Khiam in the summer and in Michigan the rest of the year, told ADC-RI that his three-story home was still under construction when the war began. The first floor was a two-car garage, the second floor housed the living area, and the top floor had five bedrooms. He said that a missile hit the top floor and crashed down into the two lower levels, causing substantial destruction.<sup>58</sup>

The two-story home of Said Mohammed Salah, a 49-year-old Lebanese-Danish dual national, was severely damaged, with only a shell remaining. It was built on the edge of a hill overlooking a valley with groves of trees; the site afforded a spectacular sunset view. Khiam prison was another 200 yards up the hill from the house, and then another 200 yards to the right. Mr. Salah told ADC-RI that he works as a crane operator in Denmark, and returns to Khiam every summer with his wife and three children, ages 21 to 25. "I put most of my savings into this house, about \$200,000, and also borrowed \$10,000 from a Danish bank, a loan that I must repay," he said. Mr. Salah insisted on showing an ADC-RI representative his Danish passport, and asked that she write down the number. On learning that the representative was an attorney, he also asked for legal representation to obtain compensation from Israel for the destruction of his home.<sup>59</sup>

### **Froun**

A journalist who traveled to the small mountain village of Froun in September 2006 reported that 95 of the community's 160 homes were destroyed, and the remaining buildings were "burned out or heavily damaged by the

shelling."<sup>60</sup> The village lacked electricity and running water, and most of its 2,000 residents were displaced.<sup>61</sup> A representative of ADC-RI visited Froun several months later, arriving at 9:00 a.m. to the sounds of churning cement mixers and bricklayers at work as reconstruction was in progress. Hassan Bazzi, a local resident who works for the municipal water authority, accompanied ADC-RI during the visit. According to his estimate, about 125 homes in the village were completely destroyed during the war.<sup>62</sup>

In the center of the village, ADC-RI spoke to Saeed Mohammed Jahda, 31, who was sitting in a wheelchair watching a woman make traditional thin, layered Lebanese bread on a *sajji*, a metal dome heated by a fire underneath. Mr. Jahda said that he remained in Froun with his parents, Mohammed, 65, and Maneefe, 55, for the first two weeks of the war, until they were evacuated by the Lebanese Red Cross. He recounted that some time after they left, their home was bombed, leaving much of it completely destroyed and the remainder of the structure severely burned and damaged.<sup>63</sup>

Mr. Jahda said that across the street from his family's house, the homes of six neighbors were also destroyed on different days over a two-week period, and that these were attacks that he witnessed. He described the sequence of events: a drone – "an MK," he said, using the English term that Lebanese typically use to describe Israel's unmanned reconnaissance planes – appeared and then, minutes later, aircraft arrived, swooping down and dropping bombs. He insisted that there was no military activity in the village when these attacks occurred. He said that during the two weeks he remained in the

village, he heard bombing day and night, with no specific pattern, although he added that the attacks on his neighbors' homes took place at approximately two o'clock in the afternoon. "I was terrified that I was going to be killed," Mr. Jahda said.<sup>64</sup>

Rasmiya Mikdam told ADC-RI that her father had been buried under the rubble of his home for 12 days and was unable to walk. She offered to take an ADC-RI representative to meet him but first she wanted to know if the family would receive any monetary compensation for providing an account of what happened. When she learned that this would not be the case, she cut short the interview. "Many people have been through here, talking to us," she said. "I am tired of talking to people and getting no help. Our house was bombed by the planes, but no one helps us."<sup>65</sup>

One bombing destroyed three adjacent homes that were the residences of the Hayek family. Mahmoud Hayek, who is in his 40s and works in a pharmacy, lives in the village with his wife Mona and two sons, ten and 17 years old. He told ADC-RI that his home was bombed and totally destroyed on July 25, 2006. His brother Abbas, 35 and a painter, lived on the first floor of the building with his wife Zeinab.

The other two houses were also destroyed. The house in the middle had two apartments: one was occupied by the children of Hassan Hayek (who was killed along with his wife Dalal in a prior war), aged 12 to 19, and the other by Mahmoud's brother, Hayek Hayek.<sup>66</sup> The two apartments in the third house were occupied by the families of Hussein Hayek and Yousef Hayek. Hussein, in his 50s, is a tobacco and sesame farmer, with children ranging in age

from 15 to 21 years old. Yousef Hayek and his wife have three daughters, ages 14 to 20. Reflecting on the destruction of their homes, Mahmoud Hayek told ADC-RI: "We had no arms, we belong to no militias, we left our homes for safety and [the Israelis] hit while we were gone. We left for Ghaziyeh, and they hit Ghaziyeh too...None of this made sense to me and I cannot explain it to you," he said.<sup>67</sup> In sharp contrast to nearby Ghanduriya, located less than a quarter of a mile from Froun and severely damaged during the war, and where Hizballah flags and posters of leader Hassan Nasrallah were ubiquitous, the streets of Froun had only a few manifestations of support for the organization.

### **Maroun al-Ras**

Maroun al-Ras is a village about two kilometers southeast of Bint Jbail, located about one kilometer from the Lebanon-Israel border. An ADC-RI representative observed that nearly every home in Maroun al-Ras had some form of damage to the roof, suggesting aerial attacks, or on exterior walls, from what appeared to be artillery fire.

Diab Faris, 85, is a life-long resident of Maroun al-Ras, and lives with his wife Zeinab Karneeb, 80, his daughter Mariam, 50, and her son Mohammed, 25. The family earned their livelihood from tobacco farming, and also had some horses and cows, all killed during the conflict. Mr. Faris told ADC-RI that he stayed in his house throughout the war, the only member of the family who did not evacuate. "I have lived here all my life, and I have never seen anything like what the Israelis did this past summer," he

said.<sup>68</sup>

Mr. Faris' daughter Mariam commented, "I have been in prior conflicts here and have never seen any colors like this before," pointing to a room in the house with its bombed-out walls covered in a black ash-like substance that appeared to contain some white crystals. Her son Mohamed added: "I saw a plane with a camera – it was like the one they showed on TV. When it hit, it turned everything black."

Zahra Faris, 35, is from a family of tobacco and wheat farmers. She told ADC-RI that she lives with her parents, and that the family home was bombed twice during the war, leaving about 25 percent of it damaged: the windows were missing, and the front of the house and part of the top area of the roof had been destroyed. She said that everyone in the house left during the war except her father. About 50 yards from the house was a one-story building that housed a local bakery; it was destroyed to the ground in an attack, according to Zahra. "Just about every home in the village was hit," she remarked. Zahra said that her uncle, Moussa Faris, 65 to 70 years old, and his wife Zahra, 50, were killed during the war, after they fled from Maroun al-Ras to Bint Jbail when the Israeli aerial bombing halt was announced, believing that Bint Jbail afforded greater safety than their home village. "For about a month, no one knew that they were dead. They were unrecognizable, and it was only because they had their papers with them that they were identified," she said.<sup>69</sup>

ADC-RI separately interviewed Zahra's father, Haj Mustafa Faris, 80, who was steadying himself with a cane. He said that he did not want to leave his home during the war, but in any event could not leave because he had a bro-

ken leg and could not walk. He survived during the war by eating onions and *burgul* (cracked wheat, a traditional Levantine staple that is popular across the Arab world). He recounted how he was sitting on the porch of his home when IDF troops entered the village in tanks (the tracks were still visible during ADC-RI's visit in November 2006). He watched as the IDF forces bulldozed homes in the village. "There was an olive and fig grove near my house that we called *kareem al-siyyid*," he said. "I was sick from having nothing to eat, and watched as they bulldozed these trees." Haj Faris said that a high-ranking Israeli officer asked him why he was sitting outside his house. "He told me to go inside so that I could die. I went inside and did not come out again. My leg was broken, so I was not able to leave." His house was at street level, within two feet of the road on which Israeli forces moved through the village with their equipment. Haj Faris told ADC-RI that there were about 300 homes in the village, and that 150 were destroyed and the others damaged during the war.<sup>70</sup>

Hussein Issa, 52, who lives in Maroun al-Ras with his wife Najat, said that they stayed in their home during the first ten days of the war. During what he described as a "fierce battle" between Hizballah forces and the IDF, he "heard a plane overhead, and then a very loud, thundering sound which shook everything. There was fire from the ground, and my house was hit," he stated. Terrified, he and his family walked all the way to Sidon to find safety.<sup>71</sup>

Local residents also told ADC-RI that Israeli military forces occupied and vandalized larger homes in the village. Mariam Faris apologized before giving her account. She said that Israeli

soldiers defecated throughout the homes – on the beds, in cabinet drawers, "everywhere." She added: "In any home that was not totally destroyed, they took knives and ripped the furniture and the carpets."<sup>72</sup> ADC-RI observed graffiti that IDF soldiers left in some of the homes, including what appeared to be a spray-painted drawing of a soldier aiming his weapon at a baby carriage.

### **Aita al- Shaab**

Aita al-Shaab, a town southwest of Bint Jbail and a few kilometers from the border with Israel, had about 10,000 permanent residents, joined by another 3,000 in the summer months.<sup>73</sup> During the war, an estimated 90 percent of the town's houses were "badly or totally destroyed," as well as "the transformers, water tanks and the pipe network," according to Mohammed Salah, a member of the local municipality.<sup>74</sup> UNHCR reported that of the 1,300 homes in the village "only 100" were still standing – "the rest have been destroyed or are too badly damaged to be lived in. The town is full of huge craters and rubble, yet residents have started to return and sleep in damaged buildings or courtyards."<sup>75</sup>

A journalist who visited the village after the war described it as "a wasteland of rubble, scorched trees and unexploded bombs," with no electricity or running water. He reported how the destruction evolved:

During the conflict's first three days, the town suffered only sporadic shelling, residents said. But Israeli troops on a hill to the south issued warning with bullhorns ordering everyone to leave. Most did, and Aita al-Shaab was subsequently pulverized by tank fire and airstrikes. Hezbollah fighters stayed behind, engaging

advancing Israeli ground forces in street-to-street battles that sprayed villas with automatic weapons fire and rocket bursts.<sup>76</sup>

Another journalist wrote: "Terms like flattened, crumbled and collapsed barely describe what happened to Aita al-Shaab, a Hezbollah stronghold in the south, and neighboring villages."<sup>77</sup>

### **Srifa**

In Srifa, a village about 17 kilometers east of Tyre that was home to at least 3,000 people, "more than a third of the buildings were rubble."<sup>78</sup> Mayor Khodor Najdi said that at least 45 people were killed in the village during the war, over 100 injured, and more than 150 houses were totally destroyed.<sup>79</sup> He added that "only ten bodies have been recovered -- those whose bodies were lying openly in the road or accessible places. The remaining 45 still lie under the rubble -- no one has been able to reach them."<sup>80</sup> The mayor also said that among the unrecovered bodies were those of his brother, brother-in-law, and nephew, who were killed when an Israeli missile hit their house.<sup>81</sup>

Zeinab Mohammed Ali Din, 78, who relies on a cane to walk, told ADC-RI that she was present when Israeli aircraft bombed the village. "You could hear the big roars," she said. "I have seen all the wars here, but this one was different from all the others because of the amount of destruction." She said that it was not until the second week of the war that her family received help to evacuate to Beirut, where they were sheltered in a school in the southern suburbs so overcrowded that "people were sleeping on top of one another."<sup>82</sup>

Hadiyya Hamoudi, 47, another Srifa resident, relocated during the war with her family and her mother Zeinab to the outskirts of the village, hoping this location would be safer. She observed that Israeli aircraft targeted smaller homes in the village more frequently than two- and three-story apartment buildings. When the planes were overhead, she said, residents were so terrified that they ran from their homes to the nearby olive groves for shelter. The bombings, she told ADC-RI, were "repetitive," and the homes that were targeted collapsed quickly. According to Hamoudi, the aircraft swooped down at low altitudes, flying fast. "Some of my neighbors' children lost their hearing from the noise," she said. Asked specifically if the attack aircraft were jets or helicopters, Hamoudi firmly insisted that they were airplanes. Echoing the testimony of other residents of the south, she described the 2006 war as "much worse" than any other, including the 1982 Israeli invasion.<sup>83</sup>

### **Taibe**

Taibe, a large village with a pre-war population of about 18,000 people, is located in the eastern part of southern Lebanon, less than five kilometers from the Israeli border.<sup>84</sup> The Lebanese nongovernmental organization Samidoun reported that 135 homes were destroyed there during the war, another 300 rendered uninhabitable, and 800 homes partially damaged.<sup>85</sup> One well-informed local resident told ADC-RI that she estimated that about 130 homes were destroyed in Taibe, including the house of her own family.<sup>86</sup>

The extensive destruction in Taibe kept residents away after the war ended. Only about

3,500 had returned by September 2006, according to Samidoun. Local residents told ADC-RI in November 2006 that the village was "no longer the same." Before the war, they said, the streets were full and lively. "But now it's too quiet. People here are yet to start rebuilding," one of them remarked.<sup>87</sup>

One of the homes completely destroyed belonged to Hussein Nahle, 65, who lived there with his wife Souad Kassem and five daughters, ages 18 to 35. Najla, 30, one of the daughters, told ADC-RI that for the first 12 days of the war, her family remained in their hillside home. "We heard the planes overhead and watched the warnings on television....They hit around the clock during day and night," she recalled. She commented that Lebanese fighters fired from nearby hills, but not in the village. On the day that three homes of a neighbor were bombed into rubble, Najla said that her family decided to leave. They hired a mini-van taxi; some family members went to Beirut, and others to Syria, where Najla's mother suffered a stroke and died.<sup>88</sup>

Najla told ADC-RI that her uncle and aunt, Saeed Nahle, 70, and Mariam, 68, refused to leave with the rest of the family. "They must have decided to leave later [on foot] because their bodies were found on the road, partly eaten by animals," Najla said. "My aunt and uncle were old and could not run or walk fast," she added, noting that her uncle was partially disabled. "The road was bombed, and they were killed." The bodies were able to be identified because Mr. Nahle and his wife had their identity papers with them.<sup>89</sup>

When Najla and her family returned to Taibe after the war ended, they found their home



totally destroyed and were forced to rent a home elsewhere in the village.

Najla provided ADC-RI with information about other homes that were destroyed, and the names of civilians who were killed in bombing attacks. She said that the home of Ibrahim Ali Nahle, who is in his eighties, was completely destroyed. He lived there with his seven unmarried daughters. The family was not at home when the bombing occurred, and has since relocated to a rented dwelling.<sup>90</sup>

Close to the house of Najla's family was the home of Hani Marmar, 50. Najla told ADC-RI that the house was bombed, killing Mr. Marmar, his wife Nahiya, and their two-year-old daughter Ayya. Najla did not know the date of the attack, and said that the victims remained under the rubble until townspeople dug them out after the war ended. The corpses were unrecognizable because animals had eaten the faces, she stated.<sup>91</sup>

Kassem Hazzouri, 85, partially paralyzed and unable to walk, continued to live in Taibe except during the coldest part of the winter, when he would relocate to his son's home in Beirut. "He preferred to be in Taibe," Najla explained. "His son would visit him on weekends. I would cook for him sometimes, and sometimes he would ask me to buy groceries for him. Mostly, he stayed alone." According to Najla, Mr. Hazzouri was at home when his house was bombed, and he was killed in the attack.<sup>92</sup>

Residents of Taibe told ADC-RI that five civilian residents of Taibe, most of them elderly, were killed by IDF ground troops that had a presence in the village beginning July 30, 2006.<sup>93</sup> The residents provided ADC-RI with the names of the victims, but none of the villagers were eyewitnesses to the killings. Chapter 6 of this report

examines the circumstances of the killing of these two women and three men, who ranged in age from 54 to 90 years old.

### **Nabatiyeh and Environs**

The town of Nabatiyeh and its surrounding villages were not spared during the war, although the reported damage was not as extensive as that in the districts of Bint Jbail, Tyre, and Marjayoun. Local authorities estimated that 50 percent of all structures in the villages of Yohmor and Zawtar al-Gharbiyeh were destroyed. Fifteen percent of the buildings in another six villages were reported destroyed: Kfar Seer, Jba'a, Ein Bouswar, Ansar, Kfar Tibnit, and Adchit. Ten percent of the buildings were destroyed in Kfar Rouman, Nabatiyeh Tahta, Zifta, al-Mumairi, al-Duwair, Harouf, al-Kosaibi, Ka'akaeyyat al-Jisr, Maifadoun, Zawtar Sharqiyeh, and Sarba.<sup>94</sup>

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### **BEKAA VALLEY**

In August 2006, a senior Israeli air force commander described the city of Baalbek as "a central Hizbollah stronghold in the Bekaa Valley," and "the organization's home front and command and control center in the area."<sup>95</sup> The impact of Israel's military operations on civilians in Baalbek and other parts of the Bekaa was underreported during the war; most international and local journalists reported from Beirut and Tyre.

A BBC journalist visited Baalbek three weeks after the conflict began, and filed this report:

[A] succession of bombed petrol stations and industrial workshops – all buildings with civil-



ian rather than military use, local people say. Ten-metre craters suggest huge Israeli laser-guided bombs were dropped on the targets....In all, more than 250 properties are reported to have been hit by Israeli air strikes in the Baalbek area, many of them with no apparent connection with Hezbollah. However, it is too dangerous to verify this figure, as some areas are still being attacked.<sup>96</sup>

The mayor of Baalbek, Mohsen al-Jamal, told BBC that 36 people had been killed and 70 wounded, with 116 buildings destroyed.<sup>97</sup> Faisal Sahili, a retired Lebanese army officer, reported that his house in the Sheikh Habib section of the city was destroyed on the third day of the war. "The aircraft started bombing our area and so we ran into the fields, which is the safest place," he told BBC.<sup>98</sup> Within moments of fleeing, Mr. Sahili said that his house was hit. He added: "Yesterday, I thought I'd go back to see if I could recover any belongings or clothes from my home, but a drone was flying overhead and it fired a missile at my car. Luckily it missed, so I hid until the drone went away, and then I got in my car and drove away as quickly as possible."<sup>99</sup>

During an IDF commando raid in Baalbek over the night of August 1-2, 2006, strikes in the village of Jamaliyeh reportedly killed civilians. According to the Associated Press, one missile hit the house of the village's mayor, Hussein Jamaledin, killing his son, his brother, and five other family members. The news agency also reported that an attack on an area near Jamaliyeh killed seven civilians: five children and their parents.<sup>100</sup>

The U.N. Office for the Coordination of Humanitarian Affairs (OCHA) reported the results of field assessments in the Bekaa Valley, conducted over several days at the end of August

2006. It found "extensive destruction" in 14 population centers, "with 340 dwellings totally destroyed and an additional 476 damaged and uninhabitable. Over 4,000 people have been left homeless and are currently living with relatives and friends in the area."<sup>101</sup> The most extensive damage was in the city of Baalbek and the villages of Britel, Nabi Chit, and Mashghara in the western Bekaa. The assessment noted that over 1,850 families were "without water from the mains as the bombing destroyed the water supply network." Residents who were interviewed displayed "intense feelings of insecurity," OCHA wrote. "The random nature of the IDF air strikes and the fact that many civilians in rural areas were affected leaves many residents feeling that no one is truly safe anywhere," it added.

Chapter 5 of this report includes information about an IDF missile attack on August 9, 2006, on two residential buildings in Mashghara that killed seven members of an extended family, four of them women.

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## BEIRUT

The IDF attacks in Beirut were concentrated in the neighborhood of Haret Hreik in the southern Dahiye district, where Hizballah maintains its central offices and where the organization's leadership was believed to reside. It is also a densely populated civilian area where Hizballah enjoys wide support. "It was hard to recognize Haret Hareik, with many buildings leveled," wrote a Lebanese journalist on July 21, 2006, after visiting the neighborhood. "The few buildings which stood were blackened by the

fires which raged within from bombs and missiles days earlier....Even residents who fled the area and came to check on their homes when the bombing subsided said they could not easily identify streets where they had once shopped with their families."<sup>102</sup>

The United Nations Development Programme (UNDP) estimated that 150 buildings, with about 4,500 apartments, were completely destroyed during the war, and that it would cost \$8 million to remove rubble and other debris from Haret Hreik and other areas in the southern suburbs.<sup>103</sup>

A European Commission preliminary damage assessment, based on high-resolution satellite imagery, examined all of Beirut and its environs, an area of 138 square kilometers.<sup>104</sup> It found 195 residential buildings destroyed or collapsed in Beirut, 88 percent of them structures of at least six stories. Another 131 residential buildings were damaged, based on visible debris, and 88 percent of these were six stories or higher.

According to the assessment, of the 195 residential buildings that were destroyed in Beirut, 144 of them (almost 74 percent) were located in Haret Hreik. In addition, 95 percent of the city's damaged residential buildings were located in this neighborhood. In total, 269 residential buildings in Haret Hreik were destroyed, collapsed, or damaged during the war, and almost all of them were multifamily structures of six stories or more.<sup>105</sup> The European Commission assessment noted that Hizballah's count of the destruction in Haret Hreik, which was made public on August 17, 2006, listed 190 buildings destroyed and another 90 damaged.<sup>106</sup> The independent figures of the European Commission and those of Hizballah were significantly similar.

The legal burden is on the IDF and the State of Israel to justify the military objectives in Haret Hreik that could possibly have warranted the massive destruction of residential buildings. The burden also remains the same for other residential areas in Beirut's southern suburbs, particularly the neighborhoods of Borj al-Barajneh and Shiyah, which also were subjected to attacks that destroyed multifamily buildings, although to a much lesser extent than the onslaught in Haret Hreik during the war.

Hizballah leaders and operatives who were part of the organization's military chain of command were legitimate military objectives under international humanitarian law. Political figures in the organization with no connection to its military wing were not legitimate targets. Nor were civilian supporters of Hizballah, including residents of the southern suburbs of Beirut employed by the organization in civilian activities such as education, health, and other social services. The wholesale destruction of residential buildings in Haret Hreik during the war strongly suggests that the IDF indiscriminately targeted the neighborhood, in violation of international humanitarian law.



# 5 CHAPTER

## INDISCRIMINATE AND DISPROPORTIONATE ATTACKS ON CIVILIAN RESIDENTIAL BUILDINGS: THE VOICES OF LEBANESE EYEWITNESSES

*"When we hit civilians, it is an exceptional occurrence that is not in our character."*

--Israeli Prime Minister Ehud Olmert, July 30, 2006.

*"The Israelis dropped leaflets in other areas but not here. No one ever thought that they would hit here. This entire area is civilian, I've never seen anyone military here."*

--Jamil Yaseen, resident of Shiyah in Beirut's southern suburbs, where 40 civilians were killed in an IDF attack, August 7, 2006.

During the July-August 2006 war, Israel's air force attacked approximately 7,000 targets in Lebanon in more than 12,000 combat missions.<sup>1</sup> The air force reported that it used F-15 and F-16 jets, Apache and Cobra attack helicopter, and reconnaissance aircraft, including unmanned vehicles, or drones.<sup>2</sup> The jets were equipped with bombs, air-to-ground missiles, and cannon.<sup>3</sup> The helicopters carried air-to-surface missiles, rockets, and cannon.<sup>4</sup> Among the targets were homes and apartment buildings in which civilians were living at the time of attack.

The Israeli government has claimed that the IDF directed its attacks "only against legitimate military targets (the terrorists themselves, the places from which they launch[ed] attacks against Israel, facilities serving the terrorists, and objectives that directly contribute[d] to the

enemy's war effort)."<sup>5</sup> The government also stated that the IDF "does not deliberately attack civilians and takes steps to minimize any incidental collateral harm by warning them in advance of an action, even at the expense of losing the element of surprise. This measure, which is not obligated by international law, proved itself in practice by in fact reducing injury to civilians."<sup>6</sup>

The testimonies of Lebanese civilians presented below challenge the Israeli government's assertions, and provide evidence of indiscriminate and disproportionate attacks that claimed the lives of innocent civilians, including women, children, and the elderly, and destroyed or rendered uninhabitable the buildings in which they were living.

## **56 CIVILIANS KILLED: GHAZIYEH AND SHIYAH, AUGUST 7, 2006**

On August 6, 2006, Israel experienced its highest casualty toll in the war to that date: 12 soldiers were killed in a Hizballah rocket attack on the border town of Kfar Giladi, and three civilians were killed and 65 wounded in an attack on Haifa.<sup>7</sup> The next day, Israeli aircraft targeted residential buildings in two predominantly Shiite areas of Lebanon: Shiyah, a densely populated neighborhood in south Beirut, and Ghaziyeh, a town near Sidon. ADCRI documented that 56 people were killed in these attacks. If these two attacks were not aimed at distinct military objectives but represented retaliatory responses to the civilian and military deaths in Israel a day earlier, they constituted serious violations of international humanitarian law.<sup>8</sup>

Unlike the attack on the residential building in Qana on July 30, 2006 – which killed 28 civilians, generated international attention and opprobrium, and prompted Israel to declare a 48-hour bombing "pause" – the strikes on August 7 captured much less attention even though the civilian death toll was substantial.

### **Ghaziyeh**

On the morning of August 7, 2006, three occupied residential buildings in Ghaziyeh, a seaside town about five kilometers south of Sidon, were targeted at approximately 8:00 a.m. Sixteen people were killed, including five children, and other civilians were seriously injured. At the time of the attacks, many war-displaced families from further south were sheltered in

Ghaziyeh. One journalist reported that the town was "overflowing with displaced people, who have swelled its population to 23,000."<sup>9</sup>

According to local residents, one attack, just before 8:00 a.m., targeted a building located on a corner off the town's central square. There were six businesses on the ground floor of the building, and two stories of apartments above. A butcher shop is located across the street. Mahmoud Radda Khalifeh, the owner of the butcher shop, described what he experienced:

The hit came exactly at 7:55 in the morning. I was in my shop. I heard a very loud noise, then a whistle, and then there was a huge amount of dust that I have never seen before in my life. The smell was huge. We could not see anything – there was no fire – everything just came down all at once. I lost the front of my shop and the shop itself.<sup>10</sup>

Three people were killed, according to residents whom ADCRI interviewed. Haj Mohammed Kaeen, who was in his eighties, lived alone in one of the apartments and was sitting on his terrace when the building was attacked. His body was never recovered, and a table with flowers, covered with a black cloth, stands near the site in his memory.

Ahmad Ghaddar, 42, who also lived alone in the building, was the second victim. Hussein Jouni, who was about 34 years old and worked as a driver in a juice factory, was also killed. He was sitting outside the building at the time of the attack. Ali Jubaile, 42, who lived in the adjacent building, said: "There was no one here other than civilians. Why did they hit us?"<sup>11</sup>

Five minutes after this strike, there was a second attack on a four-story building located on an extremely narrow street high on a hill above the central square. The building, with one apart-

ment on each floor, was occupied by members of an extended family. Ali Badran, 40, told ADC-RI that eight members of his family were killed: his mother Raeya Nasser, who was in her sixties; his two sisters, Zeinab Hassan Badran, 48, and Leila Hassan Badran, who was in her fifties; his niece Marian Hallal, 25, who was the daughter of his sister Leila; and the four children of his brother Ahmad: Haneen, 16; Manal, 15; Ali, 13; and Hassan, ten years old.<sup>12</sup>

The mother of the four children who were killed, Bassima Nasser, 40, was seriously injured; the force of the blast threw her over a wall that was almost five meters high and she landed meters away from the wall. Suffering from a broken back and other injuries, she was transported to Italy for medical care. Her husband Ahmad, 42, was not home at the time of the attack. He worked at the same juice factory as Hussein Jouni who was killed in the first attack (see above). Since the loss of his four children, Ahmad "sits and stares all day," saying that he no longer had anything to live for, his brother Ali Badran told ADC-RI.<sup>13</sup>

Ali Badran summed up his feelings about the attack this way: "We belong to no one. No one is ever in our buildings. Israel hit wherever it wanted – they hit civilians. They all died. We are alive and the walking dead. My brother cannot work, he worked in a juice factory – he wishes that he had died."<sup>14</sup>

The third building targeted that morning was a three-story residential structure, with two apartments on the ground floor and one apartment on each of the two floors above. It was located on a plateau overlooking the sea, below the town square. According to a neighbor, the building was owned by Haidar Haj Ali, a man in

his sixties who she believed lived in the U.S.<sup>15</sup> This attack claimed the lives of five residents: three women, one infant, and one man.

One of the residents of the building, Mohammed Sheath, 17, whose family lived on the ground floor, said that the attack took place at 7:45 a.m. It killed his mother, who was in her fifties; his 22-year-old sister Wafa; the one-year-old daughter of his sister Raja, who lived elsewhere and had dropped off her infant earlier that morning; and his visiting 25-year-old cousin Nadia Zabad.

Mohammed said that relatives from Mansoura, south of Tyre, had come to stay with his family during the war. In addition to his cousin Nadia who was killed, another cousin, Sahar Zabad, 18, was seriously injured and brought to France for medical treatment. He also said that another fatality was Ali Mohammed Laila, 22, who lived in the building across the street and was sitting on his balcony at the time of the attack.<sup>16</sup>

Mohammed told ADC-RI that there was no warning that an attack was imminent:

I was sitting outside, and had just walked back into the building. I heard nothing until we were hit. Everyone in the middle room, which was the living room, was killed. Everyone in the front kitchen and the back room survived. We were dug out by our neighbors. I had a piece of wood go into my leg.<sup>17</sup>

Mohammed was still using crutches at the time of the interview, recuperating from the broken leg he suffered during the attack.

Israeli authorities did not provide any substantive justification for the attacks that occurred in Ghaziyeh that morning, and it remains unclear what specific military objectives



could have justified such a major loss of civilian life.

The next day, August 8, 2006, the grieving town experienced additional civilian casualties in what may have been an attempted "targeted" killing of a man who, according to several media reports, was affiliated with Hizballah.

There was a well-attended funeral procession in Ghaziyeh on August 8 for the victims of the August 7 attacks. No one heard the approaching aircraft because so many people were gathered, according to one man who was present. He explained to ADC-RI:

The coffins were being carried by the townspeople, and so many people were there that we heard nothing overhead. While we were at the funeral [the Israelis] hit again. We dropped the coffins and ran. It was difficult to see how many planes hit and how many times. There were so many people around, it was chaos.<sup>18</sup>

According to the Associated Press, the August 8 attack came in two waves of missile fire:

The first missile struck a building about five minutes after the march by about 1,500 people had passed by, killing one person and wounding five....About 30 minutes after the first airstrike, Israeli warplanes staged four more bombing runs, destroying two buildings, said Mayor Mohammed Ghaddar. Twelve more people were killed and 18 wounded in those strikes, according to [a] tally from three area hospitals. Witnesses said one of the destroyed houses belonged to Sheik Mustafa Khalifeh, a cleric linked to Hezbollah, but it was unclear if he was among the casualties. Most Hezbollah officials have left their homes and offices since the offensive began nearly a month ago.<sup>19</sup>

Reuters reported that "[a]n Israeli army spokeswoman said the building hit belonged to a senior Hizbollah member and was not near the

funeral. She said all residents had been told in advance to leave."<sup>20</sup> Local residents told ADC-RI that the IDF attacks did not touch the home of Sheikh Mustafa Khalifeh, but destroyed the building next door. They also said that the man, who was not killed, was not a major figure – "he was a minor sheikh, not that powerful," was the way one resident put it – and disputed that he was affiliated with Hizballah.<sup>21</sup>

There were conflicting reports about the number of people killed in Ghaziyeh on August 8. CNN, citing Lebanese security forces, said that eight died and 33 were injured.<sup>22</sup> The *New York Times* reported that nine victims of the August 8 attacks were buried on August 10. Five of them were members of one family: Mahmoud Khalifeh, a pharmacist, his wife Ibtisam, and their children – Hussein, 12; Fatima, 5; and Ahmad, 3.<sup>23</sup> The pharmacist's first cousin, Mohammed Khalifeh, 27, told ADC-RI that there was a very distant blood relationship between the family of the pharmacist and the sheikh, but no direct contact between them.<sup>24</sup>

It was no secret during the war that the IDF was hampered by inadequate intelligence about specific military targets in Lebanon, particularly the locations of Hizballah leaders. The *Jerusalem Post* reported that there was "an acute lack of real-time intelligence," citing one senior IDF officer whom it did not quote by name.<sup>25</sup> At the time of the *Jerusalem Post's* interview with the officer, the air force had already attacked some 4,000 targets in 6,400 sorties. "Some of the missile strikes, the officer said, were 'along the lines' of targeted killings, but most failed," the *Jerusalem Post* reported. The article continued, describing additional air strikes that were flawed:

Mistakes were made along the way, senior officers said, mostly due to faulty intelligence. This week, the IAF [Israeli Air Force] struck a car in Lebanon believed to be carrying a senior Hizbullah operative. Instead the car turned out to be driven by three Lebanese army soldiers. They were killed in the strike.

Another example occurred two weeks ago, when IAF fighter jets dropped 23 tons of bombs on a bunker in Beirut where the IDF believed Sheikh Hassan Nasrallah and other Hizbullah leaders were hiding. It turned out that Nasrallah wasn't there.

Then came [the July 30] missile strike on a home in Kfar Kana [Qana] in which 28 civilians were killed.

A high-ranking IDF officer said [on August 3] that the Operations Directorate had "provided the target" based on what turned out to be faulty intelligence.<sup>26</sup>

In the absence of full disclosure from Israel, it will never be known how many Lebanese civilians were killed and injured because of "poor intelligence." To the extent that the IDF knew its intelligence was uneven, or deeply flawed, it had a duty under international humanitarian law to exercise even greater care before launching attacks on presumed military objectives, particularly if the targets were located in areas of a predominantly civilian character and where civilians were in residence. Article 52(3) of Protocol I states: "*In case of doubt* whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used."<sup>27</sup>

## Shiyah

On the evening of August 7, 2006, Israeli missile strikes in a densely populated residential block in Shiyah in Beirut's southern suburbs killed 40 people – including at least fourteen children – and injured scores more.<sup>28</sup> It represented the largest single-incident death toll during the war. Lebanese authorities reported 30 killed and 64 injured,<sup>29</sup> but the number of casualties grew as other victims were dug out of the rubble.

Shiyah is widely recognized as a Shiite residential neighborhood where the Amal Movement of Lebanese parliament speaker Nabih Berri, not Hizbullah, has strong political support. Most of the buildings in this high-density neighborhood are ten and eleven stories, with commercial businesses on the ground floors.

The two apartment buildings that were attacked and destroyed were five stories; residents said that two adjacent buildings were also severely damaged in the attack. Across the street from the site, the names and photographs of the men and children who died in the attack were posted on a wall at the time an ADC-RI representative visited the area.

Hassan Yaseen, 46, is a tailor who owns a shop next to the buildings that were attacked, and lives in a building immediately behind those that were destroyed. He said that the attack began at about 7:40 pm: "I heard four strikes – two back to back, and then an immediate second wave, also back to back."<sup>30</sup> He added that during the attack his own residential building shook heavily and the windows shattered, but there was no substantive damage. The walls in

his tailor shop cracked from the force of the blasts, and the damage had just been freshly sealed with cement at the time of ADC-RI's visit.

According to Mr. Yaseen, the Hamdan building (five floors, with three apartments on each floor) and the Rumaiti building (three floors) were completely destroyed, and the Moujeer (five floors) and the Kazna (four floors) were severely damaged. The Hamdan building housed a glass shop and a carpentry shop on the ground floor, and the Rumaiti building had a car shop and a tobacco shop on street level.<sup>31</sup>

Mr. Yaseen said that the occupants of the buildings were his customers and neighbors, and that some of them were newly arrived from the south, in flight from the war. He added that four people who were killed were not residents of the buildings but happened to be outside at the time of the attack, including Ali Mohsen and his son Hussein, who was about ten years old, and two boys who were playing in the street, Ahmad Hassan Kinaj, 13, and Hussein Ali al-Rae, 16. Mr. Yaseen gave ADC-RI a list of 39 Lebanese who were killed in the attack, including 14 children. He noted that one victim's name was not on the list: Raueyee Barerra, a domestic worker from Sri Lanka who was employed by a family in one of the buildings.<sup>32</sup>

One journalist visited the site on the night of the attack and returned several times over the next few days, trying to locate relatives and obtain information about the victims. He confirmed that among the dead were Selwa Wehbe, 28; her husband Ali, who worked as a taxi driver and handyman; and their children: Hassan, 9; Hussein, 7; and Waad, an infant daughter born thirteen days earlier. Ali's brother was also killed.

Ironically, Selwa and Ali had fled their home in Harouf in the south to what they believed would be the safety of Ali's brother's apartment in Shiyah.<sup>33</sup>

Jamil Yaseen told ADC-RI that his father Hussein, 72, and mother Im'al Oula, also 72, lived on the third floor of the Hamdan building. They survived the attack, although each sustained multiple fractures all over their bodies. "My mother is still in a state of shock," he said. "Her personality now is not normal, not the same as before." He commented that residents believed that they were safe in the neighborhood. "The Israelis dropped leaflets in other areas but not here. No one ever thought that they would hit here. This entire area is civilian, I've never seen anyone military here."<sup>34</sup>

Hassan Yaseen, the tailor, told ADC-RI that he heard no sounds prior to the attack and no sounds of approaching aircraft.<sup>35</sup> Other local residents, however, reported to journalists that an Israeli unmanned reconnaissance aircraft, or drone, was overhead, and a man fired at it with a rifle just prior to the attack. A *Washington Post* journalist interviewed neighborhood residents who told him that before the attack an Israeli drone had "circled overhead with its strange buzz for more than two hours." The report continued: "Shortly before 8 p.m., they recounted, an unidentified man on a motorcycle stopped his vehicle, stepped to the pavement and fired toward the drone with an AK-47 assault rifle. Residents of a nearby hillside saw the tracer rounds heading skyward. Residents described the man as a lunatic, saying they did not know who he was and why he opened fire."<sup>36</sup>

Journalists with the *Daily Star* obtained similar information. They reported that residents

heard six or seven "bangs" before the attack. Ali Bashir, who has a business nearby, was quoted as saying: "It sounded like someone was shooting into the air. We heard the [drones] hovering over us, and then what sounded like gunshots, perhaps some kid trying to shoot them down."<sup>37</sup>

If in fact someone opened fire at the unmanned aircraft with an assault rifle, the almost-instantaneous military response, in the form of missile strikes on multistory residential buildings in a high-density urban area, was at the very least disproportionate under international humanitarian law. The area was not one that the Israeli military had previously ordered civilians to evacuate, so it was to be expected that many families and their children would be at home as the time approached eight o'clock on a Monday night.

The burden is on Israel to explain the circumstances of this deadly attack, and the justification for carrying it out. Among the questions to be answered are these: What was the altitude of the drone? What was the nature of any perceived military threat to the unmanned vehicle? Who on the ground made the decision to fire the missiles? Were the missiles fired from the drone, or from other aircraft? What precautions, if any, were taken prior to the attack to ensure that civilian losses would be minimal, given the time of day and the overwhelmingly residential character of the immediate area? What amount of time elapsed between any recording of a military threat to the drone and the attack on the buildings?

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## **ELEVEN CIVILIANS KILLED IN RWEIS, SOUTH BEIRUT: AUGUST 13, 2006**

On August 13, 2006, one day before the U.N.-mandated cessation of hostilities was to go into effect, journalists reported that Israeli forces dropped at least twenty powerful bombs in a two-minute period in Rweis, a Shiite neighborhood in Beirut's southern suburbs where Hizballah enjoys strong support. According to one report:

The bombs demolished 11 nine-storey residential buildings in the Rweis district of southern Beirut, one of the areas which Israeli leaflets have urged people to leave.

People at the scene described seeing rescue workers pull seven bodies from the rubble, three of them children. Fires were still raging in the upper rooms of neighbouring buildings, their fronts torn off by the blast....Witnesses reported seeing children playing in the streets in front of the buildings moments before they were hit. Hizballah imposed a temporary media ban, but a member of the party close to the leadership said that six families were known to have been in the buildings at the time of the attack.<sup>38</sup>

According to information ADC-RI obtained from interviews in the neighborhood, the death toll in this attack was eleven civilians, including at least six children. Residents of the area said that the strike took place at approximately 3:00 p.m. Eight buildings were hit and collapsed within the first minute, they said, followed by another attack which left seven buildings badly

damaged and uninhabitable.<sup>39</sup>

Mohammed Nour Eddin, 21, who lived with his family on the tenth floor of one of the eight buildings that was destroyed in the first attack, told ADC-RI that he was standing across the street when the attack occurred. He said that five of his family members were killed: his father Ali, 39; his mother Rhonda, 37; and his brothers Yasser, 18, Hussein, 16, and Ibrahim, 13.<sup>40</sup>

Khalid Shami, who lives in a nearby building, was returning to the neighborhood at the time of the attack. He said that his sister Fatmeh and her son Ahmad Mouzawak were killed; they lived in Abu Dhabi, in the United Arab Emirates in the Persian Gulf, and were visiting Lebanon on summer holiday.<sup>41</sup>

Ismahan Faki and her three children were also killed in the attack, according to her brother, Ali Mohammed Faki. He told ADC-RI that he was "so distraught and lost that I can barely remember the small details of my own life."<sup>42</sup> During an interview, he struggled to provide the names of his sister's children who were killed. He could only recall that the two girls were seven and eight years old, and that his nephew was ten years old. He also commented: "In 1982 [during the Israeli invasion of Lebanon], when buildings were hit, they damaged the first or second top floors. In this war, it is so shocking that nothing is left. This is something that I have never seen before."<sup>43</sup>

ADC-RI was unable to determine what presumable military objectives would have justified the destruction of these residential buildings on the closing day of the war. The IDF's guidebook on the laws of war provides this clear provision about the principle of proportionality during any attack: "Even when it is not possible to iso-

late the civilians from an assault and there is no other recourse than to attack, the commander is required to refrain from an attack that is expected to inflict harm on the civilian population that is disproportionate to the expected military gain."<sup>44</sup> Thus, the burden is on the IDF to provide information about the presumed military target that was the objective of this onslaught in Rweiss, and to explain the military advantage that was expected to be gained at the probable high cost in innocent civilian lives. In the absence of such information and analysis, the attack can only be described as indiscriminate under international humanitarian law.

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## AIN IBIL, SOUTHERN LEBANON

Ain Ibil is a small village about 2.5 kilometers southwest of Bint Jbail in southern Lebanon. Its residents are predominantly Christian, and ADC-RI visited on a Sunday, when the church bells were ringing and families were walking to mass. Villagers described indiscriminate attacks on their homes during the war.

Youssef Kahir al-Ammar, a 41-year-old father of four, said that he remained in Ain Ibil throughout the war, and sheltered civilians who had fled Bint Jbail and Aitaroun, a village a few kilometers east of Bint Jbail. "I have lived here all my life. This is the most difficult war we have ever been through," he commented. Mr. Ammar also said that Hizballah fighters were not present in the village but in its vicinity. He walked an ADC-RI representative to an empty lot adjacent to his house, which overlooks several rolling hills. Pointing to the second hill, he said: "They [Hizballah] were on that hill, and, yes, they were firing rockets from that hill, but they never came



into Ain Ibil."<sup>45</sup>

In a separate interview, Ibrahim Diab, 40, another village resident, made a similar observation. He stated that Hizballah fighters never came into the village but were located in nearby hills. "Nothing justifies Israel hitting directly into our town," he commented. He added that at the beginning of the war, civilians from nearby villages sought shelter in Ain Ibil, but when it came under fire many left for Rmeish, a larger Christian village to the southwest, closer to the Israel-Lebanon border.<sup>46</sup>

The testimony of Mr. Ammar and Mr. Diab was in contrast to one provided to a *New York Times* reporter during the war. "Hezbollah came to Ain Ebel to shoot its rockets," said Fayad Hanna Amar, who had fled the village and was interviewed in Tyre. "They are shooting from between our houses. Please write that in your newspaper."<sup>47</sup> The reporter described him as "a young Christian man," without giving his age. "Mr. Amar said Hezbollah fighters in groups of two or three had come into Ain Ebel....They were using it as a base to shoot rockets, he said, and the Israelis fired back," the story continued. The journalist traveled to the village a few days later, and reported: "None of the people gathered [to speak to her] has actually seen a fighter, though many said they heard them moving around and setting off rockets near an olive grove below their houses. The grove itself was a casualty: Israelis returned fire where the rockets were being launched, burning down the grove."<sup>48</sup>

According to information that ADC-RI obtained in interviews with residents, indiscriminate artillery fire caused some of the damage in Ain Ibil. Behind the village church, residents

pointed out several houses that had been attacked and partially destroyed. One was the uninhabitable home of Ibrahim Diab, who was in the process of rebuilding it. Diab, a UNIFIL employee for thirteen years, said that his house was hit at 3:00 a.m. on July 25, and again on July 26 at around midnight. He lived there with his immediate and extended family: his wife Rita, 26; four children, aged two to eleven years old; his father Rukus, 72; and his mother Affaf, 65. The family was in the house during both attacks but no one was injured, although the top floor fell through the second floor, Mr. Diab said. He believed that it was artillery fire, not aerial bombardment, that caused the damage: "Israeli artillery was hitting everywhere in the village at night. They kept shelling."<sup>49</sup> At the time of ADC-RI's visit, there was still rubble throughout the house, and the remaining furnishings were in a corner, covered with plastic.

About twenty feet across a narrow street from Ibrahim Diab's house was the home of his second cousin Tony Diab, 45, and his aunt Tariz Diab, 80. This house too had sustained significant damage. Its red-tiled steeped roof was completely destroyed, the building was not habitable, and the family was living in temporary housing in Beirut. After the two homes were hit, the families fled to Rmeish, which they hoped would be a safer location, Ibrahim Diab told ADC-RI.

Near the Diab family's houses was the home of Moussa el-Rai Diab, 75, who was not ambulatory. He lived there with his son Joseph, 50, and Joseph's daughter Elia, a 20-year-old who was disabled in childhood and was unable to walk. During the war, Joseph moved his daughter to a neighbor's house, which afforded some



level of safety on its lower level. His father remained in the family home, which was attacked and totally destroyed on July 25, 2006. After the attack, neighbors dug the old man out of the rubble and found him severely injured. It was not possible to transport him to a hospital, and he died of his injuries on August 10, 2006.<sup>50</sup>

### **A Pattern of IDF Indiscriminate Artillery Fire**

The IDF reported on July 26, 2006, that its artillery batteries had already fired "upwards of 45 thousand shells" into southern Lebanon.<sup>51</sup> The indiscriminate artillery fire into Ain Ibil was not an exception but a pattern. For example, during the day and night of August 13, 2006, the day before the cessation of hostilities was to commence, UNIFIL reported that eighty-five artillery shells landed inside its positions in Tibnin, Haris, at-Tiri, and Maroun al-Ras, thirty-five of them inside the Tibnin position.<sup>52</sup> UNIFIL described "massive material damage to all the positions."<sup>53</sup> In addition to the direct hits, artillery and other munitions landed extremely close to these and other UNIFIL positions:

[T]en aerial rockets and 108 artillery rounds from the IDF side impacted in the immediate vicinity of these and other UN positions, including the UNIFIL Headquarters in Naqoura. UNIFIL strongly protested to the IDF command all these grave incidents which endangered the security and safety of UN personnel and caused enormous material damage to UN property.<sup>54</sup>

The IDF's artillery shelling in civilian areas has been criticized repeatedly in the context of its ongoing military operations in the densely populated Gaza Strip. On the early morning of

November 8, 2006, as many as eleven high-explosive artillery shells fired by the IDF landed in a block of residential homes in Beit Hanun in northern Gaza, killing 19 civilians, including eight children and six women, and wounding about 80 others.<sup>55</sup>

This deadly attack highlighted an issue that Palestinian and Israeli human rights organizations had been raising since April 2006. In a petition submitted to Israel's High Court of Justice on April 16, 2006, six organizations petitioned the court to revoke the IDF order that reduced the safety zone for firing shells into Gaza from 300 meters to 100 meters in the proximity of civilian homes and other civilian objects.<sup>56</sup> The concern was "that, given that the shell fragmentation range is 100 meters in any case, and that the weaponry is not precise and shells can land dozens of meters from the target, reduction of the safety zone substantially endangers civilian lives, buildings, and other civilian objects located near the target."<sup>57</sup> When Brigadier General Moshe Tamir assumed the Gaza front division command in August 2006, "he ordered artillery be limited because of *the severe mistakes that often result in densely populated areas*."<sup>58</sup>

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### **SRIFA, SOUTHERN LEBANON**

Residents of Srifa, a village about 17 kilometers east of Tyre, provided ADC-RI with accounts of indiscriminate attacks similar to those obtained in Ain Ibil. Residents said that during the first weeks of the war there was offensive rocket fire from nearby hills, but no Hizballah fighters were inside the village con-

ducting military activities. Nevertheless, home after home was demolished in attacks by Israeli aircraft. "With each bombing, the planes would come back and forth several times," said Hassan Ibrahim Hammoud, a 58-year-old taxi driver.<sup>59</sup> "They hit everything. They did not just target a particular house," he added. If residents ran from their homes, "the planes followed them and hit them."<sup>60</sup>

Haji Jamileh Naeem, 65, said that during the first week of the war her daughter's house was completely destroyed, as was the home of a neighbor. She was not sure of the date of these attacks, but thought that they took place on July 19, 2006. She estimated that several hundred houses in the village were destroyed during the war.<sup>61</sup>

In a separate interview, Fatmeh Hammoud, a 48-year-old mother of seven, said that she witnessed the bombing of the home of her neighbor, Ali Ahmad Dakroub. According to Hammoud, Mr. Dakroub was killed in the attack but his family members survived because they were in a different room of the house. "I heard the roaring of the airplanes and then a huge bang," she said. Her own house suffered some damage but did not collapse.<sup>62</sup> She told ADC-RI that she had no idea why the building was targeted. She, and other residents, said that although there was Hizballah firing from nearby hills, there were no fighters inside the village.

Two women who lived in Srifa told ADC-RI that they were neighbors of the Lebanese-Brazilian family that was killed in an attack on their home in the early morning of July 13, 2006. Ghada Najdi, a 30-year-old housewife married to a member of the Lebanese army, said that the building was three stories, with two

apartments on each floor. She named the victims as Haj Akil Merhe; his wife Ahlam Jabar; their son Ali, ten years old and daughter Fatima, five years old. "They were visiting from Brazil; they always spent their summers in Srifa," she said.<sup>63</sup> Another neighbor, Mariam Hammoud, 40, said that after the house was bombed, the aircraft returned four more times. "The townspeople came to pull them out, but the woman was crushed," she said. "The children were still in their beds, their bodies intact, but they were dead. The man's body was recognizable. It took an hour to pull him out," she added.<sup>64</sup>

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## **KHIAM, SOUTHERN LEBANON**

Residents of Khiam, an urbanized town located about five kilometers from the Israeli border, also witnessed the indiscriminate destruction of their homes and property during the war.

Hussein Abdallah, a 70-year-old retired trader, stayed in the town with his family for the first seven days of the war and then relocated them to Beirut. He remained in Beirut for two days, and returned alone to Khiam, he told ADC-RI. His house was located on a narrow winding road with homes on both sides, rising to a plateau that overlooks the hills of Israel. This was the view from the back yard of his home, where his large garden was located. According to Mr. Abdallah, at about 10:00 a.m. after he returned to Khiam, he went outside to smoke a water pipe. "As I was sitting there, four planes came overhead. The first plane hit, then the second, then a third and then a fourth," he said, indicating the sweeping motion of the aircraft as they dropped the bombs and then climbed to a high-

er altitude. He watched as his house was leveled, his pick-up truck destroyed, and all the fruit trees in his large garden decimated. Mr. Abdallah also mentioned, parenthetically, that he observed during the war that the IDF targeted and destroyed large trees throughout Khiam.<sup>65</sup>

The home of Mr. Abdallah's next-door neighbor, Edebe Abu Hassan, 53, was also totally destroyed, as was the home of Mohammed Tawil, 75, who lived across the street in a three-story house and whose son Mahmoud, 45, is a physician, and daughter a teacher. "None of them are with Hizballah," Mr. Abdallah remarked.<sup>66</sup>

In a separate interview, Moheeb Farhat, 69, said that his three-story building was completely destroyed on July 25, 2006 at 2:20 p.m.:

I was here the entire time, I had nowhere else to go. On the morning of July 25, they were bombing heavily, and I started to count how many times they were hitting. I was making my lunch and felt the bombing getting closer. I put my food in a Tupperware container and went outside with a blanket. As I was leaving the house, I had counted 70 bombing strikes. I saw the plane come overhead. I was 25 meters away when I watched them hit my home. There was so much smoke that I could hardly breathe.<sup>67</sup>

At this point in the interview, a neighbor came by and interrupted, directing this remark to the ADC-RI representative: "Write this down. He is a Christian." Looking at Mr. Farhat, he elaborated: "I want them to know that [the Israelis] did not just target the Muslims, they hit everybody."

Mr. Farhat told ADC-RI that his apartments were on the second and third floors of the building, and that he had leased the first floor to the

fire department, which had relocated to other premises three months earlier. There was no explanation for this attack, which raises the possibility that the IDF may have been targeting the fire department, lacking the most updated information about its location. Mr. Farhat also lost another building during the war. It was a three-story residential building near the church in the center of the town. The building was bombed, and the top floor collapsed into the other two floors, causing severe damage. The residents had evacuated, so there were no casualties in this attack. The church steeple also suffered major damage.

Hussein Khalil Hayem, 38, owns and operates a restaurant in Khiam that bears his family name. He said that he stayed in Khiam for the first week of the war and then left. When he returned, the two-story building in which he lived was severely damaged. "I found unexploded missiles about a half-meter long, which were later removed by the Lebanese Army," he told ADC-RI.<sup>68</sup>

He said that a three-story building across the street from his restaurant was completely destroyed in an attack on July 28, 2006. According to Mr. Hayem, the building was occupied by members of the Kansoo family: Ali Dahar Kansoo, his wife Deanna, and their two children under five years old; the daughter of Hussein Kansoo and her husband Sohail Sleiman, 45, with their three children, ages 14 to 22; and Yousef Kansoo, 55, his wife Noha, 40, and their two young sons. At the time of the attack, only Sohail Suleiman remained in the building and was slightly injured. "My neighbors were all workers, tradesmen. They fled to Switzerland, the Persian Gulf, and brought back

goods to trade in Khiam. This is what Lebanese do," he commented. "From where I am, I see everything that comes and goes. I did not know them to ever participate in military activities of any kind. Our area here, this is an urban area, these are city people." Reflecting on the destruction throughout the town, he said:

Khiam was hit anywhere [the Israelis] wanted to hit. They did not target anything in particular. During the occupation, people who worked with them left. I think that they hit us out of revenge for the past. I have lived here since 1982 and I saw the war, the occupation, the freedom, and now again a war.<sup>69</sup>

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## **BEIT YAHOUN, SOUTHERN LEBANON**

Beit Yahoun is a small village about five kilometers north of Bint Jbail. Mohammed Abed al-Hussein Makki, 30, told ADC-RI that his family's home was attacked on the Saturday after the war started. He said that he lived there with his father, Abdel al-Hussein, 73, his mother Khadijeh, 72, and his sister Tamam, 32. He described what happened between 4:30 and 5:30 p.m. on the day of the attack:

An airplane hit our neighbor's house, and black tar and smoke came into our home. A few minutes later, another plane hit our house. Then there was a third attack, and we started to run. My father got shrapnel in his right thigh, and he lost part of the thigh. My mother went into a state of shock, and does not speak until now. We could not get help from anyone, and we walked to Tibnin hospital [about five kilometers to the north].<sup>70</sup>

According to Mr. Makki, there was no military activity around the family home when it was attacked. "I heard maybe in the distance some

firing, but there was nothing near our homes," he told ADC-RI. He added that the village had about 500 houses, and 150 were destroyed and another 150 damaged during the war. "It's a quiet village," he said, "and there has never been any obvious presence of the resistance."<sup>71</sup>

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## **SEVEN CIVILIANS KILLED IN MASHGHARA, WESTERN BEKAA: AUGUST 9, 2006**

The houses in Mashghara, a town in the western Bekaa Valley, are built in the area's distinctive staircase style on panoramic hillsides overlooking a valley where homes are interspersed with olive groves and vineyards. Residents identify three distinct areas of the town: Haret al-Fouqa, the area at the highest elevation; the middle area; and the lower area, Haret al-Tahta. ADC-RI investigated the circumstances of two IDF attacks on residential buildings in Mashghara. One attack occurred on August 9, 2006, and killed seven people, four of them women. The other attack, on the seventh day of the war, according to residents, destroyed a residential building but no one was injured.

The attack on August 9, 2006, precisely targeted two attached residential buildings in the middle area of Mashghara, which features attached houses on extremely narrow streets. The buildings were the homes of members of the Sadr family; each house had four stories, with two apartments on each floor. The combined total was sixteen apartments. Soon after midnight on August 9, 2006, a missile strike killed six members of the Sadr family in one house and another family member in the adja-

cent house.

Ahmad Sadr, 72, a day laborer and contractor for most of his life, was the only survivor in these buildings. He told ADC-RI that he was still awake at midnight because bombing in the Bekaa Valley had intensified and he heard it getting closer: "We heard the planes all the time, but at midnight they were flying overhead." Concerned for the safety of the family members in both buildings, he gathered them into the lower two floors of his home. He continued:

They hit at 1:15 in the morning, three times in a row, three missiles. The entire building came down quickly, and there was this huge odor that I will never forget. I started calling out everyone's name, and no one answered back. The neighbors came, screaming out our names, I could hear them.

When we were hit, and in the days before the attack, we heard no firing from Mashghara or near our home. There is no one in our home affiliated with Hizballah.<sup>72</sup>

There were eight apartments in Mr. Sadr's house. Mr. Sadr and his wife Zeinab Hassan Ali Sadr, also 72, occupied one apartment. His wife's sister, Fatmeh Hassan Ali Sadr, 66, who was unmarried, lived in another. The other six apartments were the residences of Mr. Sadr's six sons and their families. Mr. Sadr's wife and her sister perished in the attack. His oldest son Hassan, 47, who worked in the Bekaa for the nationwide electric company Electricite du Liban, and his wife Zeinab Faisal Sayed, 40, were killed. Another son, Ali, 37, who worked as a day laborer in construction, and his wife Nadia Assad Kassem, 30, were also killed.<sup>73</sup>

At the time of ADC-RI's interview with the still-grieving Mr. Sadr, he was living in another

home in Mashghara with family members. There was a Hizballah flag flying outside on a pole, and a photograph of Hizballah leader Sheikh Hassan Nasrallah hanging prominently in the living room. Asked to comment, Mr. Sadr said: "Of course we support the resistance against Israel, but we do not have active involvement in what they do."<sup>74</sup>

It is possible that the military objective of this deadly attack was Mohammed Deeb Sadr, a member of the extended Sadr family who lived in the adjacent building. This building, with the same four-story, eight-apartment configuration as Ahmad Sadr's, was owned by Deeb Ali Sadr, a cousin of Mr. Sadr's, who lived there with his wife Edla, 68, and their three sons and their families. One of the sons, Hassan Deeb Sadr, 35, told ADC-RI in a separate interview that the entire family living in the building left for Damascus at the beginning of the war with family members who lived next door, except for his brother Mohammed.<sup>75</sup> Mohammed was killed in the missile attack.

Immediately behind the Sadr family's two homes was the wrecked shell of the house of the Christian family of Aziz Battle, who is deceased. His wife and two daughters<sup>76</sup> lived in the home, which was about 80 percent destroyed in the attack. To the side of the Battle home was the small two-story home of Ali Ibrahim Redda, a 68-year-old farmer, and his wife Makkia Sharraf. Their daughter Hadia, 19, was disabled in 1996 during "Operation Grapes of Wrath," and the family was not able to evacuate when the war started. Other children lived in the home as well, including Fadel, a 25-year-old pharmacist; Mohammed, 23, a teacher; daughters Hala, 24, and Ihab, 16; and Hussein, ten years old. The



family's house too was so damaged in the attack that it was no longer habitable. The roof caved in and some of the walls collapsed; what remained was another shell of a building.

Across the street from the front of the Sadr family's houses, ADC-RI observed a block of three-story apartments buildings that were also damaged in the attack. The facades were destroyed, including the balconies, as well as the commercial businesses on the ground floors.

The strike on the Sadr family's two buildings did not generate substantial media attention, although seven people were killed. One U.S. media report mentioned briefly that an Israeli air strike "leveled a building in the Bekaa Valley, reportedly killing six people. It happened at a town called Mashghara where a local Hizballah leader appears to have been the target."<sup>77</sup> Another report, on the website of the Lebanese daily newspaper *al-Nahar*, stated that Hizballah political member Hassan Sadr was killed in the attack, citing unidentified Lebanese security officials.<sup>78</sup>

Clearly, Hassan Deeb Sadr was not killed in this attack; ADC-RI interviewed him in Mashghara in November 2006. The Sadr family did confirm that Mohammed Deeb Sadr was killed.

According to Hassan Sadr, his brother Mohammed lived in France for twelve years and returned to Lebanon in 2005. He worked in a restaurant near Beirut International airport, and came home to Mashghara every weekend. Family members insisted that Mohammed was either at his job or in the family house during the war. He was married, with six-year-old twins. Pointing to the site of his family's destroyed home, Hassan said: "We are citizens,

we do not work with any militia. The resistance is part of the people but we do not work with them – there was no firing out of Mashghara, let alone our neighborhood, to justify this attack."<sup>79</sup>

If the two media accounts cited above are even partially accurate, and Mohammed Deeb Sadr did have a political affiliation with Hizballah, this did not necessarily make him a legitimate military objective unless he participated in military activities, including planning attacks. If the IDF had intelligence, accurate or not, that Mr. Sadr was a combatant under the laws of war, it still had an obligation to anticipate the likely consequences of targeting him in a residential home in the middle of the night, given the possibility that the loss of civilian life might be excessive.<sup>80</sup>

In the cemetery in Mashghara is a small separate section that contains the graves of less than a dozen Hizballah fighters, whose deaths date back to the early 1990's. Mohammed Deeb Sadr is buried in this part of the cemetery. Local residents told ADC-RI that this type of burial is sometimes done out of respect for families that suffered an inordinate amount of casualties. No family in Mashghara ever lost as many innocent members in one air strike as the Sadr family did in August 2006.

### **The July 2006 Attack**

Another attack in Mashghara, which residents said occurred on the seventh day of the war, took place at 7:30 p.m.<sup>81</sup> The apparent target was the three-story residential building owned by Mohammed Ankouni, 36, who does not live in Lebanon. His house, located on a hilltop across the valley from where the Sadr buildings were



located, affords majestic views of the entire town. It had one apartment on each floor, occupied by his mother, Zahra Redda; his brother Haidar, 35; and his brother Hussein, 33.

Zahra Redda left Mashghara early in the war, seeking safety elsewhere. Her sons are tile masons, who worked together in their own business. The brothers had just stepped outside the house, to take a walk and talk with neighbors, when the attack occurred. "We were putting together a water pipe to enjoy outside with our neighbors," one of them told ADC-RI. "Then our home was gone when two missiles hit, back to back."<sup>82</sup> There were the charred remains of several cars outside the house at the time of ADC-RI's visit.

Mahmoud al-Ammar, a 65-year-old neighbor, said that his house was damaged in this attack. (ADC-RI observed visible damage to its cement walls, not yet repaired.) "We smoked *argileh* [a water pipe] every night, and this is what saved my neighbors," Mr. Ammar said. He described the brothers as "hard workers, not involved in politics." He added that this was the family's second home that Israeli forces attacked. "In 1996, their home was in another area, deeper in the valley. It was hit, and they rebuilt, for safety, here, only to lose it again."<sup>83</sup>

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## **VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**

International humanitarian law provides protection during armed conflicts to civilians and civilian objects, and states specifically that they may never be the target of attack. The parties to any conflict must at all times undertake efforts

to distinguish between combatants and civilians, and to carry out attacks only on legitimate military objectives. Civilians forfeit their immunity under the laws of war if they participate in activities of a military nature. Likewise, presumed civilian objects, such as residential buildings, lose protected status if converted to military use.

As indicated in Chapter 1 of this report, public statements of Israeli government officials and IDF military officers during the July-August 2006 war indicated that what should have been an extremely clear line between combatants and civilians in Lebanon was in fact blurred, arguably with specific intention. The fact that Israeli civilians came under indiscriminate attack during the war with rockets and missiles from Hizballah's arsenal was irrelevant to the IDF's obligation to conduct its own offensive military operations in full compliance with international humanitarian law.

Israeli Prime Minister Ehud Olmert and then-IDF chief of general staff Lt. Gen. Dan Halutz both used threatening language during the war, stating more than once that Lebanese civilians had to "pay a price." If such sentiments were communicated down the military chain of command, it is not surprising that residential buildings were targeted and attacked with indiscriminate fire, or that calculations of what constituted a proportionate attack were stretched beyond a reasonable limit.

Attacks on homes and apartment buildings without a legitimate military objective in sight – as described in some of the cases in this chapter – violate the principle of distinction that is central to international humanitarian law. This principle is enshrined in Article 51(4) of Protocol I additional to the Geneva

Conventions of 12 August 1949. This article defines indiscriminate attacks as those "which are not directed at a specific military objective," and "those which employ a method or means of combat which cannot be directed at a specific military objective," and thus "are of a nature to strike military objectives and civilians or civilian objects without distinction." Indiscriminate attacks are war crimes under the Rome Statute of the International Criminal Court.

Residential buildings in which civilians were living that may have been in proximity to legitimate military objectives, or contained a military objective, such as a combatant, cannot be attacked on this basis alone. In such cases, international humanitarian law requires, first, that the attacker use a means of attack that avoids or minimizes harm to civilians. The second requirement is that if the attack is expected to harm civilians or damage civilian objects, the harm and damage must not be disproportionate to the direct military advantage anticipated from the attack. This dual test is set forth in Article 57(2) of Protocol 1.<sup>84</sup> Given the significant civilian losses in some of the attacks described in this chapter – particularly those in Shiyah and Ghaziyeh on August 7, 2006; Mashghara on August 9, 2006; and Rweis on August 13, 2006 – it appears that IDF decision makers disregarded this humanitarian-law standard.

The burden is on the IDF to clarify the military objectives in each case, and disclose why the target was of such high value that the civilian loss was proportionate to the military gain that was sought. In the absence of such information, these attacks, too, are indiscriminate and, as such, war crimes.

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## **THE IDF'S LACK OF ACCOUNTABILITY FOR INDISCRIMINATE ATTACKS**

The attacks described in this chapter are only a few of many that occurred during the war that caused Lebanese civilian casualties, and the total or partial destruction of civilian property. None of these attacks has been the subject of serious investigation at the international level of the nature that would motivate the State of Israel to provide more than cursory information about the reasons for, and circumstances surrounding, the attacks. In the absence of this information, Israel can claim that allegations about the IDF's serious violations of international humanitarian law are one-sided.

Ironically, the most thoroughly investigated attack of the July-August 2006 war did not involve the deaths of Lebanese civilians but the killing of four U.N. peacekeepers on July 25, 2006, at the Khiam post of Observer Group-Lebanon, part of the U.N. Truce Supervision Organization.<sup>85</sup> The significance of the investigation is that it left more questions unanswered than it resolved. Israel has yet to explain fully its gross negligence during the assault on the peacekeepers' base. The incident also raises serious issues about the IDF's lack of restraint in attacks on Lebanese civilians. If the U.N.'s repeated appeals to Israeli authorities to stop ongoing indiscriminate fire on its peacekeepers were ignored, what chance did unprotected civilians have when their homes and villages came under sustained attack?

## **The Circumstances of the Khiam Attack**

On July 25, 2006, the U.N. post in Khiam first came under sustained IDF artillery shelling. Twenty-one strikes were reported within 300 meters of the position. The peacekeepers took shelter in a bunker on the base, and were wearing protective equipment.<sup>86</sup>

After each strike, UNIFIL communicated its concern to the IDF, and additional appeals were placed to Israeli authorities from U.N. officials in New York. "The bombs were falling on the heads of our guys for six hours," a UNIFIL officer said. "We kept telling the Israelis that our men had been lucky so far, but next time there was going to be a tragedy and could they please correct their targeting. We were begging them to stop."<sup>87</sup>

Ireland's ministry of defense said that Lt. Col. John Molloy, the senior Irish peacekeeper in Lebanon, telephoned the Israelis six times. "He warned the Israelis that they were shelling in very close proximity to the post, and his warnings were very specific, explicit, detailed and stark," a spokeswoman for Defense Minister Willie O'Dea said.<sup>88</sup>

It was a 500-kilogram, precision-guided bomb, dropped at 7:30 p.m., that killed the peacekeepers.<sup>89</sup> The government of Finland reported that the bomb hit the bunker where the peacekeepers had taken shelter, the bunker collapsed, and the four men inside were killed instantly.<sup>90</sup>

After UNIFIL headquarters lost contact with the Khiam base, it coordinated safe passage for two of its armored personnel carriers to go to the scene. Despite repeated requests to cease fire, the

IDF continued to fire at the post during the rescue operation, U.N. officials said at the time.<sup>91</sup> Ireland's Foreign Minister Dermot Ahern stated that the continuous firing on the rescuers "raises questions about whether this was an accident."<sup>92</sup>

Israel's foreign ministry spokesperson Mark Regev called the attack "a tragic error, a mistake." Citing the official Israeli investigation, Regev stated that maps had been duplicated in error during a troop rotation. "In that process, unfortunately, the U.N. post was not accurately mapped. When our aircraft launched its ordnance it believed it was targeting Hizbollah."<sup>93</sup>

This explanation, on its face, does not address the issue of why repeated urgent and direct U.N. appeals to Israel over a six-hour period were ignored.

The U.N. appointed a Board of Inquiry to investigate the attack. It was left with troubling unanswered questions because investigators were not permitted to interview Israeli military officers who had knowledge of the attack:

The Board did not have access to operational or tactical level IDF commanders involved in the incident, and was, therefore, unable to determine why the attacks on the UN position were not halted, despite repeated demarches to the Israeli authorities from UN personnel, both in the field and at Headquarters.<sup>94</sup>

The government of Finland appointed an expert group, led by foreign affairs ministry director-general Irma Ertman, to conduct an independent investigation of the attack. The group submitted its report to Finland's Prime Minister Matti Vanhanen on November 10, 2006.<sup>95</sup> The experts examined the reports that Israel and the U.N. issued about the attack, and found them "logical but not exhaustive."<sup>96</sup> The expert group wrote:

"On the basis of the reports it is not possible to form a complete picture of all details related to the destruction of Patrol Base Khiam." The report also stated that "from a military technical point of view, Israel's report does include features that give rise to questions."<sup>97</sup>

The expert group sent questions in writing to both Israel and the U.N. but no replies were received.<sup>98</sup> At a press conference on November 10, 2006, Prime Minister Vanhanen highlighted one of the unanswered questions: "Why, for example, did the warnings about the use of fire in the vicinity [of the post] not get through?"<sup>99</sup> The Finnish government also stated:

The IDF should have paid greater attention to its air force targeting after receiving warnings through the communications channels of UNIFIL...about bombings that could jeopardize the safety of UN bases. The decision not to monitor the use of fire when the intended target of artillery and air force is situated only a few kilometers from Israeli territory is surprising.<sup>100</sup>

Based on the information that was available to it, the expert group stated that it was not able to "call into question the report provided by Israel, according to which the patrol base was destroyed due to an error," and that it did not "have any evidence that the attack on the UN would have been intentional."<sup>101</sup>

On November 17, 2006, the *Jerusalem Post* reported that it had obtained an internal IDF document about the IDF assault on the Khiam post.<sup>102</sup> According to the newspaper, this document indicated "that a military force unfamiliar with El-Khiam has been assigned to the sector." The newspaper quoted this from the document: "Since the operational headquarters responsible for the El-Khiam sector was charged with the

sector on short notice, the necessary preparations for the operation in El-Khiam...were performed in an abbreviated process." As a result of this process, the *Jerusalem Post* reported, "the manual aids which list potential targets erroneously presented the UN outpost as an enemy Hizbullah position."

The newspaper's account continued:

The aids were reviewed by Division 162, which fought in the eastern sector of southern Lebanon, and the unidentified UN post was deemed a viable target since it was rendered strategically useful to Hizbullah forces and necessary for destruction to allow the IDF to move safely inside the village.

According to the *Jerusalem Post*, the IDF document "clears the IAF [Israeli Air Force] of any responsibility for the incident, claiming that 'aerial forces attacking targets in El-Khiam knew only the coordinates of the targets and that they had been identified as legitimate targets by the planning authorities in the authorized operational [headquarters] in accordance with IDF targeting policy.'"

The *Jerusalem Post* also noted in its report that the IDF, in apologizing for the lethal attack on the peacekeepers, did "not refer to UN claims that observers stationed at the El-Khiam post called IDF liaison officers on 10 different occasions after the outpost was shelled 14 times."<sup>103</sup>

The significance of the information generated about this attack -- from the international community, from the IDF, and from the Israeli press -- is that some Israeli attacks in Lebanon were indiscriminate, at best, by negligence. Negligent attacks under international humanitarian law are not automatically excusable.

The inquiries into the targeting of the Khiam

base raise broader issues about the IDF's accountability for strikes that killed and injured Lebanese civilians. On what basis did Israel deny U.N. investigators access to IDF military officers who had knowledge of the Khiam incident, and does this establish a precedent for future investigations of other deadly attacks? If the IDF exhibited this degree of negligence in repeatedly targeting a well-established U.N. position, what specific precautionary measures did it undertake when it carried out strikes throughout Lebanon in areas where civilians were present? What was the process the IDF used to verify the presence or absence of civilians prior to an attack? How many attacks proceeded on the basis of inaccurate or outdated intelligence? How many Lebanese civilians were killed and injured in such incidents?

It will require a sustained international effort to demand that the State of Israel provide answers to these questions, through the lens of focused inquiries about specific attacks at known dates and times that caused civilian casualties in Lebanon.

# 6 CHAPTER

## IDF GROUND TROOPS IN TAIBE IMPLICATED IN THE KILLING OF FOUR CIVILIANS

*"An Israeli soldier peeked out of the window of the house and shouted at me: Get out of here or you will meet the same fate that they did!"*

--Said Hussein Nahle, 76 years old, describing the moment he found the bodies of four of his neighbors outside their home in Taibe.

Testimonial evidence suggests strongly that IDF ground troops in Taibe in southern Lebanon killed at least four unarmed civilian residents of the village during the conflict. The willful killing of civilians is a grave breach of the Geneva Conventions and, as such, a war crime.

Taibe is located in the northeastern part of the south of Lebanon, less than five kilometers from the Israeli border. Israeli ground forces began operating in the village on July 30, 2006, according to the IDF. At some time immediately after this date, four residents of the village, all members of the Nasrallah family -- an elderly couple in their eighties, and a daughter and son, both in their fifties -- were killed in an area between the front garden and the entrance to their home. The names and ages of the four victims are: Ahmad Ali Nasrallah, 81; his wife Muhsina Ali Jumaa, 83; their daughter Nazha Ahmad Nasrallah, 58; and their son Hussein Ahmad Nasrallah, 54.

The two women were killed first as they approached the front door to the house. The

killings of the men came later, after they went to the house to investigate why the women did not return to a neighboring home where they took shelter during the bombing of the village. The morning after the killings of these civilians, an elderly neighbor discovered the four bodies. An IDF soldier inside the Nasrallah family's house warned the old man to leave or meet the same fate.

In circumstances that are less clear, another resident of Taibe, 90-year-old Mohammed Salim Nahle, was shot dead while walking with a cane out of the village at dusk on August 12, 2006.

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### **BACKGROUND: IDF GROUND FORCES IN TAIBE**

On July 23, 2006, Taibe was one of seven villages in the south of Lebanon that the IDF spokesman singled out specifically and called for residents "to vacate the area and move north of the Litani River today."<sup>1</sup> The spokesman then threatened: "People who ignore this warning are



endangering themselves and their families."<sup>2</sup> One week later, on July 30, 2006, IDF troops were on the ground in and around Taibe. The IDF spokesman reported:

IDF ground forces have been operating in the villages of Teibeh [Taibe], Al Adeisa [Adaisseh] and Killah [Kfar Kila], west of Metulla, since the early hours of July 30, 2006. For the past several days these areas have been used by Hizbullah as launching grounds for scores of rocket attacks against Israel. The objective of the operation is to damage the Hizbullah infrastructure in the area and uncover stores of weaponry.<sup>3</sup>

On July 31, 2006, the *Jerusalem Post* reported that "six soldiers were wounded in clashes with Hizbullah guerrillas in close-quarter gunbattles in the southern Lebanese villages of Ataybeh [Taibeh]."<sup>4</sup>

There was bombing around Taibe on July 31, 2006. CNN reported that "the Israeli army said [the] strikes near the Lebanese village of Tayba [sic] were meant to protect ground forces operating in the border area and were not aimed at specific targets....the IDF said its aircraft fired on open fields surrounding its ground forces in the Tayba area. Three Israeli soldiers in the area suffered minor injuries after Hezbollah fighters hit their tank with a missile, an Israeli army spokesman said."<sup>5</sup>

The *Jerusalem Post* identified some of the IDF ground forces involved in operations in Taibe:

The tank crews of Brigade 401 spent 36 hours in Lebanon over the weekend...hunting for Hizbullah fighters in the villages of Kilah, Adisah and A-Taibe. Despite the success of the tanks and soldiers in the Nahal infantry brigade in killing about 20 Hizbullah members in and around the villages, they were still unable to eradicate their presence, as was

proved by the anti-tank missile firings at the tanks returning on Monday morning [July 31].<sup>6</sup>

The IDF spokesman reported on July 31, 2006, that: "Overnight, IDF forces took control of several strategic positions in Al Teibeh, and have been operating in the areas of Al Adeisa and Rab A-Tiltin. During the past two weeks these areas have been used for launching of missiles at Israel, resulting in the killing and injuring of Israeli citizens."<sup>7</sup>

On August 1, 2006, Taibe was still under fire:

[N]ear the Israeli communities of Misgav Am and Metulla, the army focused on villages that Hezbollah has used for launching Katyusha rockets over the border into communities in the upper Galilee, such as Kiryat Shemona.

The main target of the Israeli operations appeared to be Taibe, which straddles a ridge about three miles from Misgav Am. Thick plumes of smoke and dust could be seen rising from the dense jumble of concrete apartment buildings with each new round of Israeli fire. There were no signs of movement by Israeli troops or Hezbollah fighters, nor any sign of civilians.<sup>8</sup>

IDF Brig. Gen. Guy Zur said on August 2, 2006, that Israeli troops were still fighting in Taibe.<sup>9</sup>

According to one press report: "The Golani Brigade, backed by dozens of tanks from the 7th Armoured Corps, concentrated their offensive on the twin towns of Adessa and El Taibe, across from the Israeli north-eastern town of Metula which had been severely hit in recent days by Katyusha rockets fired by Hezbollah guerrillas."<sup>10</sup> A journalist interviewed IDF soldiers from the Nahal brigade who returned on August 5, 2006 to Israel from fighting in Lebanon. Members of

one Nahal unit "took up positions inside the village of Taibe," and a 21-year-old medic "said the unit came under intense fire when it moved into the village at sunrise on July 30."<sup>11</sup>

On August 4, 2006, the IDF spokesman described Israeli casualties and operations that had been carried out in the village:

In the village of A-Taibeh, an IDF soldier was seriously wounded and another soldier was lightly wounded by Hizbullah anti-tank missiles....During the night, IDF forces identified hitting five Hizbullah gunmen in exchanges of fire in the village. Forces also destroyed a weapons storage warehouse and neutralized a rocket launcher in the village. Since entering the village, over 20 Hizbullah terrorists have been killed in exchanges of fire with IDF forces, and more have been injured. In the past days forces have uncovered anti-tank missiles, explosives, rocket launchers and intelligence data.<sup>12</sup>

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## CIVILIANS LEFT BEHIND IN TAIBE

As these military operations were raging, five civilian residents of Taibe were sheltered in the underground space of a one-story house located in al-Kibi, a hillside residential area of the village. The five civilians were neighbors, and three of them were elderly and in poor health. Like so many other civilians in southern Lebanon who stayed behind when the war broke out, these three men and two women did not want to leave their homes, despite the urging of family members.

The underground area where the civilians took shelter was in the one-story house of Said Hussein Nahle, 76, and his wife Khadijeh, also in her seventies. The house is located in a section

of the residential hillside known as al-Kammel al-Assad.<sup>13</sup> The couple's 37-year-old son Ghaleb, a painter, lived with them. Ghaleb's other siblings reside in Beirut, Africa, and the U.S., and Ghaleb had assumed the responsibility of caring for his parents, who were frail and in poor health.<sup>14</sup>

Ghaleb told ADC-RI that he did not want to remain in Taibe when the war started. He arranged for his mother to leave during the first few days of the war, but his father wanted to stay. By the eighth day of the war, the "escalation was so heavy that I thought it best for my father and me to leave but by this time I could not find transportation for the both of us. I thought it would be safer for an old man to stay in Taibe rather than someone my age," he said. Ghaleb said that he left the village in a car that was packed with people. "I rode on top of the roof, hanging on the entire way. There was no way that my father with his heart problems could have endured the journey on top of the roof," he explained.<sup>15</sup>

In a separate interview, Ghaleb's father, Said Nahle, told ADC-RI that he did not want to be alone after his son left, and that he and his next-door neighbors, the Nasrallahs, decided to stay together.<sup>16</sup>

The Nasrallah family lived in a two-story home that was several hundred meters away from Said Nahle's residence, in an area of the hillside known as Mashrou al-Ma'y. The home has a large garden in front, with lemon, almond, and olive trees. Ahmad Nasrallah, 81, lived on the first floor with his wife Muhsina Jumaa, 83, and three grown children: his unmarried daughter Nazha Nasrallah, 58; his son Hussein Nasrallah, 54; and his youngest son Ali

Nasrallah, 39. Nazha was a seamstress; Hussein and Ali installed tile floors for a living. The second floor of the house was owned by another son, Atef, 57, a school teacher in Beirut. Atef and his family spend summers in Taibe; they were in Beirut when the war started and did not come to the village.<sup>17</sup>

Ali Nasrallah told ADC-RI that he was in Saudi Arabia on business when the war started, and called his parents at home every day. He said that his family's neighbors – Ali Shoumar, Mahmoud Hbeish, and Ali Turkiyyeh – had all evacuated, but that his parents, like their elderly neighbor Said Hussein Nahle, did not want to leave Taibe. First, Ali explained, his father and mother were not in good health, and took medication for high blood pressure. He said that his mother also suffered from arthritis and it was difficult for her to walk without assistance. His father, he said, had "a bad heart," and also was arthritic but had less difficulty walking than his wife.<sup>18</sup>

Ali added that his father honestly expected that the situation would "calm down" in a few days. "My father told me that he lived in Taibe through the 1978 hostilities, the 1982 invasion, and the Israeli occupation of the village. My father also said that when the Israelis previously occupied Taibe, they left everyone alone. He also did not think the Israelis would occupy Taibe this time," Ali said.<sup>19</sup>

As the war continued, and neighbors of the Nasrallah family evacuated, Ahmad Nasrallah finally agreed to leave the village, Ali told ADC-RI. But by this time there was no means of transportation out of Taibe. The family contacted the Lebanese Red Cross, but the organization informed them that it did not have access to the

village to move trapped civilians.<sup>20</sup> Ali said that on July 26, 2006, with the aerial bombardment worsening, his father, mother, sister and brother decided to shelter with Said Hussein Nahle in the underground section of his nearby home.<sup>21</sup>

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## THE MASSACRE OF THE NASRALLAH FAMILY

Ali Nasrallah told ADC-RI that on the morning of July 31, 2006, his mother Muhsina Jumaa and his sister Nazha Nasrallah decided to leave the underground shelter in Said Hussein Nahle's house and return to their own home to bathe and bake bread, since food was running out. It was at this point that Ali's daily telephone contact with his family stopped, which is why he said that he was sure of the date.<sup>22</sup>

In a separate interview, Said Nahle told ADC-RI that Muhsina Jumaa and Nazha Nasrallah left his underground area in the morning to go back to their house to bathe and make bread. When they did not return, according to Said Nahle, Hussein Nasrallah left to check on his mother and older sister. Hussein did not come back either. Concerned, Ahmed Nasrallah then left to find out what was happening. According to Said Nahle, none of his neighbors came back to his house that day, and he said that he spent the night alone in his home's underground area.<sup>23</sup>

The next morning, Said Nahle decided to walk over to the Nasrallah house. He told ADC-RI that he believed that his neighbors either had found a ride out of the village or that perhaps they judged it safe enough to remain in their own home, in which case, he said, he wanted to

stay with them. He said that he had no idea that Israeli soldiers were inside the village and occupying houses in the neighborhood. He told ADC-RI that he saw no one on his walk to the Nasrallah house, and said that it was eerily quiet.<sup>24</sup>

As Said Nahle approached the home, he told ADC-RI that he saw the four bodies of his neighbors. He stated that Nazha Nasrallah was on the veranda in the front of the house. Her mother, Muhsina Jumaa, was on the first step of the house, and the body of Hussein Nasrallah was next to her. In an area near and to the side of the house was the body of the family patriarch, Ahmad Nasrallah. According to Said Nahle:

When I walked up and saw this scene, I screamed and shouted: "Oh God! What kind of situation are we ending up in? Is this our destiny?"

And at that moment, an Israeli soldier peeked out of the window of the house and shouted at me: "Get out of here or you will meet the same fate that they did!"<sup>25</sup>

Said Nahle told ADC-RI that he remembered that the soldier spoke Arabic with a foreign accent. He also said that he could not see into the Nasrallah house because all the windows had been covered, except the one where the soldier appeared and shouted at him. He said that he walked away from the house, making his way to a road that led out of the village. As he walked, he saw no Israeli soldiers. Other than that, he said that he could not remember anything, not even the path he took. "I felt like I had lost my mind," he stated simply.<sup>26</sup>

## The Days That Followed

Said Nahle walked alone from Taibe for three days, and spent three nights sleeping on the road, once in an unoccupied home that was unlocked. On the fourth day, he reached the outskirts of Nabatiyeh and met representatives of the Lebanese Red Cross. He told them what had happened to his neighbors. The Red Cross transported him to Najdeh hospital in Nabatiyeh. Dr. Mashhour al-Nahle, who is Said Nahle's nephew, was working at the hospital that day and admitted his uncle. Said Nahle told ADC-RI that he was in the hospital for three days before he informed his nephew about what happened to the Nasrallah family in Taibe.

A senior representative of the Lebanese Red Cross (LRC) told ADC-RI that after the cessation of hostilities on August 14, 2006, an LRC unit from the Marjayoun district went to the Nasrallah home and removed four bodies.<sup>27</sup> He said it appeared that the victims were killed by machine-gun fire at close range, and he stated that the extremities of the Ahmad Nasrallah, the last of the four to be killed, were barely attached to his body, and appeared almost dismembered.<sup>28</sup> (This would explain the comments of residents of Taibe who told ADC-RI in November 2006 that Israeli troops had "mutilated" Ahmad Nasrallah.)

The *mukhtar*, or mayor, of Taibe, Hussein Kazzem, confirmed that the four Nasrallah family members were killed and subsequently buried in Taibe. He described the family as polite and non-political, and said that they kept to themselves in their neighborhood. He added that he did not know of any ongoing feud the family had with other villagers or any local enemies.

"Ahmad Ali Nasrallah was a respected man," he said. "No one from this town is going to kill a helpless old man and his family."<sup>29</sup>

Ali Nasrallah, the son of Ahmad Nasrallah, told ADC-RI that when he returned to Taibe after the war ended, he found his family's home partially damaged from artillery fire. He also said that the soldiers who occupied the house "broke everything – furniture, dishes – tore up sheets and blankets – they ruined the interior of the house." Ali also found what he described in Arabic as *resaas* – bullets, or shell casings – inside the house.<sup>30</sup>

In addition to Ali and Atef Nasrallah, three other surviving children in the family are: Mohsen, 43, who works in Abu Dhabi in the Persian Gulf; Redda, 50, who is unmarried and lives in Beirut; and Nazih, 63, who is married and lives in Beirut.<sup>31</sup>

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## **AUGUST 12, 2006: THE KILLING OF MOHAMMED SALIM NAHLE**

Residents of Taibe told ADC-RI in November 2006 about the killing of the four members of the Nasrallah family, although none of them were eyewitnesses or were in the village at the time that this massacre occurred.<sup>32</sup> They also said IDF soldiers killed Mohammed Salim Nahle, who was over 90 years old, on or about August 12, 2006. According to one resident, Mohammed Nahle lived with his daughter Khadijeh, who they described as "not totally normal in the head." According to the villagers' account, Mohammed Nahle and Khadijeh Nahle were walking in front of a house that was occupied by IDF soldiers, and Mr. Nahle was

shot dead. Khadijeh sat in the road with her father's body for two days until someone came and took her away, residents said.<sup>33</sup> The villagers who provided this account were not eyewitnesses to these events.

Hussein Haidar, 44, the grandson of Mohammed Nahle, told ADC-RI that two days before the U.N.-mandated cessation of hostilities on August 14, 2006, there was heavy fighting in Taibe, near the house of his grandfather.<sup>34</sup> He said that the house was located in the Noustaniyeh area of the village, near Baladiyeh, the city hall section. He said that Mohammed Nahle was 90 years old, and lived in the house with his 72-year-old daughter Khadijeh (Hussein's aunt), whom Hussein described as "a bit slow." Hussein noted that they lived year-round in Taibe, except for the three inclement winter months when he brought them to stay with him in Beirut.

Hussein told ADC-RI that after the war started, he asked his grandfather if he wanted him to make arrangements for him to leave Taibe. Mohammed Nahle replied that it would be safer to remain in the village than risk traveling on the roads.<sup>35</sup> "He did not think it would be that bad, and refused to leave Taibe with relatives and neighbors who offered him a ride," Hussein said. He added that he respected his grandfather's opinion and did not contest it, particularly because "he had more experience than I did with warfare."<sup>36</sup> Hussein spent most of his adult life working in Saudi Arabia, and had only recently returned to Lebanon to establish a water purification company based in Beirut.<sup>37</sup>

In the closing days of the war, Taibe was under heavy attack and the bombing was getting closer to Mohammed Nahle's home. Hussein



told ADC-RI that when he could not contact his grandfather by telephone, he called neighbors and learned that they saw Mohammed Nahle and Khadijeh Nahle heading out of the village on foot. The neighbors tried to convince them that it was safer to stay in the village than risk the dangers of the roads. But, according to the neighbors' accounts, Mohammed Nahle feared that his house would be bombed and that he would die there, so he decided to walk out of Taibe. "He walked with a cane, he shuffled, he was a slow walker....I did not understand his decision to leave on foot," Hussein said.<sup>38</sup>

Hussein explained that Mohammed Nahle and Khadijeh Nahle started walking out of Taibe on the road that leads to the village of Deir Seriane, a few kilometers to the northwest. Later on, at around dusk, Khadijeh was walking in front of her father. She glanced back and saw that her father had fallen to the ground. "She thought that he tripped and fell," Hussein said. "When she tried to help him up, and he did not respond, she thought that he had a heart attack. She heard nothing before he fell. She did not yet realize that he had been shot."<sup>39</sup>

According to Hussein, Khadijeh went to nearby houses, knocking on doors, but no one answered. "One house was open, and she went inside and got a wet sponge, thinking if she could put some water in his mouth that he would wake up," Hussein said. But by the time Khadijeh came back to him, she saw and realized that her father "had been shot in the back, and was bleeding from the midriff area of his body," Hussein reported.

Khadijeh dragged Mohammed Nahle by his legs for 200 to 300 meters, to a gas station that was owned by distant relatives. She did not leave

his body. Her father's blood loss was so profuse that his clothes were soaked in blood. Fearing that the smell of blood would attract dogs and other animals, Khadijeh removed her father's shirt and pants, and moved them away. She also took off her head scarf and used it to cover her father's face. "She continued sitting with his body so that wild animals did not ravage it," Hussein told ADC-RI.

Hussein also mentioned that Khadijeh had a brief encounter with Israeli ground troops while she sat with the body for two days. "She told me in her childlike manner that men in very large vehicles drove by and tossed three or four bottles of water to her," he said. Hussein presumed that the vehicles were Israeli tanks, but said that Khadijeh would not have known this word.

Hussein confirmed that Mohammed Nahle was killed on the road in Taibe on August 12, 2006, "two days before the end of the war." He added that when he learned from telephoning neighbors that Mohammed Nahle and Khadijeh Nahle had decided to walk out of Taibe, he immediately called the Lebanese Red Cross to find out if Red Cross workers may have seen them or helped them. The Red Cross informed Hussein that it did not have access to the village.

After the war ended, Hussein returned to Taibe with his mother Rasmiyeh, 70. He told ADC-RI that at this point they had no knowledge about what had happened, nor did any of their neighbors. Hussein said:

I called the Red Cross again, to ask if anyone had seen my aunt and grandfather on the roads. They told me that once they had clearance to go in to Taibe, they found my grandfather's body and brought it to the morgue at Rageb Harb hospital in Nabatiyeh. They also said that they dropped my aunt off in the cen-



ter of Taibe because she was in shock and could not answer their questions.<sup>40</sup>

Hussein said that he traveled to Nabatiyeh to claim the body of Mohammed Salim Nahle, and subsequently buried him in Taibe. Hussein also told ADC-RI that he and his mother were initially skeptical of the account that Khadijeh provided to them about the circumstances of the killing. He explained that they asked Khadijeh to take them to the place on the road where the shooting allegedly occurred, and then asked her to describe what had happened. "She showed us exactly where my grandfather had fallen, where and how far she dragged his body to the gas station, and described how she removed his bloody clothes and put them aside. My mother looked around and found the clothes exactly where Khadijeh said she had placed them. I took care of my grandfather, and I recognized that the bloody clothes were indeed his," Hussein said.<sup>41</sup>

In a separate, earlier interview with ADC-RI, the mayor of Taibe said that he registered the death of Mohammed Salim Nahle. He stated that when residents began returning to the village on August 14, 2006, the day the cessation of hostilities went into effect, they found Mr. Nahle "in a pool of blood, shot at close range in his midriff." The mayor added that Khadijeh was sitting near the body and had not moved from the spot.<sup>42</sup>

The mayor also said that he did not know of any eyewitnesses to the killing, but held the IDF responsible since they were occupying houses in Taibe. "The information that I received is that they were shooting at anyone who was outside," he told ADC-RI. "In our village, we do not have murders and shootings. Who else is responsible for a 95-year-old man being shot to death while

trying to shuffle his way out of Taibe when the Israelis were occupying our village and our homes?"<sup>43</sup>

In addition to his daughters Khadijeh and Rasmiyeh, Mohammed Nahle is survived by five other children: Nouf, 68; Zeinab, 66; Sikneh, 64; Fatmeh, 62; and Sabbah, 60. A son, Salim, died in 2004.

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## **ACCOUNTABILITY AND INDIVIDUAL CRIMINAL RESPONSIBILITY**

International humanitarian law prohibits murder, torture, and other egregious acts against individual civilians and or groups of civilians during armed conflicts.<sup>44</sup> The authoritative International Committee of the Red Cross commentary on the Fourth Geneva Convention explains that murder "refers to any form of homicide not resulting from a capital sentence by a court of law in conformity with the provisions of the Convention."<sup>45</sup> The willful killing of civilians in time of war is a grave breach of the Geneva Conventions.<sup>46</sup> The State of Israel has a legal obligation under international humanitarian law to identify persons who are alleged to have committed, or ordered to be committed, the willful killing of protected civilians, carry out an impartial and comprehensive investigation, and bring the perpetrators to justice.

The killing of the four members of the Nasrallah family, and the separate killing of Mohammed Salim Nahle, merit the close scrutiny of the office of Brig. Gen. Avichai Mandelblit, the IDF's Chief Military Advocate General.<sup>47</sup> Israeli human rights organizations are

particularly well positioned to follow up on both cases with the IDF.

In light of the testimonies and other information presented in this chapter, it is the legal responsibility of the IDF to determine and identify the military units that operated in, and took control of, residential buildings in the neighborhood of Taibe where the Nasrallah family lived, and in the area of the road in the village where Mohammed Salim Nahle was shot and killed.

There were about fifteen homes in the immediate vicinity of the Nasrallah residence that were occupied by IDF troops, according to information that ADC-RI obtained. Since the IDF itself reported during the war that ground troops first began operating in Taibe during the early morning hours of July 30, 2006, it should not be difficult to trace the movements of these troops and identify the locations where they were positioned inside homes in the village on and after July 31, 2006. At least one IDF soldier in the group that occupied the Nasrallah house had verbal command of Arabic, based on the testimony of Said Nahle, cited above. Based on IDF and media reports at the time of the killings, it is at least known that units of the IDF's Golani and Nahal brigades were present in Taibe.



# 7 CHAPTER

## THE USE OF INDISCRIMINATE WEAPONS

*"In Lebanon, we covered entire villages with cluster bombs, what we did there was crazy and monstrous."*

--IDF reserve officer who commanded a unit that fired cluster bombs into Lebanon, quoted in the Israeli daily *Haaretz*, September 13, 2006.

*"The firing of cluster bombs in urban areas, with complete disregard for the dangers they pose to the lives of innocent civilians, establishes, prima facie, sufficient criminal intent to carry out the deliberate killing or injury of innocent civilians."*

--Association for Civil Rights in Israel, Letter to Israel's Attorney General Mani Mazuz, September 4, 2006.

There were allegations in Lebanon during the war that Israeli military forces were using cluster bombs and phosphorous munitions in areas where civilians were present. There was also speculation about the use of chemical or unconventional weapons, based on reports of Lebanese physicians about unusual burns on the bodies of some civilians who were killed in IDF attacks. Israel did not confirm or deny these allegations during the war. "The IDF's use of weapons and ammunition conforms to international law. The specific claims are being checked based on the information provided to us," was a generic statement that the IDF typically offered to inquiring journalists.<sup>1</sup>

After the war ended, it soon became apparent that the IDF had fired cluster bombs into Lebanon on a massive scale, in blatant violation

of the international humanitarian law prohibition of indiscriminate attacks.

As of the date of the publication of this report, there has been no independent documentation of a pattern of the use of phosphorous weapons against Lebanese civilians, or Israel's use of chemical or unconventional weapons on the ground in Lebanon.

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### CLUSTER BOMB CONTAMINATION IN SOUTH LEBANON

The U.N. Mine Action Coordination Center South Lebanon (MACC), an arm of the U.N. Mine Action Service, estimated that there were an estimated one million unexploded cluster bomblets in Lebanon as a result of the war, contaminating 34 million square meters of land.<sup>2</sup>

Approximately 90 percent of all the cluster bombs that Israeli forces used during the military conflict were fired between August 11, 2006 – when the U.N. Security Council adopted Resolution 1701, providing for a cessation of hostilities – and August 14, 2006, the day that the ceasefire went into effect.<sup>3</sup>

The risk to civilians from cluster bombs is due to the fact that the small bomblets released after a cluster munition is fired do not all explode on impact with the ground. These "duds" can detonate at any time, with terrifying force, at the slightest movement. "They are small – about the size of a D-cell battery – and easily obstructed by rubble and debris. The presence or sighting of one is an absolute confirmation that there are many others in the immediate vicinity," MACC stated.<sup>4</sup>

The IDF fired cluster munitions into Lebanon by three means: the Multiple Launch Rocket System (MLRS), which fires twelve rockets, each one equipped with 644 individual bomblets; artillery rounds, which have 88 bomblets in each projectile; and BLU-63 bombs dropped from aircraft.<sup>5</sup> According to MACC, the IDF used rockets and artillery to deliver most of the cluster bombs. Between August 16, 2006, and September 13, 2006, MACC teams destroyed a total of 5,045 cluster bombs, and only 167 of them were BLU-63 munitions.<sup>6</sup>

The danger for Lebanese civilians was heightened because of the type of cluster bombs that the IDF used during the war. It relied primarily on U.S.-manufactured bombs with dud rates of 15 to 30 percent, procured with U.S. military assistance funds; the IDF also used older U.S.-made cluster bombs, which have even higher dud rates.<sup>7</sup>

The sad irony is that Israel produces its own M85 cluster bombs for worldwide export. The manufacturer, Israel Military Industries (IMI), advertises that these munitions have "no hazardous duds."<sup>8</sup> It was financial considerations that precluded the IDF from using these munitions. The Israeli daily newspaper *Haaretz* reported that "in order to buy IMI-made bombs, the Israel Defense Forces would have to dip into its own budget."<sup>9</sup>

On November 20, 2006, the IDF admitted that it had used cluster bombs in civilian areas.

The IDF spokesman stated that "the use of cluster munitions against built-up areas was done only against military targets where rocket launches against Israel were identified and after taking steps to warn the civilian population."<sup>10</sup>

If there was a military necessity for Israel to use cluster bombs in such huge numbers in the closing days of the war, it is important to investigate who in the IDF chain of command made the decision to choose munitions that were much more likely to present continuing danger for the Lebanese civilian population after hostilities ceased, based on the known dud rates.

Immediately after the ceasefire, "the IDF distributed warning notices to the residents in the area of warfare, and recommended that they *wait a few days* before returning to the South until the UNIFIL forces were deployed there and the area had been cleared of unexploded ordnance," Israel's foreign ministry stated.<sup>11</sup> It indicated that Lebanese civilians were advised to wait because of Israel's concern for their welfare.

If the protection of Lebanese civilians was in fact important to Israel, cluster bombs should not have been fired in the first place into villages and adjacent agricultural areas where tens of

thousands of civilians reasonably should have been expected to return to live and work after the hostilities ended. The IDF warning to civilians to "wait a few days" was cynical at best. It was a well-known military fact that the sheer quantity of cluster submunitions scattered throughout the South required substantially more time – months and years, not days – to identify and clear.

The Israeli government and the IDF also must explain why there was no timely identification of the locations of cluster-bomb strikes in civilian areas, given the claims about concern for the protection of the safety of Lebanese civilians. Thirty-one days after the cessation of hostilities went in effect, the IDF had still not provided the U.N. and Lebanese authorities with useful information about the exact location of where cluster bombs were fired. U.N. Secretary-General Kofi Annan noted in a September 2006 report to the Security Council that although the IDF had "provided some maps to UNIFIL regarding cluster strikes, they were not specific enough to be of use to operators on the ground." His report continued:

I expect that Israel will provide further detailed information to UNIFIL regarding the exact location, quantity and type of cluster munitions utilized during the conflict. In addition to cluster munitions, unexploded bombs, rockets, mortars and other ordnance also litter the south and areas in the north and east of Lebanon."<sup>12</sup>

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### **Documentation of the Contamination**

By mid-September 2006, U.N. experts had counted 516 locations where cluster bombs

landed in south Lebanon, and sought Israel's assistance to make the identification of other sites more efficient. "What we'd like [from Israel] is the number of shells that were fired in, and the actual coordinates, so we can go in and short-circuit what we're doing now and go and find those munitions straight away. But that has not happened yet," said David Shearer, U.N. Humanitarian Coordinator for Lebanon.<sup>13</sup> Dalya Farran of the U.N. Mine Action Coordination Center (MACC) in Tyre told the Associated Press that Israel had provided some maps. "But they're useless. They don't have any coordinates or legend."<sup>14</sup>

U.N. and other expert teams working in south Lebanon had identified some 605 cluster bomb strike locations by the closing days of September 2006, according to MACC. The broad spread of cluster bombs on impact with the ground required clearance experts to examine an area of 196,000 square meters in each strike location, in order to locate the positions of all the bomblets for eventual destruction. MACC described the unexploded bomblets as "an immediate threat to returnees and humanitarian workers," and estimated that it would take twelve to fifteen months to clear southern Lebanon's land of the submunitions.<sup>15</sup>

By early November 2006, about 85 percent of the south had been examined for cluster-bomb strikes, and 800 locations were identified.<sup>16</sup> Experts involved in the work expressed concern about the onset of winter and its accompanying rains. The fear was that the submunitions would be buried deeper in the wet soil, making them more difficult to locate.<sup>17</sup>

On December 1, 2006, U.N. secretary-general Kofi Annan informed the Security Council



that Israel had not as of that date provided UNIFIL "with the detailed firing data on its use of cluster munitions" during the war.<sup>18</sup> He also stated:

The provision of this data, which would be in keeping with the spirit of Protocol V of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or Have Indiscriminate Effects, which came into force recently, would significantly assist operators on the ground to mitigate the threat to civilians. I reiterate my expectation for the provision of these data.<sup>19</sup>

The U.N. Mine Action Coordination Centre South Lebanon reported that the village of Yohmor "was the most heavily contaminated with cluster munitions," and that the villages of al-Hinniyah and Zibqin were also flooded "with cluster munitions in and around the houses and gardens as well as along the roads."<sup>20</sup> None of these villages are on the front line of the Lebanon-Israel border. Yohmor is a small hillside village about five kilometers south of Marjayoun; Hinniyah and Zibqin are located southeast of Tyre, Zibqin about seven kilometers from the Israeli border and Hinniyah northwest of Zibqin, closer to the Mediterranean coast.

A representative of the Mines Advisory Group (MAG) from the United Kingdom, Sean Sutton, wrote that a MAG team visited the hillside village of Yohmor on August 15, 2006, and "found bomblets littering the ground from one end of the village to the other."<sup>21</sup> He elaborated:

They were on the roofs of all the houses, in all the gardens and across all the roads and paths. Some were inside houses, after landing through the windows or through holes blasted in the roof by artillery and aircraft. A lot of people returned right after the ceasefire, but many of

them quickly left again when they found their homes reduced to rubble and covered in explosives.<sup>22</sup>

Sutton described the work of one MAG team in Yohmor on August 28, 2006, when it took an entire morning to clear one house of 32 explosives and safely detonate the munitions. "Families have a say in what most needs to be made safe. At this stage the team usually clears about five meters around the house, but if there are children around then that's taken into account and they go up to fences and walls," he wrote.<sup>23</sup>

The International Committee of the Red Cross reported that in Tibnin, "the main street of a residential neighborhood is littered with unexploded ordnance dropped in the last few days of the fighting. Some of the deadly devices lay strewn in front of a hospital and the local branch of the Lebanese Red Cross. Many more are buried in the rubble of collapsed buildings."<sup>24</sup> David Shearer, U.N. Humanitarian Coordinator for Lebanon, visited Tibnin on September 6, 2006, and reported seeing cluster submunitions "on houses, inside houses and next to houses."<sup>25</sup> He added: "I saw them clear 16 or 17 [bomblets] away from a school soccer field. I saw them on the road and in orchards next to the road, caught in the trees."<sup>26</sup>

Ali Saad, the volunteer director of the southern division of the Lebanese Red Cross (LRC), told ADC-RI that the entire area in front and to the side of Tibnin hospital was covered with cluster bombs.<sup>27</sup> At the time of ADC-RI's visit, there remained the charred remains of cars parked around the hospital. The LRC office is located about 150 yards from the hospital, clearly marked with Red Cross flags. The Tibnin sec-

ondary school, where Mr. Saad said displaced civilians were sheltered during the war, is located about 500 yards from the hospital. The school was hit on more than one occasion as the entire area was subjected to intensive shelling, according to Mr. Saad.<sup>28</sup> In Bint Jbail, Ghandour hospital was similarly surrounded with cluster submunitions.<sup>29</sup>

Volunteers with Lebanese nongovernmental organizations also testified about cluster bombs in residential areas. Nizar Ramal was in the village of Aita al-Shaab after the war on behalf of Samidoun, a coalition of Lebanese grassroots organizations. He told ADC-RI that there were cluster bomblets inside homes in the village. "We would assign someone to baby sit the cluster so no one would step on it and it would not roll. We guarded it like you would watch a baby," he said.<sup>30</sup>

As of January 8, 2007, MACC had identified the location of 839 cluster bomb strikes in south Lebanon, which contaminated an area of an estimated 34.2 million square meters.<sup>31</sup> Clearance experts from UNIFIL, the Lebanese armed forces, and U.N.- and bilateral-funded mine clearance organizations had located and destroyed 94,544 cluster bombs as of December 22, 2006.<sup>32</sup> This work involved clearing about 3.5 million square meters on the surface of the contaminated areas and another 3.9 million square meters of the subsurface.<sup>33</sup> This left 91 percent of the contaminated surface areas to be cleared and 90 percent of the subsurface.<sup>34</sup>

The impact of cluster bomb contamination on the agricultural economy and environment in southern Lebanon is described in Chapter 8 and Chapter 9, respectively, of this report.

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## Civilian Casualties

Cluster bombs killed 22 Lebanese civilians, seven of them children, and injured 171 civilians, 60 of them children, between August 14, 2006, and April 5, 2007.<sup>35</sup> Statistics collected about the cause of the civilian casualties revealed that the overwhelming majority of the people who sustained injuries were wounded in and around their homes, and the majority of those killed were working in agriculture or herding livestock.<sup>36</sup>

The postwar injuries of two cluster-bomb victims in a hospital in Nabatiyeh illustrated the destructive force of the bomblets. Hussein Ali Ahmed, 70, was pruning an orange tree near his house in Yohmor in September 2006. His movements detonated a cluster submunition, "sending pieces of shrapnel into his brain, lungs and kidneys," and he was in a coma when a journalist visited the hospital.<sup>37</sup> Another victim, Ahmad Sabah, 45, was admitted to the hospital unconscious.<sup>38</sup> He was injured while inspecting the water tank on the roof of his house. The hospital's director, Dr. Hassan Wazni, commented: "For us, the war is still going on, though there was a cease-fire on August 14. If the cluster bombs had all exploded at the time they landed, it would not be so bad, but they are still killing and maiming people."<sup>39</sup>

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## Admissions from Israel

After the war ended, IDF soldiers and an IDF officer informed the Israeli daily *Haaretz* that rockets and artillery cannons equipped with cluster munitions were fired into Lebanon, most

of them during the last ten days of the conflict.<sup>40</sup> One reservist in an artillery battalion, identified only by the initial S., stated that one night the soldiers were ordered to target an entire village. "The battalion commander assembled the men and told them that the whole village had been divided into parts and that each team was supposed to 'flood' its allotted space – without specific targets, simply to bombard the village," the newspaper reported.<sup>41</sup> The reservist was unable to verify the name of the village, but he thought it may have been Taibe.<sup>42</sup>

Another reservist in this artillery battalion, identified as Y., said: "In the last 72 hours [of the war] we fired all the munitions we had, all at the same spot. We didn't even alter the direction of the gun. Friends of mine in the battalion told me they also fired everything in the last three days – ordinary shells, clusters, whatever they had." Y. stated that he fired at least 15 cluster shells. "It was in the last days of the war. They gave us orders to fire them. They didn't tell us where we were firing – if it was at a village or at open terrain. We fired until the forces that requested the shelling asked us to stop."<sup>43</sup>

*Haaretz* also quoted an unnamed IDF reserve officer, identified as a commander in the unit that fired Multiple Launch Rocket System (MLRS) cluster munitions, who stated that about 1,800 MLRS rockets were fired into Lebanon during the war.<sup>44</sup> (As noted above, each rocket contains 644 individual cluster submunitions.) Additional cluster bombs were fired from 155mm artillery cannons, although no statistics were provided about the numbers used.<sup>45</sup>

"In Lebanon, we covered entire villages with cluster bombs, what we did there was crazy and monstrous," the reserve officer said. He stated

that the MLRS rockets were used in large numbers although it was known that they are not precise weapons and can miss a target by as much as 1,200 meters. The officer explained that because the rockets could not be precisely fired, the instructions were to "flood" areas with them. "We have no option of striking an isolated target, and the commanders know this very well," he noted. This officer said that it was also known that cluster bombs fired in MLRS rockets have a high "dud" rate. He added that in some cases soldiers were ordered to fire the rockets at areas less than 15 kilometers away, although it was known from the weapons' specifications that this would only increase the number of duds.<sup>46</sup>

The reservists' remarks generated a response from the IDF spokesperson, who continued to insist that Israel was in compliance with international law concerning the use of these weapons. The spokesperson stated:

For understandable operational reasons, the IDF will not comment on a detailed listing of the weaponry at its disposal. The IDF uses only methods and weapons that are permitted according to international law. The firing of artillery in general, including the firing of artillery to demolish a target, was initiated in response to firing at the State of Israel only.<sup>47</sup>

Prior to the public admissions of the IDF soldiers, the Association for Civil Rights in Israel (ACRI) wrote to Israel's attorney general Mani Mazuz about the use of cluster bombs during the war.<sup>48</sup> ACRI stated that the use of these weapons in populated areas violated international humanitarian law in two respects: first, the munitions disperse widely and therefore cannot be directed at specific military objectives; and, second, their dud rate "turns the targeted terri-

tory into a minefield." ACRI called on the attorney general to investigate the use of cluster bombs in Lebanon, including "the circumstances behind the decision," and "the level of personal responsibility for all those involved in the firing of these weapons, including the political echelons, in the event that they authorized their use."

ACRI also cautioned that the "deliberate killing of civilians, or the causing of deliberate injury, represents a grave breach of the Fourth Geneva Convention and its First Protocol, or more specifically, an extremely grave war crime, which gives rise to universal jurisdiction." It added: "The firing of cluster bombs in urban areas, with complete disregard for the dangers they pose to the lives of innocent civilians, establishes, *prima facie*, sufficient criminal intent to carry out the deliberate killing or injury of innocent civilians."

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### **Official Investigations of Cluster Bomb Use During the War**

On November 20, 2006, Lt. Gen. Dan Halutz, who was still serving as IDF chief of general staff, ordered an internal IDF investigation into the use of cluster bombs during the war.<sup>49</sup> "One of the things that must be investigated is the way in which the orders were given and implemented," he said that day on Army radio. "Were the orders explicit? I believe that they were. Now all we need to do is to see whether we had or did not have departures from the commonly accepted rules of use."<sup>50</sup> The *New York Times* reported that Gen. Halutz "did not specify what orders he gave regarding cluster

munitions, and it was not clear whether he prohibited them, or placed certain restrictions on their use."<sup>51</sup> The newspaper also noted that the U.S. and Israel had long-standing "secret agreements" about the use of U.S.-supplied cluster bombs, and that in August 2006 the U.S. State Department initiated an inquiry into Israel's use of cluster bombs during the war.<sup>52</sup>

On November 21, 2006, *Haaretz* reported that there was "growing evidence that the IDF leadership, including the chief of staff's office, authorized the firing of cluster munitions against the areas in southern Lebanon struck by these weapons."<sup>53</sup> The newspaper elaborated:

A commander of a Multiple Launch Rocket System (MLRS) battery said they had fired many rockets against targets north of the Litani River, and that these targets had been described as "General Staff targets." This description was given to targets authorized by the chief of staff's office.<sup>54</sup>

In late 2006, according to the *New York Times*, "Israel gave the State Department a dozen-page report...in which it acknowledged firing thousands of American cluster munitions into southern Lebanon but denied violating agreements that prohibit their use in civilian areas, [unnamed Bush administration] officials said."<sup>55</sup> U.S. arms sales to other countries are regulated by the U.S. Arms Export Control Act.<sup>56</sup> Under this legislation, recipients of arms who violate restrictions placed on the use of these weapons can be subjected to sanctions, including bans on sales.

On January 27, 2007, the U.S. State Department said that it would deliver to the U.S. Congress on January 28 its preliminary report about Israel's use of U.S.-supplied cluster

munitions during the war, adding that this report would not include definitive findings.<sup>57</sup> In response, Israel's Foreign Ministry announced on January 28 that the IDF used the cluster bombs in self-defense. "We have an open dialogue with the U.S.," said spokesman Mark Regev. "We have provided them with information, and tried to be as forthcoming, detailed and transparent as possible. Our understanding is that the use of these weapons was done within the framework of self-defense in dealing with rockets designed to kill Israeli citizens."<sup>58</sup> The State Department's preliminary report was classified, although the State Department spokesman said "there may likely could have been some violations" of the bilateral agreements concerning cluster bomb use.<sup>59</sup>

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## Violations of International Humanitarian Law

International humanitarian law provides strict guidelines about the use of weapons during armed conflict to protect civilians from the dangers of military operations. It prohibits the use of weapons (the means) that cannot be directed against a specific military target, and prohibits attacks (the methods) that strike military objectives and civilians or civilian objects without distinction. Violations of these provisions are indiscriminate attacks under the laws of war.<sup>60</sup>

There are two characteristics of cluster bombs that make Israel's use of these weapons in populated areas indiscriminate under international humanitarian law. First, cluster bombs cannot be precisely aimed at specific military objectives – they are designed to scatter and cover wide

areas with deadly explosive bomblets. Second, the effects of cluster bombs continue indefinitely after attacks because of the lethality of the unexploded "duds," which can kill or injure anyone who disturbs the submunitions, combatants and civilians alike.

The Israeli government stated after the war that "the main issue in a discussion of Israel's use of such weaponry [cluster bombs] should [be] the method of their use, rather than their legality."<sup>61</sup> The method, in the case of Lebanon, involved firing cluster bombs into populated areas. The legacy of an estimated one million cluster submunitions located in and around areas in Lebanon where civilians live, work, and are otherwise present in large numbers – such as hospitals and schools – leaves no doubt that the IDF's use of these weapons was indiscriminate. The use of grossly indiscriminate weapons in areas where military objectives and civilian objects are intermingled is an attack inherently indiscriminate in nature.<sup>62</sup> Moreover, the sheer quantity that the IDF used made adherence to the principle of distinction between civilians and combatants, and civilian objects and military objectives, exponentially untenable.

The choice of cluster bombs as a means of attack in the closing days of the war, when most of the munitions were fired, implicates the IDF in another violation of international humanitarian law. Those who plan or decide upon an attack are required to "take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects."<sup>63</sup>

On November 20, 2006, the IDF made its



first admission about the use of cluster bombs in populated areas of Lebanon, according to *Haaretz*. The IDF spokesman stated that "the use of cluster munitions against built-up areas was done only against military targets where rocket launchers against Israel were identified and after taking steps to warn the civilian population."<sup>64</sup> Given the vast array of military weaponry that the IDF had at its disposal, there were certainly other more precise ways to target Hizballah's rocket launchers, wherever they were located. And, in the case of rocket launchers that may have been positioned in populated areas, the burden was on the IDF, under international humanitarian law, to choose methods and means of attack that could be directed at the specific rocket launchers. The choice of cluster bombs as the option in this case was a grave violation of the laws of war, and thus a war crime. The choice implicates IDF decision makers and target planners, and other individuals up the chain of military command, with individual criminal responsibility for war crimes. In the aftermath of the barrage of cluster bombs, particularly given the U.N. ceasefire that went into effect on August 14, 2006, the IDF's unwillingness to disclose in a timely fashion the locations of the cluster bomb firings represented an additional violation of international humanitarian law.

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## PHOSPHOROUS WEAPONS

There were allegations in Lebanon during the war that the IDF was using phosphorous weapons in civilian areas. This fear was not out of context. Lebanese civilians reported the indiscriminate use of phosphorous from 1982,

through Operation Accountability in July 1993, and in 1995.<sup>65</sup>

White phosphorous munitions include mortar and artillery shells. The smoke from burning white phosphorous "can screen troop movement," and "act as target markers for aircraft and as signals."<sup>66</sup> White phosphorous is also used as an incendiary weapon. Its particles "can burn combustible items upon contact until it has completed its reaction with oxygen, which can last up to 15 minutes, depending on the munition."<sup>67</sup> The contact of white phosphorous with the skin can cause serious and lethal injuries.<sup>68</sup>

During the war, Israeli military officials did not confirm or deny the IDF's use of phosphorous weapons. It was not until October 2006 that the government admitted that it had fired phosphorous shells into Lebanon. In response to a question from a member of the Knesset, Israel's legislative body, minister for government-Knesset relations Jacob Edery, said: "The IDF holds phosphorous munitions in different forms. The IDF made use of phosphorous shells during the war against Hezbollah in attacks against military targets in open ground." He added that "the IDF used this type of munitions according to the rules of international law." The minister did not provide information about where these weapons were used or any specific information about the targets.<sup>69</sup>

The U.N. Environment Programme (UNEP) noted in its postwar assessment that the IDF "officially confirmed the use of [white phosphorous] on 21 October 2006."<sup>70</sup> UNEP also stated that its own site investigations in southern Lebanon found that the IDF used white phosphorous shells "as smoke screens or to mark targets."<sup>71</sup> It reported that some shells with the "sig-



natures" of white phosphorous "were seen in very limited numbers on the open ground close to villages or towns in the region of Bint Jbeil and Marjayoun."<sup>72</sup> UNEP cited one case in the village of Deir Mimas:

UNEP, together with Lebanese Army experts, recovered one unexploded 8.1 cm light green mortar shell...where local residents had reported seeing white smoke plumes in various attacks, as well as the "strange" burning of houses and olive trees. UNEP destroyed the shell with the assistance of Lebanese EOD experts and confirmed that it contained WP [white phosphorous].<sup>73</sup>

UNEP added in its report that mortar shells containing white phosphorous "were used mainly in U.N. area number 6 (between the Litani and Awali Rivers)."<sup>74</sup>

In its conclusions about the IDF's use of white phosphorus during the war, UNEP warned of the potential danger of these unexploded munitions to civilians:

The environmental impact of the use of [white phosphorus] in Lebanon was limited to the burning of olive trees and houses. However, given that the efficiency of the mortar shells was relatively low, the use of [white phosphorus] has created an EOD [explosive ordnance disposal] problem. Residents of areas where this type of ammunition was used should be made aware of its presence and EOD teams should take the necessary safety precautions when conducting their work.<sup>75</sup>

On August 17, 2005, an unexploded phosphorous shell detonated in the South Hebron Hills area of the West Bank, killing a 17-year-old Bedouin shepherd, and injuring three of his brothers, one seriously. The area where they lived with their families was used for IDF training exercises, and the Bedouins were evicted.

Under a ruling from Israel's highest court, the families were allowed to return, "but the IDF never cleared the unexploded ordnance," *Haaretz* reported.<sup>76</sup> The newspaper said that hospital records where the victims were treated "state specifically that they were suffering from phosphorous injuries." The IDF spokesman called it "an unfortunate incident."<sup>77</sup> In a subsequent interview with the newspaper, the spokesman said: "Phosphorous shells are used solely in training, in order to mark targets and sector boundaries."<sup>78</sup>

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## CHEMICAL AND UNCONVENTIONAL WEAPONS

During the war, Lebanese physicians and rescue workers expressed concern about unusual burns and other injuries presented on the bodies of some civilians who were killed in IDF attacks. This led to much speculation that Israel was using chemical or unconventional weapons.

"We saw a lot of burned bodies, completely blackened. You would think that they were African, not Lebanese," said Ali Saad of the Lebanese Red Cross.<sup>79</sup> "These types of burns were unknown to us, but what they were is not for us to speculate about," he added.<sup>80</sup>

In a separate interview, Dr. Haidar Jouni, an orthopedic surgeon, told ADC-RI that he too observed patients with unusual wounds. "We saw people that came in with blackened skin and joints that felt like paper," he said. "The bodies were blackened, with a white ash around them. Areas that were not completely blackened had circles of blotches in varying diameters. The bodies were unrecognizable, and appeared to be

decomposed," Dr. Jouni added.<sup>81</sup> In Bint Jbail, Dr. Mohammed Chouman at Ghandour hospital told ADC-RI that "we saw bodies that were so blackened that we did not recognize them to be our neighbors – we thought at first look that they were Nigerian because they were so dark. The skin that was black did not look as if it was caused by fire. They had internal bleeding as well."<sup>82</sup>

During the war, Dr. Bashir Cham, a cardiovascular surgeon at Oseiran hospital in Sidon, reported seeing unusual injuries on casualties. "Following a bomb attack near Sidon, we had eight bodies brought to the hospital," he was quoted as saying. "Normally, people killed or injured by a bomb explosion or in a car accident show traces of burns or blood. But these bodies showed neither. The skin was completely black, while the muscle underneath was intact." Dr. Cham said that other hospitals were reporting similar cases.<sup>83</sup>

The doctors who saw such cases were working in a war environment, overwhelmed with the shortage of medical staff, emergency rooms overflowing with the injured, and forced to treat people on sidewalks outside the hospitals. Doctors themselves were working around the clock, often outside of the scope of their specialties. They also were pressured by families of victims of the bombing and shelling to release the bodies before sundown for burial according to Muslim tradition.

ADC-RI interviewed Dr. Cham in November 2006. He said that his hospital received victims of the bombing of the Rmeileh road bridge on July 17, 2006.<sup>84</sup> "Their bodies were all blackened," he said. "There was no blood on the bodies. I saw no evidence of burns...the hair, eye-

brows, and clothing were still intact. Only the exposed areas of the bodies were blackened. It appeared like there was a toxic substance in the skin," he added.<sup>85</sup>

Dr. Cham is not a trained pathologist but, because of his concern, he said that he took skin and muscle tissue samples from the victims and sent the samples for analysis to the forensic medicine institute at the University of Frankfurt in Germany.<sup>86</sup> The institute's results were inconclusive because it required more than the tissue samples, including "an autopsy and a chemical and toxicological analysis of the blood"<sup>87</sup> Dr. Cham told ADC-RI that, based on his discussions with Egyptian military officials, it was possible that the munitions used in the attacks may have contained a high degree of carbon that turned the skin of the victims black, while at the same time causing internal organ damage.<sup>88</sup>

After the war, a team of experts from the U.N. Environment Programme (UNEP) examined in Lebanon "hundreds of objects and pictures" of IDF unexploded ammunition and weapons-system parts that were used during the conflict.<sup>89</sup> UNEP stated that it could not "confirm the use of unconventional weapons by the IDF during the 2006 conflict."<sup>90</sup> It further stated: "All the remains of weapons found during the period of assessment – including those at the two Lebanese Army [Explosive Ordnance Disposal] centers [in Nabatiyeh and Marjayoun] – were identified as weapons of well-known design."<sup>91</sup>



# 8 CHAPTER

## THE TARGETING OF LEBANON'S INFRASTRUCTURE AND ECONOMY

*"One cannot say the Israelis made a mistake. They bombed 120 factories – you cannot make that many mistakes."*

--Fadi Aboud, president of the Association of Lebanese Industrialists, November 27, 2006.

*"The blockade was effective. The Lebanese economy is paralyzed and that was our goal."*

--Senior unnamed Israeli naval officer, quoted in the *Jerusalem Post*, August 24, 2006.

Senior commanders of the Israeli Defense Forces (IDF) stated at the outset of the war that Israel's military operations in Lebanon would be wide-ranging and punishing. IDF chief of general staff Lt. Gen. Dan Halutz threatened that Israel would "turn Lebanon's clock back 20 years" if the two IDF soldiers taken hostage of July 12, 2006, were not returned, and stated that "nothing is safe [in Lebanon], as simple as that."<sup>1</sup> The war extracted an enormous price in damage to Lebanon's public infrastructure and private economic assets. In addition to roads, bridges, and electricity infrastructure, the IDF also targeted and destroyed major factories and agricultural enterprises.

On July 13, 2006, Gen. Halutz outlined the scope of the military campaign: "The operation we have undertaken is quite broad....we are striking various targets in Lebanon, both Lebanese national targets and those belonging to Hezbollah. We will continue to do this as neces-

sary until we achieve our goals."<sup>2</sup> At a press conference the next day, he indicated that the IDF attacks on Lebanese infrastructure were, in effect, punishment for the government's toleration of Hizballah:

The government of Lebanon carries the responsibility for everything that occurs within its borders and for actions that emanate from its territory. The government failed to take over the terror organization which conquered it.

The Hezbollah took on itself the role of defending Lebanon, while in [actuality] it acts as a destroyer of the country, and Lebanon is paying a heavy price for occurrences that are caused by actions emanating from its country against the State of Israel through damages [sic] roads, bridges, and airports.<sup>3</sup>

In some cases, the Israeli government made arguments of military necessity to justify the destruction; in other cases, particularly the targeting of major industrial firms, the IDF maintained a conspicuous silence and offered no

explanation during the war of why these businesses were bombed and destroyed. The IDF's publicly issued daily communiqués during the war – which typically described the targets that had been attacked in the previous 24-hour period – never mentioned the private companies that were precisely targeted in air strikes. This economic destruction was indiscriminate under international humanitarian law, and remains an important issue that merits in-depth investigation by the international community.

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## **CRIPPLING THE TRANSPORTATION INFRASTRUCTURE**

The Lebanese government reported that 151 roads and 97 bridges were destroyed during the war. These included highway underpasses, overpasses, and interchanges, river bridges, viaducts, and culverts.<sup>5</sup> The Israeli government stated that this massive destruction was a military necessity:

The activity of terrorist groups in Lebanon is dependent on major transportation arteries, through which weaponry and ammunition, as well as missile launchers and terrorist reinforcements are transported. Damage to key routes is intended to prevent or obstruct the terrorists in planning and perpetrating their attacks. In this case it is also intended to prevent the kidnapped soldiers being smuggled out of the country.<sup>6</sup>

The IDF also maintained that the naval blockade of Lebanese ports, imposed on July 13, 2006, and not lifted until September 7, 2006, was similarly designed to block the movement of combatants and weapons. The purpose of the naval blockade was "to protect the citizens of

Israel against attacks emanating from Lebanese territory," the IDF Spokesman stated on July 13. "The ports and harbors of Lebanon are used to transfer terrorists and weapons by the terrorist organizations operating against the citizens of Israel from within Lebanon, mainly Hezbollah," he elaborated.<sup>7</sup>

The crippling of the country's transportation network did not stop the launching of Hizballah's rockets into Israel, and it is not known where and by what means the two kidnapped soldiers were moved either inside the country or beyond Lebanon's borders. Lebanon is criss-crossed with hundreds of small roads and, along the border with Syria, a multitude of smuggling routes. The Katyusha rockets that plagued Israel's north during the war were highly mobile. Israeli military affairs correspondent Ze'ev Schiff pointed out that the rockets are "small enough to be carried on the back of a donkey, on a motorcycle or by one or two men."<sup>8</sup>

Another issue was infrastructure destruction that appeared excessive in relationship to the military objective that was sought. Fadl Shalak, president of Lebanon's state Council for Development and Reconstruction, cited as an example the imposing two-span Mdeirej bridge that links Beirut with Chtoura near the Syrian border:

A beautiful bridge, its columns 70 meters, it's one of a kind in the whole Middle East. Why would they destroy such a bridge? They could have bombed the beginning and the end and stopped the traffic. But they made a point to bomb this bridge several times.<sup>9</sup>

The Lebanese government reported that the Mdeirej bridge required demolition and recon-

struction of its eastbound section.<sup>10</sup> The U.S. government announced in March 2007 that the rebuilding project, financed by the U.S. Agency for International Development, would cost \$30 million and that design work had commenced.<sup>11</sup>

The naval blockade and the *de facto* air blockade due to the bombing of the airports, combined with destruction of major transportation routes throughout the country, brought economic life in Lebanon to a screeching halt, and expanded the impact of the war to the entire country.

Tankers filled with tens of thousands of tons of diesel and fuel oil remained in safe waters offshore, waiting for Israeli clearance to move into ports in Beirut and Tripoli. Lebanese importers of consumer goods saw millions of dollars' worth of inventory backlogged in containers in foreign ports. Without needed supplies and materials, Lebanese manufacturing companies also were unable to fulfill contracts with domestic and foreign clients. "The blockade was effective," a senior IDF naval officer, who was not named, told the *Jerusalem Post*. "The Lebanese economy is paralyzed and that was our goal."<sup>12</sup>

Criticism mounted of Israel's continuation of the blockade of Lebanon after the U.N.-mandated cessation of hostilities went into effect on the morning of August 14, 2006. "I am shipping goods from the United States, Britain and Italy and the source of my goods cannot possibly be the source of armament for Hezbollah," argued Sami Khouri, chairman of Teeba Holding, a company that imports sugar, meat, frozen vegetables and other food products. "This is all meaningless and it amounts to punishing all the Lebanese," he said.<sup>13</sup>

Lebanese parliament speaker Nabih Berri

charged in an interview with the *Financial Times* that "one of the objectives of this war [was] to hit Lebanon economically, and this war is still continuing." He charged that the blockade was intended to weaken the country's economy and deter Arab investors.<sup>14</sup>

The blockade was finally lifted at 6:00 pm on September 7, 2006, pursuant to a decision of Israel's political leadership, which the IDF reportedly opposed.<sup>15</sup> The IDF sought to maintain the blockade as a form of pressure on the Lebanese government to gain the release of the two soldiers who were taken hostage on July 12, 2006, and to achieve full implementation of U.N. Security Council Resolution 1701.<sup>16</sup>

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## THE ELECTRICITY INFRASTRUCTURE

Lebanon's electricity infrastructure consists of facilities that generate, transmit, and distribute electrical power. About 90 percent of the infrastructure is controlled by Electricite du Liban (EDL), a public institution that was created in 1964.<sup>17</sup> EDL generates electricity through the seven major thermal power plants that it operates.<sup>18</sup> The transmission network includes high-voltage power lines; 58 substations that convert power from high to medium voltage; and overhead lines and underground cables used to transmit and distribute electricity. The distribution sector of the electricity infrastructure includes substations with over 15,000 transformers that convert power from medium voltage to low voltage for delivery to customers.

The Lebanese government described substantial war-related damage to all sectors of the elec-



tricity infrastructure.<sup>19</sup> It reported \$47 million in damage to the production sector from two attacks on the fuel storage tanks at the Jiyyeh thermal power plant, south of Beirut. The transmission sector suffered \$37 million in damage, with "serious damage" to the station in Sibliin; "partial damage" to the station in Sidon; "major damage" to transmission lines in four regions (North, Bekaa, Mount Lebanon, and South); and "damages to subterranean cables in Beirut."<sup>20</sup> There was also \$54 million in damage to the distribution sector in Beirut and Mount Lebanon, and at least \$22 million to this sector in other regions where there were "total damages to [the distribution] network in [a] large number of severely damaged areas, some in a permanent way."<sup>21</sup>

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### **The Attacks on the Jiyyeh Power Plant**

The IDF targeted the fuel-storage tanks at the Jiyyeh plant, located on the Mediterranean coast 28 kilometers south of Beirut, on July 13, 2006, and July 15, 2006. The plant has five fuel tanks, with capacities ranging from 10,000 tons to 25,000 tons.<sup>22</sup> The first attack, on a 15,000-ton tank, ignited the stored oil, and Lebanese civil defense forces "were able to contain the fire."<sup>23</sup> The second attack, two days later, hit the plant's second 15,000-ton tank. Lebanon's environment ministry described what happened next:

[The second attack] caused around 2,000 tonnes to burn and approximately 10,000 to 13,000 tonnes were spilled to the sea. The 25,000 tonnes tank caught fire at the loading valve in the bottom which caused the spillage of 1000 to 2000 tons of fuel. The fires were con-

tained and sand dunes were built around the tanks which prohibited the spillage of more fuel. The tanks contained the same type of fuel.<sup>24</sup>

The strikes set the tanks on fire, generated air pollution for weeks, and spilled about 15,000 tons – over four million gallons – of hazardous medium/heavy fuel oil into the Mediterranean Sea.<sup>25</sup> Lebanon's environment minister Yacoub Sarraf maintained that the attacks were "definitely deliberate."<sup>26</sup> He said: "They did not hit the power station, just the fuel storage, and this was the tank that was closest to the sea."<sup>27</sup> He explained in an interview that the second attack, on July 15, 2006, again hit the tank that was 25 meters from the sea, and its protective berm, "a concrete and earth barrier designed to stop any oil spilling from the tank from reaching the Mediterranean," the environment editor of a British daily newspaper summarized.<sup>28</sup>

Professor Richard Steiner, an oil spill expert at the University of Alaska who traveled to Beirut and advised the Lebanese government about the spill, stated that because the power plant's fuel tank area was within 350 feet of the Mediterranean shoreline "it should have been clear to Israeli military planners that a strike on those fuel tanks likely would cause a massive oil pollution disaster along the coast of Lebanon."<sup>29</sup> (The environmental and public health impacts of the attacks on the Jiyyeh plant are discussed in Chapter 9 of this report.)

The IDF did not mention the targeting of the Jiyyeh plant's fuel tanks in the daily summaries that it posted during the war on its official website.<sup>30</sup> After the war ended, "Israeli military officials said...that the fuel tanks were attacked as part of a broader campaign against infrastructure used by the guerrillas to transport weapons. The

attacks were meant to disrupt Hizballah's fuel supplies, said the officials, who spoke on condition of anonymity under military regulations," the Associated Press reported.<sup>31</sup> "It's not clear that Israel was directly responsible for the oil slick," Israel foreign ministry spokesman Mark Regev stated.<sup>32</sup> "We certainly did not intentionally attack the oil containers."<sup>33</sup> These statements lack credibility. First, the tanks at the Jiyeh plant were precisely hit, and not once but twice over a two-day period. Second, if the two strikes were not intentional, the Israeli government and the IDF made no attempt at the time – once it was widely reported in the media that a large quantity of oil spilled into the Mediterranean and fires were raging at the plant – to explain the circumstances of the attacks and claim that there were targeting errors on two separate days. Last, it is unclear what connection, if any, these storage tanks had to Hizballah's supplies of fuel for its own military activities during the war.

In the closing days of the war, after the date of U.N.-mandated cessation of hostilities was known, the IDF reportedly continued to attack Lebanon's electricity infrastructure. On August 12, 2006, Israeli jets fired at the transformers of plants in Sidon and near Tyre, according to *Haaretz*.<sup>34</sup> In a separate report, the U.N. Office for the Coordination of Humanitarian Affairs stated that "Tyre remains without power due to IDF air-strikes against the power plant on the night of 12 to 13 August."<sup>35</sup> The Associated Press also reported the targeting of electricity infrastructure in Sidon and Tyre.<sup>36</sup>

Lebanon's electricity infrastructure supplied power primarily to the civilian population, and the IDF must justify how its attacks on the fuel tanks at the Jiyeh plant were of fundamental

military importance to Hizballah's military operations and thus legitimate military objectives. During the war, Israel's ministry of foreign affairs stated that "IDF operations in Lebanon have also included operations directed against infrastructure and property," citing bridges and roads, the runways at Beirut international airport, Hizballah's *al-Manar* television station, and fuel reserves.<sup>37</sup> Regarding attacks on fuel reserves, the foreign ministry stated:

Terrorist activity is dependent, *inter alia*, on a regular supply of fuel without which the terrorists cannot operate. For this reason a number of fuel depots which primarily serve the terrorist operations were targeted. From intelligence Israel has obtained, it appears that this step has had a significant effect on reducing the capability of the terrorist organizations.

The legitimacy of directing attacks on fuel and power installations has been widely noted. The Canadian Law of Armed Conflict Manual, for example, lists "petroleum storage areas" as "generally accepted as being military objectives", while the [International Committee of the Red Cross] list of military objectives also includes "Installations providing energy mainly for national defence, e.g. coal, other fuels, or atomic energy, and plants producing gas or electricity mainly for military consumption."<sup>38</sup>

This was the full text of the ministry's commentary. It made no claim that the fuel storage tanks at the Jiyeh plant were "primarily" serving Hizballah, no claim that the electricity produced at the plant was used mainly for military consumption, and no claim that the electricity generated for civilian consumers made an effective contribution to Hizballah's military activities. Under international humanitarian law, the Jiyeh fuel tanks are not legitimate military objectives unless the State of Israel is able to persuasively

demonstrate, which it has not, that the tanks made "an effective contribution to military action" and that their "total or partial destruction...in the circumstances ruling at the time" offered Israel "a definite military advantage."<sup>39</sup>

The attacks on the fuel tanks at Jiyeh also produced significant air, marine, and coastal pollution that affected civilian health, short term and potentially in the long term, and caused damage to beaches, ports, and marinas that were of civilian, not military, use.<sup>40</sup> International humanitarian law also categorizes as indiscriminate any attack "which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."<sup>41</sup>

Given the knowledge in the IDF that Hizballah had made extensive preparations for a possible war with Israel, it is important to consider how vital the supply of electricity was to supporting its military infrastructure. Did the camouflaged Hizballah bunkers use publicly supplied electricity or did they rely on generators? Was bottled water in pre-stocked supply for Hizballah fighters and other operatives, or did they count on water from electric-powered systems in villages? If Hizballah's military arm was not heavily reliant on electricity, then the military necessity of attacks on the electricity infrastructure was marginal, while the harm to the civilian population was great. In addition, the military advantage that the IDF could claim from attacking electrical facilities in Sidon and Tyre in the closing days of the war, when the ceasefire date was known, remains unclear. If there was not a definite military advantage to be

gained, or if that advantage was slight, particularly given the circumstances at the time, then these attacks were indiscriminate under international humanitarian law.

It is significant that in another attack on electricity infrastructure in 2006, in the densely populated Gaza Strip, the IDF justified the action as a deterrent measure. On the early morning of June 28, 2006, Israeli aircraft fired missiles at the only power plant in Gaza, targeting its transformers. "The oil in the transformers continued to burn for about one month," reported B'Tselem, the Israeli human rights organization.<sup>42</sup> A rationale for the attack was offered by IDF OC Southern Commander Yoav Gallant: "The objective is that they [the Palestinians] understand the high cost entailed in firing Qassam [rockets into Israel]....This is an equation that works on deterrence."<sup>43</sup>

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## **TARGETING LEBANON'S INDUSTRIAL ECONOMY**

Throughout the war, Israeli attacks that generated civilian casualties were understandably the primary focus of the media, and humanitarian and human rights organizations. The IDF's targeting of industrial businesses did not receive the same attention and scrutiny as military operations that killed and injured Lebanese civilians in their homes and communities. The scope of the economic destruction became apparent after the war ended. In September 2006, Lebanon's Ministry of Industry published a survey that documented 118 factories that were totally destroyed during the war, and another 74 that were partially damaged.<sup>44</sup>

Under international humanitarian law, manufacturing firms that produce goods unrelated to the war effort in armed conflicts are civilian objects, not legitimate military objectives.<sup>45</sup> A manufacturing company would lose this protected status only under two conditions. First, by its "nature, location, purpose or use," it must be making "an effective contribution to military action."<sup>46</sup> Second, the "total or partial destruction, capture or neutralization" of the business, "in the circumstances ruling at the time," must offer to the attacker "a definite military advantage."<sup>47</sup>

Companies in Lebanon that produced dairy products, and manufactured prefabricated housing, glass, and medical supplies – to cite a few examples that are documented below – were not military objectives under international humanitarian law. To ADC-RI's knowledge, the IDF and the Israeli government never claimed that such businesses were legitimate military objectives and have not as of this writing justified these attacks. The targeting and destruction of these businesses were indiscriminate attacks and, as such, war crimes.

Eighty-six percent of the factories that were completely destroyed during the war were located in the administrative districts of Baabda, which includes the southern suburbs of Beirut (51 factories), Tyre (24), Nabatiyeh (14), and Marjayoun (12), Lebanon's industry ministry reported.<sup>48</sup> A closer look at the statistics indicates that 43 of the totally damaged factories were located in the widely recognized Hizbollah stronghold of Harat Hreik in the southern suburbs; eight in Khiam; and four in Tanayel in the Bekaa Valley.<sup>49</sup>

Based on the documentation, the IDF seemed

particularly intent on targeting Lebanon's food-processing industry: 13 factories were totally destroyed and another 15 partially damaged; combined, these firms employed 1,499 permanent, seasonal, and daily workers, according to the industry ministry.<sup>50</sup> The U.N. Food and Agriculture Organization (FAO) reported in November 2006 that 124 medium-sized and large factories in southern Lebanon, many of them facilities that processed agricultural products, were destroyed during the war.<sup>51</sup> Coupled with the destruction and cluster-bomb contamination of agricultural land in the South, this left over 70 percent of the rural population unemployed.<sup>52</sup>

No industrial sector in Lebanon was left untouched during the IDF bombing campaign. After the food-processing firms, the factories that sustained the most damage were these: furniture and wood (27 businesses); construction products (21); clothes and fur dying (21); and metal, electrical and technical products (18).<sup>53</sup>

"One cannot say the Israelis made a mistake. They bombed 120 factories – they cannot make that many mistakes," Fadi Aboud, president of the Lebanese Association of Industrialists, told ADC-RI. "We surveyed every plant and factory that was hit. We have over one hundred kilograms of documents. We used foreign surveyors to assess the damage so that we are not accused of bias or embellishing the damage," he said.<sup>54</sup>

Mr. Aboud contended that the factories were targeted because Israel "wanted to destroy our industry, the Lebanese economy, the source of jobs. Of our largest ten companies, they hit the largest: Dalal Steel, Liban Lait, Fine tissue paper, and Maliban Glass." He noted that Dalal Steel was owned by a Druse, Liban Lait had Christian

and Sunni Muslim owners, Fine tissue was owned by a Jordanian Christian, and Maliban was a company long owned by expatriates from India. "These four companies represent 40 percent of the losses, and have nothing to do with Shiites in Lebanon," he added.<sup>55</sup>

It remains to be investigated why these private enterprises were placed on the IDF's target list, and who in the IDF chain of command decided that they were legitimate military objectives and authorized the strikes that destroyed the factories. In a post-war story, BBC News highlighted some of the factories that were attacked and destroyed. The story also reported: "According to a spokeswoman for the Israeli army, factories in the Bekaa Valley were targeted because of suspicion that they were storing weapons for Hezbollah fighters."<sup>56</sup> No additional information from the spokeswoman was provided in the BBC report.

It is well established under international humanitarian law that mere suspicion is not a legal standard that can be used to justify attacks against objects normally dedicated to civilian purposes, such as these factories.<sup>57</sup>

### **July 17, 2006: The Bombing of Liban Lait in the Bekaa Valley**

On the early morning of July 17, 2006, an IDF missile attack destroyed the Liban Lait dairy processing plant, located in Hosh al-Sneid near Baalbek in the Bekaa valley. Michel Waked, Liban Lait's managing director and part-owner, told ADC-RI that the attack on the plant was precisely targeted:

We were hit at three o'clock in the morning. The first hit left a six-meter-deep crater, and

the next hit came five minutes later. It was very precise. Because of the war, and because it was a Sunday, we had decided to open later that day, otherwise there would have been many dead in the building. We had 285 employees.<sup>58</sup>

Liban Lait began operations in 1998 with the import of UHT milk from France, pursuant to a franchise agreement with the French company Candia.<sup>59</sup> This initiative was successful, and Liban Lait said that it expanded to become "the leading producer of milk and dairy products in Lebanon."<sup>60</sup> The company described its facilities as among "the most modern" in the field, and stated that its enterprise represented "the largest investment ever made in Lebanon in the field of farming and dairy processing."<sup>61</sup> Lebanon's agriculture minister Talal al-Sahili described the facility as "one of the best in the Middle East."<sup>62</sup>

A journalist who visited the plant after the attack described what he saw: "The production floor, still smoldering earlier this week, is a mass of twisted metal, melted plastic and cardboard packaging and ash. The site is thick with flies, feeding off the milk spoiled in the intense heat."<sup>63</sup> Mr. Waked said that a British company conducted a damage assessment and estimated the losses at \$23 million. "We will not be back in business for a while," he remarked.<sup>64</sup>

Mr. Waked expressed disbelief at the attack, and was adamant that the plant was not a legitimate military objective:

We do not know why we were targeted. We are well known here. We have 38,000 square meters, next to us is our farm, and they [the Israelis] fly overhead all the time. They cannot say they did not know we were here. I have nothing to say other than they wanted to destroy the Lebanese infrastructure. We are also near Baalbek. They choose five to six fac-



tories to target obviously because they do not want us to work.

Israel will use any excuse to say why we were hit. There are 2,000 cows behind us in a farm. They know us because of the aerial reconnaissance. We are a French brand name – we work under Candia – this is a franchise of a well-known French dairy trademark. Let them prove that we are affiliated with Hizballah.<sup>65</sup>

He told ADC-RI that Liban Lait has about 30 owners, both Lebanese and other Arabs, and "we do not have Iranian or Shiite shareholders." Mr. Waked identified himself as a Christian, and said he is the firm's managing director and part-owner. He said that the chairman of the board is Mohammed Zeidan, a Sunni Muslim.

Mr. Waked also mentioned that Liban Lait obtained a UNIFIL contract in 2001, after Israel's military withdrawal from Lebanon, to supply dairy products to the peacekeepers in Lebanon, and that the contract was formerly held by an Israeli company.

As of the date of the publication of this report, ADC-RI is unaware of any public comments from Israeli government or military officials that attempted to justify this attack.

### **July 16, 2006: The Bombing of Plastimed in Tyre**

On the morning of July 16, 2006, Israeli aircraft bombed two Plastimed factories near Tyre.<sup>66</sup> The company manufactured disposable plastic medical products such as tubing, intravenous and dialysis bags, and assorted accessories. According to information posted on its website, Plastimed specialized in "extrusion and injection molding of plastic materials for medical use," and its manufacturing team had "over

20 years of U.S. and European experience in product development and material technology."<sup>67</sup> The company employed approximately 100 workers, and exported its products regionally and internationally.<sup>68</sup>

Abbas Safieddine, one of the owners, could not comprehend why the 4,500 square-meter facility was targeted. "We were one of the first factories to be hit," he said in an interview.<sup>69</sup> "We have always had an 'open gate' policy. We invited all suppliers, engineers, potential clients, and employees from local hospitals to tour our factory and inspect our work. There is no possible argument that we were doing something iffy. No one could say we weren't completely honest." He said that the attack left craters that were six meters deep and over 15 meters wide. "Go to Google Earth and see how big they are for yourself," he added.<sup>70</sup>

Adel Safieddine explained that he and his five brothers returned to Lebanon in the late 1990s and invested \$17 million in the two factories. "We have nothing to pay to the banks. We have the factories and land as collateral. If the government does not compensate us it is a big problem," he said.<sup>71</sup> "I and all my brothers have foreign passports but I came here and brought my family back and settled down. It is hard to return abroad, but if all these things turn out negative then of course I will curse the hour that I came back here," he added.<sup>72</sup>

### **July 19, 2006: The Bombing of Maliban Glassworks in the Bekaa Valley**

The Maliban Glassworks factory, located in Tanayel in the Bekaa Valley and owned since



1966 by the Madhvani family from India, was reportedly the second-largest company of its kind in the region, producing 200 tons of glass daily on a 24-hour production schedule.<sup>73</sup> After Lebanon's civil war ended in 1990, the family "invested millions building the company up to become one of Lebanon's largest industrial enterprises, exporting to countries across the Middle East and Europe with annual turnover of \$26 million."<sup>74</sup> The factory directly employed 380 to 400 people, in addition to other informal workers who supplied sand and worked as drivers.<sup>75</sup>

Maliban Glassworks was destroyed in an IDF attack on July 19, 2006, that killed one worker and injured three others, one of them seriously.<sup>76</sup> The factory, on 36,000 square meters, "originally comprised several buildings including offices, production areas and three glass ovens. The factory and office buildings were completely destroyed...but the chimney stacks for the three ovens still stand," the U.N. Environment Programme reported in its postwar report.<sup>77</sup>

A decision was made to close the glassworks three days before the attack occurred ; if the factory had been open, "150 workers might have died on the shop floor," the *Financial Times* reported.<sup>78</sup> Salah Baraki, the manager who worked at Maliban for 41 years, said that the attack took place at about 12:45 in the afternoon.<sup>79</sup> "In two minutes, everything was gone," he commented.<sup>80</sup>

Shrai Madhvani told the *Financial Times* that when Israel attacked Palestinian bases in the Bekaa Valley until 1982, his family's factory was never damaged: "They knew who owned the factory and what we were doing," he said. "That's why it was such a shock to know they sent four bombs specifically at us."<sup>81</sup>

A journalist who viewed the destruction from the roof of the company's offices wrote that it was "obvious from a distance that Maliban was bombed, but it is only from within that it's possible to see how exacting this attack was." He described the view from the roof:

From this vantage, it's impossible to discern what this space was used for. All that's visible is churned-up soil with twisted metal, powdered glass and wrecked machinery....Four distinct craters have been gouged out of the factory floor.<sup>82</sup>

Mr. Madhvani estimated that it would cost \$70 million to rebuild the plant.<sup>83</sup>

About two kilometers northeast of Maliban Glassworks was Lamartine Food Industry, a company that manufactured chewing gum and sweets. It was "completely destroyed in a bombing," the U.N. Environment Programme reported.<sup>84</sup>

### **July 24, 2006: The Bombing of Dalal Steel Industries in the Bekaa Valley**

Dalal Steel Industries manufactures and installs pre-engineered steel buildings and pre-fabricated houses. It has a corporate office in Beirut, and its manufacturing facility is located in Tanayel in the Bekaa Valley – a 12,500 square-meter building on a 25,000 square-meter lot.<sup>85</sup> The IDF attacked and destroyed the company's plant at 5:30 a.m. on July 24, 2006, Toufic Dalal, the owner, told ADC-RI.<sup>86</sup>

"No one knows why this happened. There were no weapons here, no military people around the area. We have no Shiite owners," he said.<sup>87</sup> In an earlier interview, he made this point: "The only thing I know is that we are too far from the border [with Israel] to fire Katyushas, and this is

a Sunni area. Hezbollah are...not even represented here. The only thing I can say is that Israel is involved in some sort of economic warfare."<sup>88</sup> Mr. Dalal was convinced that the attack was deliberate, not a mistake. "When [the jets] saw one building was still standing, they returned and bombed again," he said.<sup>89</sup>

Mr. Dalal told ADC-RI that his manufacturing plant was located about 200 to 300 meters from the Maliban Glassworks, which was targeted and destroyed earlier in the war (see above). No one was killed during the attack on Dalal Steel because Mr. Dalal closed the factory after Maliban Glassworks was destroyed.<sup>90</sup>

Mr. Dalal, a U.S. citizen, explained to ADC-RI that "80 percent of our company's work is for the U.S."<sup>91</sup> He said the firm had U.S. contracts for work in Kuwait, Afghanistan, and Iraq to provide temporary living accommodations for U.S. troops, adding that he is an official U.S. Army contractor and carries a U.S. Defense Department badge. Describing the attack on his factory, which represented a \$30 million investment, Mr. Dalal said: "If Israel wants to hit, it hits." At the time of his interview with ADC-RI, the factory was in the process of reconstruction. Ending the telephone conversation, Mr. Dalal remarked: "I cannot tell you why I was targeted, but if you figure it out, please call me back. I will be at full capacity in one month, and I cannot afford to lose everything again."<sup>92</sup>

### **Destruction of Livestock and Aquaculture Businesses**

In postwar reports, U.N. agencies noted the destruction of livestock and aquaculture enterprises in Beirut, Hermel, Zahle, and villages in

the Tyre district. The El-Twait feedlot, a 7,000 square-meter livestock breeding farm located just to the east of the Choueifat industrial area south of Beirut, was "completely destroyed during the aerial bombardment, reportedly killing some 175 cows and 430 sheep," the U.N. Environment Programme (UNEP) reported.<sup>93</sup> After the war, it found the site "covered in rotting animal carcasses," with "numerous smoldering piles where carcasses were being burnt".<sup>94</sup>

In northeastern Lebanon, three kilometers south of Hermel, the Al Maalaka aquaculture farm was substantially destroyed. UNEP reported that the farm, on a site of about 40,000 square meters, "produced and packed trout, which were grown in six 5x15 [meter] ponds fed by water from the adjacent [Orontes] river."<sup>95</sup> It added: "Much of the infrastructure, including drainage channels and a number of concrete pools, was extensively damaged in the bombing of the site. One of the ponds had a substantial impact crater, and all of the fish in it had died, presumably from the shock waves of explosions."<sup>96</sup>

Four poultry businesses were also completely destroyed during the war, according to the U.N. Food and Agriculture Organization (FAO). Three were located in villages in southern Lebanon, and the largest was in Zahle, which overlooks the Bekaa Valley:

- ◆ In Zahle, "four equipped poultry houses ... with a total area of 4,575 square meters, were completely destroyed, with losses of 22,000 meat breeders; there was also a loss of 300,000 hatching eggs due to electricity blackout. The remaining buildings – feed mills, hatcheries, offices and storage build-

ings – were partially damaged (roof shattering and wall cracking.)"<sup>97</sup>

- ◆ In Jebel al-Botm, in the Tyre district, "two equipped poultry houses...with a total area of 1,800 square meters, were completely destroyed, with 170,000 broilers ready for sale."<sup>98</sup>
- ◆ In Kfour, also in the Tyre district, "two equipped poultry houses...with total area of 1,400 square meters, were completely destroyed, with 16,000 broilers ready for sale."<sup>99</sup>
- ◆ In Khariab, in the Tyre district, "one equipped poultry house...with a total area of 800 square meters, was completely destroyed."<sup>100</sup>

## THE AGRICULTURAL SECTOR

There are about 200,000 farmers in Lebanon, most of whom have small plots of land measuring less than one hectare, the metric equivalent of 2.5 acres.<sup>101</sup> The major products of the country's cultivated agricultural land are fruit, cereals, olives, and vegetables, followed by industrial crops, primarily tobacco; livestock farmers raise cattle, including dairy cows, sheep, poultry, and goats.<sup>102</sup>

Almost 25 percent of Lebanon's agricultural land is located in the governorates of Nabatiyeh and the South, and one-third of the country's farmers live and work in these areas.<sup>103</sup> In the south of Lebanon, agriculture is a significant economic activity for most families. The FAO reported that "half the working population in the south earn their living entirely from agricul-

ture," representing "overall almost 70 percent of the total household income."<sup>104</sup>

The war's impact on the agricultural economy and small farmers throughout Lebanon was considerable, with financial losses estimated between \$135 million and \$185 million.<sup>105</sup> "The sector has been hit very badly because all the roads have been hit, there is no possibility to go from one village to another or from the field to the market, and you can't reach the fields to harvest because there is always bombing and shelling," agriculture minister Talal al-Sahili said during the war.<sup>106</sup>

Fleeing civilians in the south left behind their livestock and ripening crops, including citrus, other fruit, tomatoes, cucumbers, and tobacco. About 85 percent of the country's farmers lost all or part of their harvest, the international aid agency Oxfam reported.<sup>107</sup> Some farmers with orchards of fruit and olive trees faced massive damage to their land. Sixty-eight-year-old Ali Ayesb told ADC-RI that his small farm in Khiam was planted with "every kind of fruit tree you could grow here." He said that he left on July 15, 2006, "and they [the Israelis] hit some time after that, I am not sure when." He counted about 450 trees destroyed in his grove – apple, cherry, olive, and apricot. He added that his land was contaminated with cluster bombs. "They have removed some of them, but a lot remain on my farm and throughout my property. We need someone to clean it up. They are not all gone."<sup>108</sup>

Tobacco, a government-subsidized cash crop in southern Lebanon, is the major source of income for about 16,000 families.<sup>109</sup> Each fam-

## Tobacco Farming

ily is entitled to sell a maximum quota of 400 kilograms to the state tobacco agency at a fixed price of about eight dollars a kilogram, more than double the prevailing market price; families that have harvested more tobacco sell it to families who have not reached their quota. "Usually Lebanon produces 5.2 million tonnes of leaves but we expect a catastrophic season," said Nahla Slim of the state tobacco monopoly. "The principal producing regions are also the most damaged from the war," he added.<sup>110</sup> According to the government, about 60 to 70 percent of tobacco production was affected by the war, which occurred during the harvest: "[H]alf the crop was harvested and stored at homes of farmers, many of which were subsequently fully or partially damaged, and the other half was left unharvested after farmers fled their lands."<sup>111</sup>

In Maroun al-Ras, a journalist met a woman named Lina, who returned to the village in early September 2006 with her disabled husband, his parents, and her three children. Lina said that the family's home was "bombarded and vandalized" during the war, and there were still two unexploded missiles lodged in the foundation of their house. According to Lina, the family's tobacco field was "nearly dried to the roots." Commenting about the crop, Lina said: "What remained will only bring us back \$200. This is very little."<sup>112</sup>

An estimated one million chickens, 25,000 goats and sheep, and 4,000 cattle did not survive the war, according to the government.<sup>113</sup> The Israeli naval blockade led to shortages of feed, and at some poultry farms up to 80 percent of the stock died, the minister of agriculture said.<sup>114</sup>

## Livestock Farming

Lebanese civilians who remained behind to tend their livestock risked their lives. For example, Ibrahim Nasir, from Ein B'aal, a village about eight kilometers southeast of Tyre, came under IDF fire, along with his herd of sheep:

I've got 85 goats here, so I decided to stay and take care of them. While I was here, a number of people from the village were killed. Some of them were shelled on the road, and died as they tried to flee. When I found the corpses on the road, I carried them away, since dogs had started to eat them. No one was coming to the village at that time, and as shepherds we were also suffering from the dogs, which had started to attack our sheep and goats.

During the war, while I was here, I lived with my goats and from them. I drank their milk and ate from them. Around half my herd was killed during an Israeli airstrike – probably around 40 goats. I took a picture of the corpses so that I would be able to get compensation from the authorities for my loss, since they said they needed proof.

I remember one day, when I was grazing them in the pastures here, an Israeli helicopter started shooting at me and the goats from above. So I was thinking: "Are they Hizballah too? Are my goats responsible for firing Raad 1 or 2 [the names of Hizballah rockets]?" I was asking myself, why are my goats being targeted?<sup>115</sup>

Ibrahim Kiki, another resident of Ein B'aal, said that he had about 500 sheep "and I continued to graze them even under the shelling...I couldn't leave. I spent 10 years working for other people in order to save up the money to buy these animals. I worked in orchards and as a builder." He said that a rocket was fired on his barn during the war, killing five sheep, a cow,

and a horse, adding that he had paid \$1,700 for the horse. "Although they are my property these sheep also have soul, and I knew that if I left them they would also die. They are souls and it would be a shame to leave them without food. Lots of people left their animals and when they returned to the village, found them dead."<sup>116</sup>

As part of UNIFIL's post-war assistance to the local population – which included the distribution of food and tens of thousands of liters of drinking water, as well as the provision of medical and dental care – the Indian Battalion provided free veterinary care for farmers' livestock that survived the war with diseases or injuries. As of September 27, 2006, the battalion had treated over 12,500 animals.<sup>117</sup>

### **The Impact of the Bomb Damage**

The U.N. Food and Agriculture Organization (FAO) reported that at least 26 percent of southern Lebanon's cultivated agricultural land – about 23,625 acres – was contaminated with cluster bombs and other unexploded ordnance, including 16 percent of the land used for growing citrus crops and bananas, and 10 percent of the land used for field crops.<sup>118</sup> Olive groves and grassland for livestock grazing are also affected, but to a lesser degree. The contaminated land is effectively "rendered useless," the FAO concluded, thus thwarting the "reconstruction of agriculture-based livelihoods."<sup>119</sup>

A parallel problem was the bomb damage that the irrigation infrastructure sustained during the war. The Lebanese government reported that the main Qasmieh Canal was damaged in 21 points, and the main pumping station at Qasmieh also sustained damages.<sup>120</sup> According to the FAO, in

the south of Lebanon a "great part of the irrigation networks and installations have been damaged. Much of the complex system of the Litani canal, which provides irrigation water to southern Lebanon, has been seriously affected. With many irrigation canals now full of unexploded bombs, it is estimated that it would take several years to clear the irrigation canals and repair the infrastructure."<sup>121</sup>

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### **FISHING AND FORESTRY**

The most comprehensive assessment of the war's impact on fishing and forestry in Lebanon is the postwar report of the U.N. Food and Agricultural Organization (FAO).<sup>122</sup>

The Israeli naval blockade, imposed on July 13, 2006, deprived thousands of low-income coastal fishermen of their economic livelihood. The timing could not have been worse for the fishermen because 42 percent of their annual catches were in the summer months, compared to 22 percent in the autumn and 30 percent in the spring.<sup>123</sup>

"From the outbreak of the war on 12 July until 9 September no fishing operations were possible and as a result no income was generated," the FAO reported.<sup>124</sup> It estimated that about 6,500 people, mostly Lebanese, were engaged in fishing, and that the community was organized "into 29 cooperatives and five syndicates," although "cooperative membership covers only some 43 percent of those involved."<sup>125</sup>

The fishing port of Ouzai, in the southern suburbs of Beirut, was attacked and destroyed on August 4, 2006. The Lebanese daily newspaper *al-Nahar* reported this on its website:

Security officials said Israeli fighter-bombers launched 19 raids in less than an hour on Ouzai. It was the first bombing of this coastal district which consists largely of low-income houses and workshops.

Warplanes broke the sound barrier over Beirut causing panic among residents.

A huge pall of smoke mixed with flames rose over Ouzai, reportedly caused by an explosion at a petrol station hit by one of the bombs.<sup>126</sup>

The U.N. Development Programme (UNDP) reported that "270 boats were damaged and the buildings of the Fisheries Cooperative, the cafeteria and the fish markets were completely destroyed by air raid."<sup>127</sup> It estimated the damage to boats and buildings at the port was about \$3 million.<sup>128</sup> In a postwar assessment, the FAO provided additional information:

The most serious damage in the port of Ouzai resulted in the loss of 328 boats with their gear, the auction hall, cafeteria, meeting rooms, workshop and boat yard. The site has now been cleared with assistance from UNDP (US\$100,000) and the government. The total damage is estimated at US \$3 million...<sup>129</sup>

The IDF announced the attack on Ouzai, and stated that the port was the target:

In a joint Israel Navy and Air Force operation early August 4th, the forces targeted Lebanon's 'Hadi Nasrallah' harbor. The harbor, located in the Shi'ite neighborhood of Uzai in the Beirut suburbs, was named after the deceased son of the Hezbollah Secretary General Hassan Nasrallah, and has served as the main harbor of the Hezbollah organization for many years.

The organization ascribes great importance to this harbor, and in the past few years has used it to smuggle weaponry and terrorists into the

Gaza Strip by sea....The IDF attack on August 4th inflicted major damage on the harbor's infrastructure and boats.<sup>130</sup>





# 9 CHAPTER

## THE IMPACT OF ISRAEL'S ATTACKS ON THE ENVIRONMENT AND PUBLIC HEALTH IN LEBANON

*"The smoke itself would have contained a potentially toxic cocktail of pollutants – including soot, particulate matter, carbon monoxide, methane and a range of hydrocarbons – the combination of which could be expected to cause a significant degree of environmental pollution and respiratory problems for local residents."*

--U.N. Environment Programme, commenting about the fires that burned from the IDF's July 2006 attacks on the Jiyeh power plant, south of Beirut.

*"After six weeks, the oil is still suffocating the coast of Lebanon. From the shore at Jiyeh, the sea looks a beautiful azure blue, but beneath the surface on the seabed the oil continues to kill marine life and poison the water."*

-- Greenpeace Mediterranean press release, August 22, 2006.

The IDF's decision to target the fuel-storage tanks at the Jiyeh thermal power plant, 30 kilometers south of Beirut on the Mediterranean coast, arguably directly affected the environment and more Lebanese civilians than any other Israeli attack during the war. The air strikes on Jiyeh, first on July 13, 2006, and then again on July 15, 2006, precisely hit two of the plant's five above-ground fuel tanks, and "fire engulfed and largely destroyed" the remaining three tanks.<sup>1</sup> The oil fires at the site burned for almost two weeks.<sup>2</sup>

Oil also spilled from the storage tanks in large quantities into the Mediterranean Sea: some of it sank into the seabed, and some moved north, polluting 150 kilometers of Lebanon's coastline.

It was not until August 21, 2006, one week after the U.N.-mandated cessation of hostilities went into effect, that Israel consented to aerial surveillance and assessment of the damage by independent experts. As of January 2007, approximately 1,026 cubic meters of liquid fuel was recovered, as well as some 6,254 cubic meters of hazardous waste, including polluted sand and other debris.<sup>3</sup> The total cost of the clean-up was estimated at \$137 million to \$205 million.<sup>4</sup>

Other public health and environmental concerns about the impact of IDF attacks include the possible health consequences of exposure to heavy metal pollution for civilians who lived in proximity to sites that were bombed, and the environmental impact of the massive cluster

bomb contamination of over 25 percent of the agricultural land in southern Lebanon.

There was also fear in Lebanon during the war that the IDF may have been using powerful bombs that contained depleted uranium. The lead U.N. agency that carried out a scientific investigation and analysis of suspected sites reported in November 2006 that it found no evidence of the IDF's use of these munitions.

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## **ENVIRONMENTAL CONSEQUENCES OF THE ATTACKS ON THE JIYYEH POWER PLANT**

The targeting of two of the five fuel tanks at the Jiyeh power plant caused a massive fuel-oil fire and resulting air pollution. The oil from the tanks that spilled into the sea produced two additional environmental problems: submerged oil in the seabed, and oil pollution on sandy and rocky beaches, marinas, ports, and harbors. Mohammed El Sarji, president of the Syndicate of Professional Scuba Divers in Lebanon, took underwater video footage of the submerged oil, and stated "You have the bottom of the sea filled with fuel between rocks and little valleys. It's just dotted and covered with black tar."<sup>5</sup> U.N. agencies reported that 150 kilometers of coastline, north of the plant, were contaminated as a result of the attack.<sup>6</sup>

### **Air Pollution and Public Health Risks**

The air pollution from the raging fires at the Jiyeh plant raised public health concerns in Lebanon. "The dark cloud that you see over Beirut and the sea carries particulate matters

that enter the respiratory system and cause different types of respiratory problems," warned Berge Hadijian, director general of Lebanon's environment ministry, during the war. "The most vulnerable are children, pregnant women, the elderly, and those who have respiratory diseases like asthma."<sup>7</sup> Lebanon's environment minister Yacoub Sarraf said that the pollution had reached Beirut, and "the toxic cloud is stretching over a 30 kilometer distance."<sup>8</sup> At a press conference in August 2006, he stated that one-third of Lebanon's population was breathing the toxic air.<sup>9</sup>

"The storage tanks burned for 12 days in a row, and the resulting toxic cloud will have catastrophic consequences on both the air and the water," Mr. Sarraf said later that month.<sup>10</sup> "After the first strike on July 13, firemen at the power station were able to extinguish the blaze. But after the second strike on July 15 they no longer had any foam left. The fire blazed for 12 days. Happily, we were able to save the station itself and prevent the spillage of 5,000 tonnes of oil by constructing barriers," he added.<sup>11</sup>

The environment minister continued to speak out publicly about the air pollution caused by the attacks on the Jiyeh plant. "Not only have we been breathing this for a month, but all the agricultural produce has been subjected to it. Even worse, all these poisons will come down with the rain, and some will seep through the soil and give us a polluted water table. Then in a couple of years every single citizen in Lebanon will definitely be subjected to poisonous matter in his drinking water," he said.<sup>12</sup> An Israeli government spokesman replied: "We deny the minister's accusations. They seem to be very ridiculous. We never deliberately targeted any civilian

capacity or place, we only targeted places or facilities relevant to Hizbollah."<sup>13</sup> To the knowledge of ADC-RI, the Israeli government and the IDF never publicly announced or justified the attacks on the Jiyyeh plant during the war, and we find this silence significant.

The U.N. Environment Programme (UNEP), in its post-war assessment, stated that air pollution "was probably one of the most serious environmental impacts of the conflict," and described the probable lethality of the smoke from the fires that burned at the Jiyyeh plant:

The smoke itself would have contained a potentially toxic cocktail of pollutants – including soot, particulate matter, carbon monoxide, methane and a range of hydrocarbons – the combination of which could be expected to cause a significant degree of environmental pollution and respiratory problems for local residents.<sup>14</sup>

UNEP also noted that scientific data was not gathered during the war that would help determine the "exact extent and impact" of the air pollution, and that the absence of such data made its own assessment necessarily limited. The agency recommended that the Lebanese government create a national registry of residents who lived near the plant so that their health could be monitored, and thus "allow early identification of unusual health trends, such as respiratory and cardiac problems and cancer." The U.N. agency also said that soil samples taken near the Jiyyeh plant "indicate the presence of polycyclic aromatic hydrocarbons (PAHs), a carcinogenic product generated by the incomplete burning of hydrocarbons."<sup>15</sup>

## Marine and Coastal Pollution

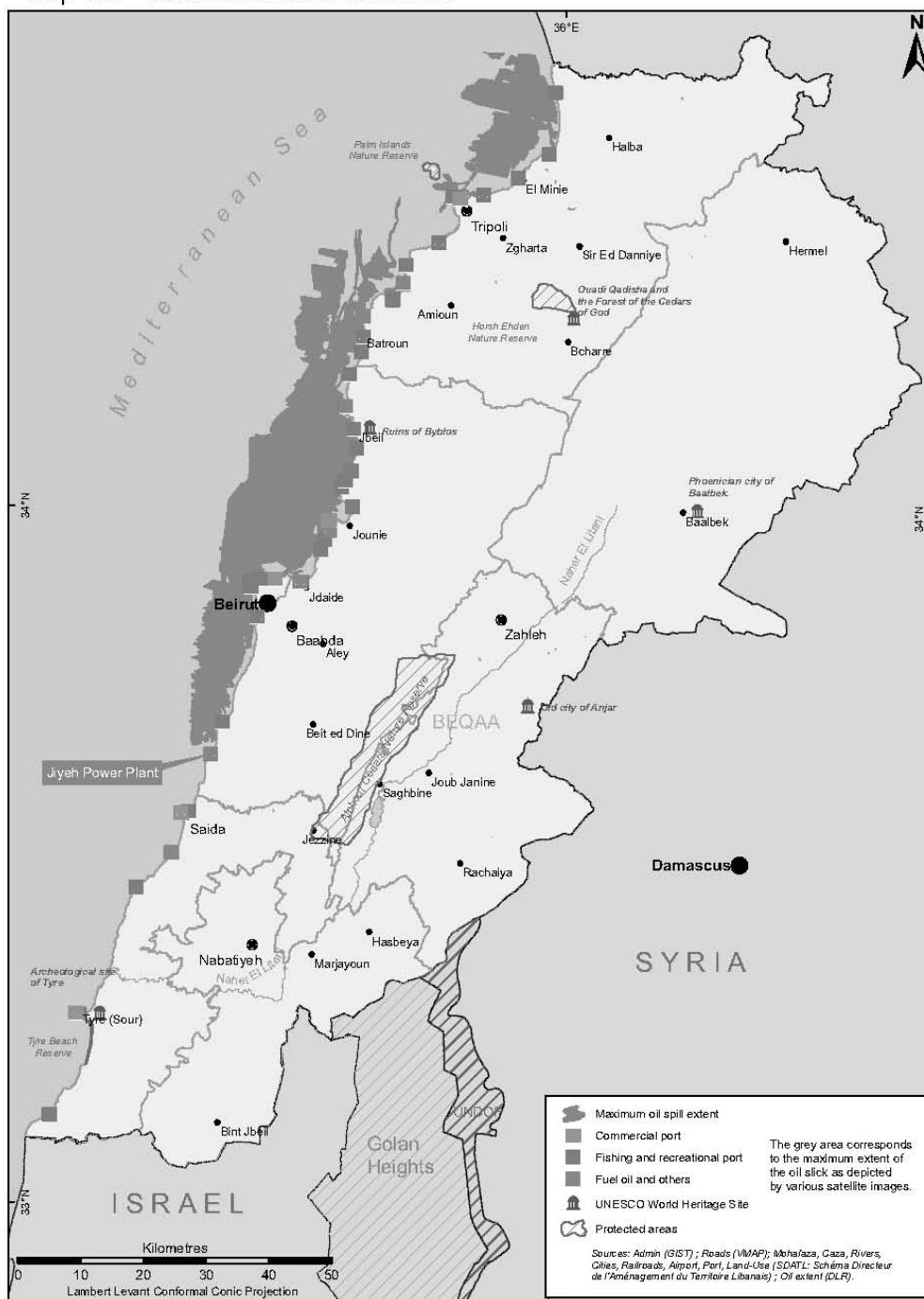
By July 21, 2006, the area affected by the oil spill was already 20 to 30 kilometers north of Jiyyeh; by July 24 the distance extended 70 to 80 kilometers, about one-third of Lebanon's coastline. The final estimate was that the oil polluted about 150 kilometers of Lebanon's coast and coastal waters.<sup>17</sup> A map of the geographical extent of the oil spill is on the next page of this report.<sup>18</sup>

Lebanon's environment ministry alerted the international community that the country's private sector had "less than modest capacity to respond to this environmental disaster. Minimal amounts of dispersants, booms, adsorbents, skimmer and other needed material/equipment are readily available; however, only enough for spills from tankers that are delivering fuel at ports or something of that sort. They are not equipped for such major environmental accidents (oil spills)."<sup>19</sup>

Lebanese environmental activists were horrified about the oil spill and Israel's refusal to permit aerial surveillance to document its extent. The Lebanese environmental organization Green Line stated that as of August 18, 2006, the Israeli air and naval blockade of Lebanon "prevented spill experts from getting detailed information on the locations and trajectory of the oil spill, now estimated at approximately 15,000 tons (4 million gallons). Spill experts have been limited for the most part to using satellite imagery, and observations from shore. Thus, it has been very difficult to ascertain the full extent of contamination offshore."<sup>20</sup> One plan, developed by oil spill expert Professor Richard Steiner of the University of Alaska who

## COASTAL AND MARINE ENVIRONMENT

Map 12. Maximum extent of oil slick



was in Beirut as a technical adviser to the government, was to use French helicopters that flew humanitarian missions between Cyprus and Lebanon to conduct aerial surveillance of a 30-kilometer offshore area from Jiyeh north to the Lebanese-Syrian border. According to Green Line,

The French embassy requested permission from the Israeli army for the spill overflight mission, and [on August 18, 2006] Colonel Luc Batigne of the French embassy informed Professor Steiner that the answer was "No."<sup>21</sup>

Professor Steiner said: "Colonel Batigne told me today at noon that their ambassador had tried, as well as another European Union official, but that the Israeli army will not permit any flight along the Lebanese coast, either north or south." He explained why aerial flights were urgent: "We need to get out over the water to survey the exact extent of the oil now, so that we can decide what offshore response assets may be appropriate....This is the normal method of surveying all oil spills, everywhere in the world. Until we get out over the sea, we are guessing what went where."<sup>22</sup>

On August 21, 2006, UNEP announced that "[a]erial surveys of the Lebanese coast will be getting swiftly underway as a result of assurances given today to the head of [UNEP] by the Israeli authorities."<sup>23</sup> Permission for the flights, needed to verify the amount of oil remaining in the sea, came after UNEP executive director Achim Steiner contacted Israeli environmental minister Gideon Ezra about the need for safe passage.<sup>24</sup> Aerial surveys conducted on August 28 and August 29, 2006, revealed that there was "no collectable free oil floating at sea."<sup>25</sup>

Greenpeace organized a press conference in

Beirut on August 22, 2006, to highlight the urgency of the situation, providing underwater photographic evidence of the submerged oil at the Jiyeh site:

The footage showed an oil slick that stretches for at least 100 meters to the west and dozens of meters to the north and south of thickness that varies from one to ten centimeters. The investigation reveals that a substantial part of the oil spilt during the recent war is now smothering the seabed.

After six weeks, the oil is still suffocating the coast of Lebanon. From the shore at Jiyeh, the sea looks a beautiful azure blue, but beneath the surface on the seabed the oil continues to kill marine life and poison the water.

....This discovery in Jiyeh and other diving documentation in Beirut and Jbeil (Byblos) is an indication that much more poisonous oil could be suffocating the seabed all along the coastline; a full coastal assessment is required immediately.<sup>26</sup>

Dr. Manal Nader, an expert in aquaculture and biology, warned of the potential damage to marine life close to the shore:

According to available literature, shellfish, fish larvae and immature fish are the most prone to get contaminated from oil spills due to their presence in shallow areas. On the other hand, adult fish that live in relatively deep waters and on the seabed are very unlikely to get contaminated because they rapidly eliminate petroleum compounds taken up and tend to avoid areas where oil is present.<sup>27</sup>

Professional scuba-divers working with Bahr Loubnan, a Lebanese nongovernmental environmental organization, conducted an underwater assessment to identify the locations where the oil had settled. At a press conference in Beirut on August 25, 2006, the group said that the pollu-



tion in the seabed at Wadi al-Zineh, Jiyeh, Ramlet al-Baida, and Jbail (Byblos) was of the greatest concern.

Mohamed al-Sarji of the scuba divers syndicate participated in the study, and commented:

Even though these pictures show a dire situation, the impact is localized in shallow areas and in regions very close to the shore. This greatly facilitated the isolation of the submerged oil and its subsequent cleaning. It is imperative that cleaning activities be undertaken immediately to prevent this oil from further contaminating the shore lines and from threatening marine life.<sup>28</sup>

Bahr Loubnan also identified twelve areas of polluted coastline: Jiyeh, Saadyat, Damour, Ouzai, Ramlet al-Baida, Corniche, Tabarja, Jbail (Byblos), Amchit, Anfe, Tripoli, and the Palm Islands.<sup>29</sup>

Jbail is the location of the ruins of the ancient Phoenician city of Byblos and its successor settlements, and one of the five UNESCO World Heritage sites in Lebanon. After the war, UNESCO assessed the damage at the site, and reported "the urgent need to clean, manually, the stones at the base of the port's two Medieval towers and other seashore archaeological remains."<sup>30</sup> "High pressure pumps were used to clean the port walls fishermen's boats and some rocky beaches," Lebanon's environment ministry reported.<sup>31</sup> "Cleanup of the polluted walls of the cultural historical site of Byblos was done in collaboration with UNESCO and the Ministry of Culture," the ministry stated.<sup>32</sup>

In January 2007, the U.N. Environment Programme reported its own findings about the environmental impact. "Due to its heavy nature, a substantial part of the released oil sank to the seabed immediately off the coast at Jiyeh. The

presence of oil would have smothered marine organisms, inhibiting their movements and causing suffocation," the agency stated.<sup>33</sup> UNEP also said that the oil that did not sink moved north along the Lebanese coast because of the prevailing northeast winds.<sup>34</sup> "Harbours, coves, caves and small natural bays were particularly affected, as the oil tended to get trapped there. Impacted locations included the biologically important site of Palm Islands Nature Reserve, archeologically significant areas in Byblos and various touristically important beaches," it found.<sup>35</sup>

Removal of the submerged and coastal oil required international assistance to the Lebanese government,<sup>36</sup> and included labor-intensive work. Bahr Loubnan, with the assistance of France's Ministry of Ecology and Sustainable Development, reported a plan to remove the oil in the seabed and clean the most polluted beaches.<sup>37</sup> Cleaning the seabed was the responsibility of teams of professional divers: "The oil mats will be hand-removed to minimize...the removal of sand, placed in plastic bags, transported to the shore in a boat then placed in plastic containers and sent for storage in secure warehouses."<sup>38</sup> The process for manual cleaning of rocky and sandy beaches involved removal of polluted sand, and the use of high-pressure water jets and brushes to clean the rocks.<sup>39</sup> Unemployed Lebanese fishermen and volunteers were enlisted for the beach cleanup work.<sup>40</sup>

As of the date of publication of this report, the environmental damage from the oil spill was far from over. "The rain and the low tide have created new pollution zones," Ahmed Kojok of Bahar Louban said in January 2007.<sup>41</sup> "In some places the dried fuel sludge was 40 to 60 cen-

timeters (16 to 24 inches) thick. We were slicing it like cheese," he commented.<sup>42</sup> Lebanon's environment ministry reported in February 2007 that "fuel in the intertidal zone of Ramlet Al Bayda [beach in Beirut] was discovered and is being removed and put in waterproof bags pending transport to allocated storage facilities. This fuel was physically removed by waves and stuck to the sand in the intertidal zone."<sup>43</sup>

### **Environmental Protection and International Humanitarian Law**

International humanitarian law contains only a few specific provisions about protection of the natural environment during international armed conflict. The first provision is straightforward and categorical: "Attacks against the natural environment by way of reprisals are prohibited."<sup>44</sup> A second provision sets forth a basic rule about the means and methods of warfare, and states in pertinent part:

It is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.<sup>45</sup>

A third provision makes a direct link between calamitous environmental damage and public health or the very survival of the civilian population:

Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.<sup>46</sup>

Tracking this language, the Rome Statute of

the International Criminal Court sets forth the circumstances under which attacks on the environment are war crimes:

Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated."<sup>47</sup>

Except in cases where it can be demonstrated that an attack on the environment constituted an illegal reprisal under international humanitarian law, the other provisions establish a triple threshold that must be met for an attack to violate the standards: damage to the environment must be widespread, long-term, *and* severe. For example, if an attack causes severe short-term environmental damage, the provisions are not applicable as a matter of law. Likewise, an attack that caused widespread environmental damage over the long term, but such damage was not judged "severe," the attack would not be a violation of the legal standard. In this respect, too, it is important to note that the international community has not yet satisfactorily addressed the definition and interpretation of "long term" in the language of the relevant provisions of Protocol I.

If the attacks on the fuel tanks at the Jiyeh plant do not meet the high triple threshold contained in Article 35 and Article 55 of Protocol I, there remains the basic international law principle of proportionality with which to judge if the attacks were indiscriminate and thus unlawful.<sup>48</sup> The State of Israel did not publicly justify the attack on Jiyeh in terms of the specific military advantage it hoped to gain from destruction of

the fuel tanks. It remains to be disclosed what process was used to weigh the expected military advantage of the attacks against the potential harm to civilians that the attacks would bring in terms of air, marine, and coastal pollution. It is not yet known who approved the designation of the fuel tanks as targets and authorized the attacks.

With the State of Israel virtually silent about the attacks on the Jiyeh plant, it is impossible to make an argument that the strikes were intended, as a matter of criminal law, to cause environmental damage on a large scale in Lebanon. Additional scrutiny of IDF decision making with respect to the two attacks is therefore necessary.

The decision to destroy tanks that contained thousands of tons of heavy, thick fuel oil – at a location on the Mediterranean coast – should have involved a thorough assessment of the possible consequences of such an attack on civilians – in terms of public health and contamination of beaches, marinas, and civilian ports, which are protected objects under international humanitarian law.

The State of Israel must disclose information about who in the military chain of command ordered not one, but two strikes on the Jiyeh plant. Targets in Lebanon that were approved for attack by the office of the IDF's then-chief of staff, Gen. Dan Halutz, were described as "General Staff targets."<sup>49</sup> If the fuel tanks at Jiyeh were among these targets, then it is the office of Gen. Halutz that should explain why the tanks were considered military objectives, further explain the expected concrete and direct military advantage expected from the two attacks on the tanks, and justify how the military

advantage was so significant to Israel that it outweighed the public health and environmental damage that Lebanese civilians suffered as a consequence of the attacks.<sup>50</sup> Irrespective of who approved the two attacks on the fuel tanks at the Jiyeh plant, the State of Israel is responsible if the attacks cannot be justified under international humanitarian law.

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### **CLUSTER BOMB CONTAMINATION: THE ENVIRONMENTAL IMPACT ON AGRICULTURAL LAND**

Chapter 7 of this report provides documentation of the IDF's massive use of cluster bombs in southern Lebanon in violation of international humanitarian law. The contamination of the South with unexploded cluster-bomb submunitions covered an area measuring 3,215 hectares (7,944 acres).<sup>51</sup> Sixty-two percent of this area is agricultural in use, 12.6 percent woodlands, and 11.3 percent grasslands.<sup>52</sup>

According to the U.N. Food and Agriculture Organization (FAO), at least 26 percent of the South's cultivated agricultural land was contaminated with cluster bombs, including 16 percent of the land used for growing citrus crops and bananas, and 10 percent of the land used for field crops.<sup>53</sup> Olive groves and grassland for livestock grazing were also affected, but to a lesser degree. The contaminated land is effectively "rendered useless," the FAO concluded, thwarting the "reconstruction of agriculture-based livelihoods."<sup>54</sup>

A related problem is damage to the irrigation infrastructure in southern Lebanon. According

to the FAO, a "great part of the irrigation networks and installations have been damaged. Much of the complex system of the Litani canal, which provides irrigation water to southern Lebanon, has been seriously affected. With many irrigation canals now full of unexploded bombs, it is estimated that it would take several years to clear the irrigation canals and repair the infrastructure."<sup>55</sup>

The U.N. Environment Programme (UNEP) reported that the unexploded cluster bomblets will not over the long-term affect the "intrinsic environmental integrity" of the land.<sup>56</sup> However, the agency cautioned that there was likely to be harmful impacts on the environment as residents dependent on agriculture adapt to the situation until the land is cleared and made safe again. UNEP made these observations:

Valuable pasture lands have...been rendered out of bounds, most likely leading to overgrazing in accessible areas and consequent habitat degradation. Indeed, the land scarcity resulting from cluster bomb contamination has the potential to generate a new socio-economic dynamic and set in train a cycle of poverty and environmental degradation.

Faced with growing livelihood pressures, the local population is more likely to resort to unsustainable practices and intensify exploitation of a diminished land base to meet short-term needs. One such reported practice is farmers setting shrubs and bushes afire with the hope that this would set off the cluster bombs. Incineration and removal of the vegetation cover, however, could also lead to obvious problems of soil and gully erosion.<sup>57</sup>

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## **PUBLIC HEALTH ISSUES: HEAVY METAL POLLUTION**

Residents of Lebanon who were in locations that were bombed during the war may suffer the effects of heavy metal pollution.<sup>58</sup> UNEP reported that "smear samples taken from a number of locations show elevated levels of heavy metals. In some cases, these originated from the source of the explosion (i.e. the bombs themselves), and in other cases from the targets."<sup>59</sup> The agency explained the danger, and proposed that the government monitor the affected population:

In addition to the residents who suffered physical harm in the bombings, a wider section of the population may therefore have been exposed to heavy metal pollution resulting from the pollutant cloud generated by the bombing. Many of these heavy metals have short- and long-term health impacts, including carcinogenicity, and their potential effects should be tracked and treated.

It is recommended that a national registry of people living in close proximity to major bomb targets be established, and that their health be tracked in the long term to allow early identification of unusual health trends, such as cancer, and adequate support measures to be implemented.<sup>60</sup>

UNEP also investigated complaints from residents of Bint Jbail, Arnoun, Nabatiyeh, Kafra, and other villages and towns who complained of foul odors, headaches, and skin irritation after bombing attacks. In Arnoun and Nabatiyeh, residents showed UNEP experts the bomb craters that they believed were the source of the problems. UNEP confirmed that the weapons used were "Mark 80-type bombs, particularly the Mark 84 (known as a 'free fall' bomb)." It

most likely was referring to the MK84, a 2,000-pound unguided – or "dumb" – bomb in the U.S. arsenal used "in the majority of bombing operations where maximum blast and explosive effects are desired."<sup>61</sup> UNEP noted the health effects of these munitions:

This type of bomb is not fully efficient in explosion, and causes surface contamination by unexploded material or impact dust. Dust contamination can result in a bad, 'chemical' smell, usually provoking headaches and skin irritations. However, these effects are not permanent, as the unexploded material degrades naturally within a few days.

UNEP did not find any cause for environmental concern relating to weapons used at the sites investigated in the above-mentioned locations.<sup>62</sup>

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## DEPLETED URANIUM BOMBS: NO SCIENTIFIC EVIDENCE OF USE

During the war, there was deep concern in Lebanon about the IDF's possible use of depleted uranium (DU) bombs.<sup>63</sup> The concern was triggered when it was reported that the U.S. government had authorized the "expedited shipment" of satellite- and laser-guided bombs to Israel soon after the war began.<sup>64</sup> According to the *New York Times*, the U.S. government sources who disclosed the information "declined to describe in detail the size and contents of the shipment to Israel."<sup>65</sup> The newspaper noted that "an arms-sale package approved [in 2005] provides authority for Israel to purchase from the United States as many as 100 GBU-28's, which are 5,000-pound laser-guided bombs intended to destroy concrete bunkers....An announcement in 2005 that Israel was eligible to buy the

'bunker buster' weapons described the GBU-28 as 'a special weapon that was developed for penetrating hardened command centers located deep underground.'"<sup>66</sup>

Without the confirmation of the exact nature of the weapons that the U.S. was providing to Israel during the war, speculation was rife in Lebanon about the use of depleted uranium bombs. GBU-28 "bunker busters" were used by the U.S. in Iraq during the first and second Gulf wars, and in Afghanistan.

The concern was due to the potentially harmful effects on public health and the environment from the dust clouds produced after the detonation of DU bombs. This concern was not unreasonable:

[T]he dust cloud burns and forms an aerosol of fine DU oxide particles. The amount of depleted uranium transformed into dust depends on the type of munition, the nature of the impact and the type of target...

Human exposure to radiation from depleted uranium can be external, through contact with the skin, or internal, through inhalation or ingestion of depleted uranium particles. Radiation may result in an increased risk of cancer, with the degree of risk depending on the part of the body exposed and the radiation dose .... DU is also chemically toxic. The level of toxicity depends on the amount ingested and the chemical composition of the uranium, but exposure to DU – to which the liver is the most sensitive organ – can lead to severe poisoning within hours or days of exposure.<sup>67</sup>

In October 2006, news stories about elevated radiation reportedly found at a bomb site in Khiam brought renewed attention to the issue.<sup>68</sup> In response, Israeli foreign ministry spokesman Mark Regev said that "all the arms and ammunition that we use are legal and conform to



international laws."<sup>69</sup> Experts from the U.N. Environment Programme (UNEP) had just completed a comprehensive postwar assessment in Lebanon when the stories broke. "If uranium was used, we will find out and will announce it," said UNEP director for Asia and the Middle East Boutros al-Harb on October 28, 2006. "We cannot confirm anything now, but we will wait for the results."<sup>70</sup>

On November 7, 2006, UNEP announced that it had found "no evidence of penetrators [bombs] or metal made of DU or other radioactive material," and "no DU shrapnel, or other radioactive residue".<sup>71</sup> The agency reported that its munitions sub-team "investigated specifically the use or non-use of depleted uranium and unconventional weapons." It added:

The weapons sub-team visited 32 sites south and north of the Litani River. Following strict field procedures a range of smear, dust and soil samples were taken. The sample were analyzed in October-November at an internationally recognized laboratory in Switzerland....The analysis of all smear samples taken shows no DU, nor enriched uranium nor higher than natural uranium content in the samples.<sup>72</sup>

In its detailed postwar report, UNEP added: "After extensive investigation, including sites rumoured to have been hit by DU weapons, it can be stated that the 'bunker buster' ammunition used by the IDF in the conflict did not contain DU, natural uranium or any other uranium isotope."<sup>73</sup> The report provided detailed information about the scientific analysis and findings in Khiam, which included follow-up on-site investigation on November 20 and November 21, 2006, and additional analysis.<sup>74</sup>





## SUMMARY AND LEGAL CONCLUSIONS

*"The expression 'military objectives' must undoubtedly be understood in the strictest sense as a clearly defined point of actual or potential military importance. Needless to say the civilian population can never be regarded as a military objective. That truth is the very basis of the whole law of war."*

--International Committee of the Red Cross, Commentary on Article 18 of the Fourth Geneva Convention.

*"I have seen all the wars here, but this one was different from all the others because of the amount of destruction."*

--Zeinab Mohammed Ali Din, 78, resident of Srifa village, southern Lebanon, interview with ADC-RI, November 18, 2006.

This report provides eyewitness testimony, facts, and analysis about the State of Israel's longest and most destructive military operation in the Republic of Lebanon since Israel's June 1982 invasion of that country. A major purpose of the report is to document the experiences of Lebanese civilians who suffered losses during the July-August 2006 military conflict.

In response to a cross-border raid on the morning of July 12, 2006, during which Hizballah fighters killed three Israel Defense Forces (IDF) soldiers and captured two, the Israeli government met that night and quickly approved military action based on massive retaliation in Lebanon, primarily using air power. In public statements, IDF senior commanders promised a "mighty response," and made reference to "wide-ranging and comprehensive plans" to attack Hizballah military objectives as well as

Lebanese "national targets." For the next month – until August 14, 2006 – fighter jets and attack helicopters of Israel's air force flew more than 12,000 combat missions against 7,000 targets in Lebanon. The air strikes, and fire from Israeli naval vessels and ground-based troops, had devastating results:

- ◆ Approximately 900 Lebanese civilians were killed, and thousands more injured.<sup>1</sup> The government estimated that one-third of the civilian dead and injured were children.<sup>2</sup>
- ◆ The IDF's massive use of cluster bombs in southern Lebanon in the closing days of the conflict left residential areas and at least 26 percent of the south's cultivated agricultural land contaminated with an estimated one million unexploded and potentially deadly bomblets. The post-war Lebanese

civilian casualty toll from these "duds" was 22 killed and 171 injured, as of April 5, 2007, the U.N. reported. Of the total number of dead and injured, 67 were children.

- ◆ IDF troops on the ground in the village of Taibe in southern Lebanon are implicated in killing at close range four unarmed civilians from one family. The victims were two women, 58 and 83 years old, and two men, 54 and 81 years old.
- ◆ In a little over one month, the IDF totally or partially destroyed 30,000 houses and apartments throughout Lebanon, leaving some 250,000 people homeless. In the Haret Hreik neighborhood in Beirut's southern suburbs, where Hizballah maintained its strongest organizational presence, 144 multi-story apartment buildings were completely destroyed, and another 125 were damaged or collapsed.
- ◆ 915,000 people in Lebanon – 25 percent of the population – were displaced during the conflict.
- ◆ Massive destruction to Lebanon's infrastructure included 151 roads and 97 bridges; \$160 million in damage to electricity production, transmission and distribution facilities; and significant wreckage of the network of irrigation canals that served southern Lebanon.
- ◆ IDF attacks on fuel storage tanks at the Jiyeh thermal power plant south of Beirut spilled four million gallons of oil into the Mediterranean Sea and along 150 kilometers of Lebanon's coastline, and caused an oil fire that raged for more than two weeks, exposing Lebanon's civilian population to

toxic air pollution.

- ◆ Also destroyed were 118 factories, with another 74 partially damaged. These included major manufacturing firms, food-processing plants, and livestock and aquaculture enterprises.
- ◆ The Israel Navy enforced a blockade of Lebanon's ports from July 13, 2006, until September 7, 2006, interrupting the economic life of the country and creating shortages of fuel and other essentials for civilian consumers.

Another purpose of this report is to examine the conduct of the IDF in Lebanon during the conflict, using as legal standards the binding provisions of international humanitarian law, also known as the laws of war. The conduct of international armed conflicts is governed by the Geneva Conventions of August 12, 1949, and additional customary international humanitarian law legal standards, including those contained in the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I).

The IDF's legal responsibilities under international humanitarian law required it to attack only military objectives, which would include commanders and fighters in Hizballah's military forces, and the weapons and installations of these forces. The law also imposed upon the IDF the duty to take precautions, in terms of its choice of weapons and methods of attack, to minimize harm to the civilian population and civilian objects. At all times, it was the IDF's legal responsibility to maintain the distinction between civilians and combatants, and to direct

attacks only at combatants and other military objectives. It is important to note that international humanitarian law prohibits attacks on military objectives if the expected harm to civilians and civilian objects would be excessive – or disproportionate – to the concrete and direct military advantages to be gained from the attack.

The laws of war also provide strict guidelines about the use of weapons during armed conflict, for the purpose of protecting civilians from the danger of military operations. It is impermissible to use weapons that cannot be directed against a specific military objective, and weapons that by their nature strike military objectives and civilians or civilian objects without distinction.

The report includes evidence that the State of Israel repeatedly violated provisions of international humanitarian law, and committed serious violations that amount to war crimes for which individual government officials and military commanders have criminal responsibility.

This report also analyzes the legality of Israel's resort to the use of military force in Lebanon under international law. Resort to the use of armed force by member states of the United Nations against the territorial integrity or political independence of any state is governed by the U.N. Charter and other provisions of international law, including customary international law. The report disputes the assertion of Israel's Prime Minister Ehud Olmert that Hizballah's cross-border operation on July 12, 2006, was "the action of a sovereign state that attacked Israel for no reason and without provocation." The State of Israel was not subjected to an "armed attack" on July 12, 2006, as this term is defined under customary international law. Israel's use of force in response to the border

incident was unlawful under Article 2(4) of the U.N. Charter.

In addition, Israel's invocation of the right of self-defense under Article 51 of the U.N. Charter did not grant it a blank check to use unlimited or disproportionate military force in Lebanon. International law requires that the use of force meet the requirements of necessity and proportionality. The IDF's wide-ranging attacks on 7,000 targets across the country violated these two fundamental legal principles.

Israeli government and military officials also repeatedly stated during the conflict that one of the goals of the IDF's use of force in Lebanon was implementation of U.N. Security Council resolutions that call for "the disbanding and disarmament of all Lebanese and non-Lebanese militias," and "the extension of the control of the Government of Lebanon over all Lebanese territory." The use of force in Lebanon for such a purpose was unlawful under the U.N. Charter precisely because the Security Council resolutions did not authorize the use of military force to disarm militias in Lebanon and establish government control over all of Lebanese territory. Israel's use of force in Lebanon to effect the implementation of provisions of Security Council resolutions was a usurpation of the power and authority of the council itself, and was unlawful under Article 2(4) and Article 51 of the U.N. Charter.

With respect to this argument, it is relevant that the Winograd Commission – the Israeli-government-appointed commission of inquiry charged with examining the July-August 2006 IDF military campaign in Lebanon – stated in its April 2007 public interim report that "the declared goals were over-ambitious and not fea-

sible." The commission's findings, cited in Chapter One of this report, include two relevant observations. The first is that the Israeli government's hasty decision on the night of July 12, 2006, "to respond with an immediate, intensive military strike was not based on a detailed, comprehensive and authorized military plan, based on careful study of the complex characteristics of the Lebanon arena." The second pertinent observation of the Winograd Commission is that the government "in making the decision to go to war...did not consider the whole range of options...including political and diplomatic moves with military strikes below the 'escalation level,' or military preparations without immediate military action". The commission appears to be of the view that the IDF's wide-ranging aerial bombardment of Lebanon was not "an immediate proper response to the abduction" of the two IDF soldiers.

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## **TARGETING LEBANESE CIVILIANS AND CIVILIAN OBJECTS**

The Israeli government claimed that its military forces carried out attacks in Lebanon "only against legitimate military targets," and added that the IDF "does not deliberately attack civilians and takes steps to minimize any incidental collateral harm by warning them in advance of an action, even at the expense of losing the element of surprise." The factual record suggests otherwise. Indeed, Israeli government officials and senior IDF commanders explicitly stated that Lebanese civilians and the Lebanese government had to "pay a price" for Hizballah's effective military control of southern Lebanon.

IDF chief of general staff Lt. Gen. Dan Halutz stated on July 13, 2006, that the bombing of Beirut's international airport was intended "to hint to the Lebanese government that nothing is safe once they are operating against Israel. Nothing is safe. It is as simple as that." The next day, he said that attacks on Hizballah's headquarters in Haret Hreik in Beirut were "intended to make clear to the Greater Beirut area and Lebanon that they swallowed a cancer which they have to expel. Otherwise, this state will pay prices like they paid in the past." Gen. Halutz promised that the IDF military operation would be "wide-ranging and intensive," and emphasized the particular vulnerability of the country's infrastructure: "Lebanon is paying a high price for what is happening from its territory towards Israel: roads, bridges, airports and anybody with brains in his head can continue this list. There are more infrastructures a state can find itself without if it does not take over control of what is happening in it and from it."

Another strategy was to use force to weaken Hizballah politically as well as militarily. On July 15, 2006, IDF aircraft dropped leaflets on Sidon, the largest city in southern Lebanon. With a caricature of Hizballah leader Sheikh Hassan Nasrallah as a serpent, the leaflets read: "Is the resistance...helping Lebanon? The resistance...is destroying Lebanon!" Gen. Halutz proclaimed on July 27, 2006, that Hizballah's political standing had been weakened considerably. "Never have so many countries united against this terror organization. I do not think there has ever been a situation in which the Lebanese people rejected to the point of revulsion the entity that brought destruction upon their country," he said. Prime Minister Olmert made a similar

claim in September 2006, when he stated, "The sentiment of the people of Lebanon – not the Shi'ite community but the rest – is entirely against Hizbullah. I think [the war] has started a process that will change the nature of politics in Lebanon, and will also change the nature of the role that Hizbullah will play."

Israel's use of military force to pressure the Lebanese government, punish civilians, and change domestic political opinion was bound to blur the distinction between military objectives and civilians and civilian objects, and it did. The principle of distinction is an essential element of international humanitarian law, which prohibits regarding the civilian population as a military objective and making it the object of attack. In addition, Israel's explicitly stated use of force to alter the internal political affairs of Lebanon constituted unlawful interference in the political independence of a sovereign state and thus was unlawful under the U.N. Charter.

### **Driving the Civilian Population North**

As the IDF did during its military operations in Lebanon in 1993 ("Operation Accountability") and 1996 ("Operation Grapes of Wrath"), in 2006 it again sought to uproot the civilian population in the South, a strategy with multiple objectives. The first objective was to create free-fire zones in which the IDF would not have "to deal with the problem of civilians," as Brig. Gen Shuki Shachar, IDF chief of staff of the Northern Command, stated bluntly in July 2006. The second objective was to generate massive displacement that would serve as a form of pressure on the Lebanese government. The third

objective, and perhaps the most cynical, was to punish Lebanese civilians for their perceived support of Hizballah, in the hope of turning them against the organization and diminishing its political popularity. Israeli Prime Minister Ehud Olmert suggested that this last objective was achieved when he made this remark on August 2, 2006: "All the population which is the power base of the Hizbollah in Lebanon was displaced. They lost their properties, they lost their possessions, they are bitter, they are angry at Hizbollah."

The IDF used threatening leaflets dropped from aircraft as well as radio broadcasts to force civilians out of the South. The evacuation warnings began on July 17, 2006, aimed at selected towns and villages, and then expanded on July 20, 2006, when the IDF ordered all civilians in southern Lebanon "to evacuate the villages immediately, for your own welfare." Some of the IDF messages threatened indiscriminate violence that seemed intended to terrorize the civilian population.

"The IDF will intensify its activities and will heavily bomb the entire area from which rockets are being launched against the State of Israel," stated one leaflet that Israel's foreign affairs ministry made public. The IDF "will totally destroy any village from which missiles are fired toward Israel," threatened Israel's Arabic-language radio station that broadcasted into Lebanon. On August 10, 2006, the IDF ordered residents of Shiyah, Bourj al-Barajneh, and Hay al-Soloum in Beirut's southern suburbs to evacuate "immediately," warning of "a painful and strong response" to Hizballah's military operations and threatening that the "painful results will not be confined to Hassan [Nasrallah's] gang and crim-



inals." This warning followed the IDF's devastating missile strikes on two occupied residential buildings in Shiyah on the evening of August 7, 2006. This attack killed 40 civilians, including at least 14 children, and was the largest single-incident death toll in Lebanon during the entire conflict. It is documented in Chapter Five of the report.

The language of the IDF leaflets, particularly the threats to destroy villages and bomb entire areas heavily, appeared intentionally crafted to terrorize civilians. The distribution of such leaflets violated international humanitarian law, which prohibits acts or threats of violence that have as a primary purpose spreading terror among the civilian population.

Article 8(2)(e)(viii) of the Rome Statute of the International Criminal Court defines as a war crime "ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand." The IDF orders for all civilians south of the Litani River to evacuate their homes and temporarily move north was overly broad and did not appear to be justified by military necessity, unless that military necessity was leaving the IDF with a huge swath of territory empty of civilians. Moreover, if the security of the civilian population was in fact the major impetus for this evacuation order, the IDF should have provided information about protected corridors through which civilians could flee, or even times of day when such movement would be safe. It did neither.

The IDF's distribution of warning leaflets did not absolve Israel of its obligations under international humanitarian law to protect the civilian population in areas where its military forces were

operating, as explained in the legal analysis of Chapter Two of this report. Warnings to civilians to evacuate specific villages, or entire areas of a country, never release the attacking party from its legal obligations at all times to distinguish between combatants and civilians, limit attacks to military objectives only, and refrain from attacks that are indiscriminate or disproportionate under the laws of war.

### **Indiscriminate Attacks on the Vehicles of Fleeing Civilians**

At the same time that the IDF was warning civilians to flee north of the Litani River, it was also attacking the vehicles in which civilians were leaving southern Lebanon. One U.S. citizen, who was visiting Tibnin when the war started and hired two taxis to evacuate his family, remarked: "We put white blankets on top of the cars so the airplanes wouldn't hit us. Bombs landed on the side of the road as we traveled. There were cars lying on the side of the road with dead people in them." On July 15, 2006, the IDF attacked a convoy of vehicles carrying civilians who responded to IDF warnings to evacuate the village of Marwahin. Twenty-one of them were killed, including 14 children. On July 23, 2006, an IDF missile strike on a convoy of three minivans carrying 54 members of a family from al-Tiri killed three and injured 16. One of the survivors commented, "We put a white flag. We were doing what Israel told us to do. What more do they want of us?" The same day, two women were killed, and two women and two children, four and eight years old, were injured when their car was attacked on the road from Aita al-Shaab to Tyre.

In a move that left all civilians in southern Lebanon effectively trapped, on August 7, 2006, the IDF banned all vehicular traffic south of the Litani River. The order went into effect at 10:00 p.m. that night. The IDF warned that any moving vehicle "of any kind...will be bombarded on suspicion of transporting rockets, military equipment and terrorists. Anyone who travels in any vehicle is placing his life in danger."

On the night of August 11, 2006, the IDF attacked a convoy of 465 civilian vehicles and 97 Lebanese military vehicles that had evacuated Marjayoun and was traveling through the western Bekaa Valley. Six people, including a Lebanese Red Cross first-aid volunteer, were killed and another 32 injured. The IDF admitted in this case that it had attacked "on the suspicion that these were Hizbullah terrorists transporting weaponry." The U.N. Interim Force in Lebanon (UNIFIL) reported that its peacekeepers had informed the IDF in advance about this convoy and secured permission for its movement. The International Committee of the Red Cross condemned the attack, and stated: "It is unacceptable that after more than 30 days of ongoing military operations all necessary precautions to spare civilian life and those engaged in medical work have still not been taken."

The ban on all vehicular movement south of the Litani River, with the specific threat that any moving vehicle was liable to be attacked on the basis of suspicion that it was a military objective, was illegal under international humanitarian law. Civilians traveling on the roads were protected under the laws of war, and the IDF was required to distinguish between legitimate objects of attack, such as vehicles carrying Hizballah fighters and weaponry, and those transporting civil-

ians. The IDF was required to take precautionary measures, and do everything feasible to verify that the vehicles were not carrying civilians. The IDF's declaration that it would use the vague standard of "suspicion" to destroy any moving vehicle in southern Lebanon violated the international humanitarian law prohibition of attacks that strike military objectives and civilians or civilian objects without distinction.

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### **BLATANT DISREGARD FOR THE PRESENCE OF CIVILIANS**

The IDF cited its own evacuation warnings when Lebanese civilians were killed and injured, and professed surprise that civilians were present in locations where the attacks occurred. This defense was untenable. It was well publicized that at least 100,000 civilians remained in southern Lebanon, among them the poor, the elderly, and the disabled. The presence of these civilians certainly had to have been known to the IDF from its ubiquitous aerial surveillance as well as from the sustained efforts of U.N. agencies and international humanitarian organizations to secure safe corridors from the IDF to supply food, water, and other relief supplies to this vulnerable population. Detailed reports in the daily international press also described the plight of civilians in the south, including the 1,350 women, children, and men who were packed into the hospital in Tibnin under conditions of extreme deprivation. Whether the civilians who remained in the south freely decided to stay or lacked the financial means to leave, in either case they were entitled to full protection under international humanitarian law.

During the conflict, Israel's then-Justice Minister Haim Ramon commented, "For Israel, there are no longer civilians in southern Lebanon," adding that "anyone who is in South Lebanon today is assumed to be a terrorist related to Hezbollah." On July 27, 2006, IDF chief of staff Lt. Gen. Dan Halutz described the bombing and artillery strikes against Bint Jbail and stated, incorrectly, that the town "was empty of civilians and surrounded by terrorists both inside and out." Chief of staff of the Israeli Air Force Brig. Gen. Amir Eshel described civilians in the south "who live together with terror, by agreement or coercion" as "the source of the evil." He made this remark at a press conference on July 30, 2006, in the aftermath of the IDF attack on a residential building in Qana that claimed the lives of 28 women, children, and men. After the Qana attack, it was with no credibility the Israeli government stated that "the presence of civilians was not known to the IDF in light of the repeated warnings given to the village residents."

In armed conflicts, civilians who are unwilling or unable to heed evacuation warnings are never left without protection under international humanitarian law. The legal analysis in the chapters that follow makes clear that it was the duty of the IDF to take precautionary measures and do everything feasible to verify that civilians and civilian objects would not be attacked. If this legal burden was not met, the vulnerable civilians themselves cannot be assigned ultimate responsibility for their own casualties.

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## **LIMITS ON THE DELIVERY OF HUMANITARIAN RELIEF TO CIVILIANS**

As the war continued, the civilian population that remained in southern Lebanon was increasingly in need of food, water, and medicine, in addition to safe shelter. Israeli government spokespersons emphasized that Israel had established a "humanitarian corridor" to transport relief supplies and carry out medical evacuations with safe passage. But international humanitarian organizations and U.N. agencies on the ground in Lebanon found that this corridor functioned erratically at best. There was a disturbing and frustrating pattern of IDF denial of security clearance for the relief convoys and Lebanese Red Cross ambulances. The IDF's massive attacks on Lebanon commenced on July 13, 2006, but it was not until July 21, 2006, that the International Committee of the Red Cross (ICRC) was able to transport its first consignment of supplies to civilians in the South. The first humanitarian relief from U.N. agencies did not reach southern Lebanon until July 26, 2006. The seriousness of the situation in the South prompted a U.N. call on July 28, 2006, for a three-day "humanitarian truce" to evacuate trapped civilians and the wounded, and deliver food and other emergency supplies.

ICRC president Jakob Kellenberger on August 10, 2006, specifically requested that Israeli authorities improve the access of humanitarian organizations to the South. "The time for improved access is long overdue," he said. "Even life-saving, emergency evacuations so desperately needed are, at best, delayed for days. We also face enormous obstacles to bringing in aid con-

voys loaded with essential foodstuffs, water and medicines for trapped civilians....anything short of full access to these areas is insufficient." The same day, U.N. Under Secretary-General for Humanitarian Affairs Jan Egeland called the IDF's hindering of aid convoys "a disgrace," and added, "We have not had any access for many days to the besieged population of southern Lebanon."

Israeli authorities continued to withhold authorization for the departure of aid convoys through the closing days of the war. On August 11, 2006, for example, UNIFIL reported that one of its convoys to distribute food to villages in the western sector of the south of Lebanon "could not proceed in the last five days due to the denial of consent by the IDF."

Medical evacuations of wounded civilians were particularly problematic. The Lebanese Red Cross (LRC), whose 6,000 volunteers were fully mobilized during the conflict, found it impossible to reach and evacuate all the civilians in need of medical assistance. One problem was that bombed-out major roads forced ambulances onto circuitous alternative routes, significantly increasing the travel time for medical rescuers. Another problem was the IDF's denial of safe passage for LRC vehicles. Even in cases where safety clearance was obtained, the IDF attacked LRC vehicles directly or fired in their vicinity in such an intimidating manner that drivers knew that if they continued to move, the vehicles would be attacked.

The situation worsened after the IDF imposed the open-ended ban on all vehicular traffic south of the Litani River, beginning at 10:00 p.m. on August 7, 2006. As a result, LRC ambulances and other vehicles were forced to sit

idle, despite the continuing need for evacuation of injured civilians. "We get many calls from villages saying they have injured people, but there is no permission to go. Yes, people could be dying because we can't get to them in time," said one LRC medic who was based in Tyre.

International humanitarian law defines civilian relief during armed conflict as food, medical supplies, clothing, bedding, means of shelter, and "other supplies essential to the survival of the civilian population." The pertinent parts of Article 23 of the Fourth Geneva Convention provide for the free passage and distribution of "medical and hospital stores" to the entire civilian population, and for "free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases."

If civilians lack adequate medicine, food and other supplies during an armed conflict, the parties to the conflict must permit and facilitate the rapid passage of relief consignments.

Precisely because civilian lives are at risk in such situations, time is always of the essence. International humanitarian law placed an affirmative obligation on the State of Israel to ensure that the needs of Lebanese civilians were met in a manner that was timely, but Israel did not fulfill this legal obligation.

There appeared to be a strong presumption on Israel's part that the civilians left behind in southern Lebanon were active or at least passive supporters of Hizballah, and therefore were not entitled to protection under international humanitarian law. This presumption was fundamentally flawed. In armed conflicts, the civilian population and individual civilians always have legal protection unless they take a direct part in

hostilities. Civilians who remained in the South, and were not engaged in military activities on behalf of Hizballah, enjoyed all the protections of international humanitarian law, including the delivery of medicine, food, water, and other supplies essential to their survival. It is a war crime under the Rome Statute of the International Criminal Court to "willfully impede relief supplies as provided for under the Geneva Conventions."

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### **INDISCRIMINATE AND DISPROPORTIONATE ATTACKS ON CIVILIAN RESIDENTIAL BUILDINGS**

The IDF totally or partially destroyed an estimated 30,000 houses and apartments in Lebanon during the conflict. Hizballah's military commanders, combatants, weapons, and military installations were all legitimate military objectives under the laws of war. If these military objectives were located inside or near civilian dwellings, which the IDF alleged was often the case, the IDF was legally bound to refrain from attacking if the expected harm to civilians would be excessive – or *disproportionate* – compared to the military advantage expected to be gained from the attack. Particularly in the cases of IDF attacks on residential buildings that housed civilians, the continuing legal burden on Israel first is to identify in each case the specific military objective that was the target, and then to explain how the civilian casualties and damage were justified by the specific military advantage that the IDF expected to gain from the attack. Chapter Five of this report provides eyewitness

testimony about attacks in August 2006 on residential buildings in Beirut's southern suburbs, in the town of Ghaziyeh south of Sidon, and in Mashghara in the Bekaa Valley where the high toll of civilian deaths, particularly children and women, was excessive, did not appear justified by military necessity, and thus violated international humanitarian law.

Lebanese civilians who suffered destruction of or significant damage to their homes and apartments, or witnessed strikes on the residences of neighbors, told ADC-RI that they were aware of no combatants or other military objectives in plain sight at the time of attacks:

- ◆ Najla Nahle, 30, said that for the first 12 days of the war the IDF "hit around the clock" in her home village of Taibe in southern Lebanon. She added that Hizballah military forces fired from nearby hills but not from the village. On the day that the homes of three neighbors were bombed and destroyed, Najla, her parents, and four sisters fled the village.
- ◆ Youssef al-Ammar, 41, remained in the predominantly Christian village of Ain Ibil in the south of Lebanon throughout the war. He said that Hizballah combatants were not present in the village but in its vicinity, and pointed to hills from where they fired rockets. Ibrahim Diab, 40, another resident of Ain Ibil, told ADC-RI that "Israeli artillery was hitting everywhere in the village at night. They kept shelling." His own home was left uninhabitable from indiscriminate shelling on July 25 and July 26, 2006.
- ◆ Fatmeh Hammoud, 48, witnessed the



bombing of the house of her neighbor Ali Ahmad Dakroub in Srifa, a village east of Tyre, during the first week of the conflict. Mr. Dakroub was killed, but other members of his family survived because they were in a different area of the building. "I heard the roaring of the airplanes and then a big bang," Hammoud recalled. She and other residents said that Hizballah was firing from nearby hills but there were no fighters inside the village. Hassan Ibrahim Hammoud, 58, another resident of Srifa, commented, "With each bombing, the planes would come back and forth several times. They hit everything. They did not just target a particular house."

- ◆ Moheeb Farhat, 69, watched as his three-story home in Khiam in southern Lebanon was destroyed on the afternoon of July 25, 2006. "I was making my lunch and felt the bombing getting closer. I put my food in a Tupperware container and went outside with a blanket. As I was leaving the house, I had counted 70 bombing strikes. I saw the plane come overhead. I was 25 meters away when I watched them hit my home. There was so much smoke I could hardly breathe," he explained to ADC-RI. Mr. Farhat, a Christian, had no idea why his building was targeted.
- ◆ Mohammed Abed al-Hussein Makki, 30, said that the house in Beit Yahoun in southern Lebanon where he lived with his parents and older sister was attacked on the afternoon of July 15, 2006. He told ADC-RI that first a neighbor's house was bombed, and a few minutes later his family's house was hit, injuring his father. Mr.

Makki said that there was no military activity near the houses when the attack took place. "I heard maybe in the distance some firing, but there was nothing near our homes," he said. He estimated that of the 500 houses in the village, about 150 were destroyed and another 150 damaged during the war.

Under international humanitarian law, an indiscriminate attack is one that is not directed at a specific military objective, or one that uses means or methods of combat that cannot be directed at a specific military objective and strikes military objectives and civilian or civilian objects without distinction. Indiscriminate attacks are war crimes under the Rome Statute of the International Criminal Court.

The scope of the destruction of residential buildings in towns and villages of southern Lebanon was considerable: 80 percent of the homes in Taibe and Ghanduriyah were reported destroyed, 60 percent in Zibqin, and 50 percent in Markaba, Qantarah, Jebel al-Botm, Bayyadah, Qlaileh, Yohmor, and Zawtar al-Gharbiyeh, to cite some examples. In the densely populated neighborhood of Haret Hreik in the southern suburbs of Beirut, where Hizballah's leadership and offices were concentrated, 144 residential buildings were totally destroyed and another 125 collapsed or were damaged; the overwhelming majority of the buildings were six stories or higher.

It is far from clear that in all cases the IDF targeted and destroyed these residential structures in pursuit of specific and distinct military objectives that were inside or immediately adjacent to the premises. The State of Israel bears a heavy



burden of legal responsibility to demonstrate that this extensive destruction was justified by military necessity, and did not constitute wanton, unlawful attacks that would rise to war crimes under international humanitarian law. This is particularly important in the case of Bint Jbail in southern Lebanon, where at least 1,200 homes were totally destroyed and 400 severely damaged in IDF aerial bombardments and artillery strikes.

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### **INDISCRIMINATE ATTACKS ON "SYMBOLS"**

"This is a war of symbols," a high-ranking IDF officer, who was not further identified, told the *Jerusalem Post* during the conflict. "This is not just about killing Hizbullah fighters but is about destroying the organization's symbols of pride." Evidence suggests that IDF senior commanders decided to reduce Bint Jbail to ruins because the town held "symbolic" importance for Hizbullah. It was where Hizbullah's leader Sheikh Hassan Nasrallah gave a highly publicized victory speech on May 25, 2000, the day after the last Israeli troops withdrew from Lebanon.

In July 2006, Maj. Gen. Benny Gantz, commander of IDF ground troops, described Bint Jbail as Hizbullah's "terror capital" and "the symbolic heart" of the military conflict, and reportedly recommended that Israeli forces "dismantle the place" and force the civilian population out. After three IDF officers and five soldiers were killed in Bint Jbail on July 26, 2006, IDF chief of staff Lt. Gen. Dan Halutz gave orders to attack the town. His deputy, Gen. Moshe

Kaplinksy, conceded that there was "no tactical military significance to conquering Bint Jbail," but added that there was "another sort of significance...that of symbolism and what we are doing, we are doing for those who are going to tell the story tomorrow." When a dissenting general expressed doubt about the need for a "heroic battle" to conquer Bint Jbail, Gen. Halutz reportedly replied: "On point of principle, I tell you this: You say there is no story. Well, I think there is one – and it's not on their side, it's on our side." A journalist who visited Bint Jbail on July 31, 2006 described the town as "a mass of ruins."

The targeting of Bint Jbail because it was viewed as a symbol of pride for Hizbullah constitutes an egregious violation of international humanitarian law, which permits attacks only on specific military objectives. The almost-total destruction of civilian structures in Bint Jbail's historic old town and market, including some 1,000 ancient stone buildings, was an indiscriminate attack on a massive scale and, as such, a war crime for which individual IDF commanders have criminal responsibility.

These disclosures of the thinking of senior IDF commanders about the "symbolism" of Bint Jbail, as reported in the Israeli press, raise important questions about the decision to destroy the former Khiam prison in southern Lebanon in four bombing runs on July 20, 2006. Throughout the years of the Israeli occupation, Amnesty International documented the detention without charge and torture in Khiam of hundreds of Lebanese at the hands of Israel's proxy South Lebanon Army militia and, in some cases, Israeli interrogators. After the withdrawal of IDF troops from Lebanon in May 2000,

Hizballah transformed the facility into a "museum" that attracted Lebanese and international visitors, keeping alive the historical record of the abuses committed there. If there were no military objectives on this hilltop site at the time the IDF attacked it, and the former prison was targeted because it was viewed as another "symbol" of importance to Hizballah, the attack was indiscriminate under international humanitarian law and a war crime.

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### **USE OF INDISCRIMINATE WEAPONS: CLUSTER BOMBS**

For reasons that Israel has yet to explain fully, the IDF decided to saturate southern Lebanon with cluster bombs between August 11, 2006, when the U.N. Security Council passed a resolution mandating a cessation of hostilities, and August 14, 2006, when this resolution went into effect. The U.N. estimated that 90 percent of the cluster bombs that the IDF used during the conflict were fired during this short period of time, as documented in Chapter Seven of this report. The legacy was about one million unexploded and potentially deadly cluster submunitions throughout the South, in towns and villages, and on agricultural land. Any reasonable person could have easily predicted that these were the very places to which displaced Lebanese civilians would return in large numbers to resume their lives and livelihoods.

After the cessation of hostilities, independent observers found cluster bomblets inside and around homes, in gardens, along roads and paths, and on the property of local hospitals and schools. The U.N. Food and Agriculture

Organization reported in November 2006 that at least 26 percent of southern Lebanon's cultivated agricultural land was contaminated with cluster submunitions, rendering it "effectively useless" for families reliant on agriculture for their livelihoods.

As noted in Chapter 7, the risk to Lebanese civilians was heightened because the IDF decided to use U.S.-supplied cluster bombs with known high "dud" rates, rather than spend funds from its own budget for state-of-the-art cluster bombs of Israeli manufacture that reportedly leave behind no hazardous unexploded bomblets.

One IDF reservist officer expressed his disgust about the orders to fire these weapons. "In Lebanon, we covered entire villages with cluster bombs, what we did there was crazy and monstrous," the officer told the Israeli daily newspaper *Haaretz* in September 2006.

The costly, labor-intensive process of clearing the surface and subsurface in southern Lebanon of the contamination was expected to continue until December 2007. Experts identified 864 cluster bomb strike locations in southern Lebanon and cleared 94,000 bomblets by March 14, 2007. The urgency of the clearance process is reflected in the statistics: from August 14, 2006, when the U.N.-mandated cessation of hostilities went into effect, through April 5, 2007, cluster bomblets killed 22 civilians, including seven children, and injured another 171 civilians, 60 of them children.

When fired into populated areas, cluster bombs are always indiscriminate because the deadly bomblets scatter widely and cannot be aimed precisely at military objectives. The "dud" submunitions kill, maim, and injure civilians

and combatants alike, with no distinction. The decision of IDF commanders to use cluster bombs in Lebanon in this manner was a grave violation of the international humanitarian law prohibition of indiscriminate attacks, and thus a war crime for which individual IDF officers have criminal responsibility.

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### **ATTACKS ON THE FUEL STORAGE TANKS AT THE JIYYEH POWER PLANT**

On July 13, 2006, and again on July 15, 2006, the IDF targeted two 15,000-ton fuel-storage tanks at the Jiyeh thermal power plant, located on the Mediterranean coast 28 kilometers south of Beirut. The strikes set the tanks on fire, and spilled over four million gallons of hazardous medium/heavy fuel oil into the Mediterranean Sea, affecting more Lebanese civilians than any other IDF attack during the conflict. The air pollution from the burning tanks "was probably one of the most serious environmental impacts of the conflict," the U.N. Environment Programme (UNEP) reported in its January 2007 damage assessment. UNEP observed that the smoke from the fires that raged at the plant for almost two weeks "would have contained a potentially toxic cocktail of pollutants – including soot, particulate matter, carbon monoxide, methane and a range of hydrocarbons – the combination of which could be expected to cause a significant degree of environmental pollution and respiratory problems for local residents." UNEP recommended that the Lebanese government create a national registry of residents who lived near the plant so

that their health could be monitored for "early identification of unusual health trends, such as respiratory and cardiac problems and cancer".

The spill from the tanks left oil submerged in the Mediterranean seabed, and produced coastal pollution on Lebanon's sandy and rocky beaches, ports, and marinas for 150 kilometers north of the Jiyeh plant. UNEP found that the oil that sank to the seabed "would have smothered marine organisms, inhibiting their movements and causing suffocation." Regarding the coastal pollution, UNEP noted: "Harbours, coves, caves and small natural bays were particularly affected, as the oil tended to get trapped there. Impacted locations included the biologically important site of Palm Islands Nature Reserve, archeologically significant areas in Byblos and various touristically important beaches."

During the war, the IDF did not mention the targeting of the two fuel tanks in the public daily summaries of its military operations. It made no claim that the fuel storage tanks at the plant were primarily serving Hizballah's military forces, made an effective contribution to Hizballah's military activities, and that their destruction would provide Israel with a definite military advantage, which would make the tanks legitimate military objectives under international humanitarian law. It is also not known if the IDF weighed the expected military advantage from the attacks, if any, against the likely harm to civilians and civilian objects that would result from the destruction of tanks on the Mediterranean coast that contained 30,000 tons of fuel oil. If there was not a definite military advantage to be gained, or if that advantage was slight compared to the resulting harm to Lebanon's public health and environment, the

attacks on the fuel tanks at the Jiyeh power plant were indiscriminate under international humanitarian law.

In the immediate aftermath of the oil spill, Israel refused to cooperate with technical experts from the international community who were providing assistance to the Lebanese government. The experts urgently needed to conduct aerial surveillance over the Mediterranean to verify the trajectory of the spill, identify the oil that remained at sea, and develop appropriate responses. The IDF denied permission for these overflights until August 21, 2006, more than one month after the attacks on the fuel tanks took place, and the aerial surveys were finally carried out on August 28 and August 29, 2006.

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### **INDISCRIMINATE ATTACKS ON LEBANON'S INDUSTRIAL ECONOMY**

The Lebanese government reported that 118 manufacturing firms and other industrial enterprises were totally destroyed during the war, and another 74 partially damaged. Fadi Aboud, president of the Lebanese Association of Industrialists, told ADC-RI he believed that the factories were targeted because Israel "wanted to destroy our industry, the Lebanese economy, the source of jobs. Of our largest ten companies, they hit the largest: Dalal Steel, Liban Lait, Fine tissue paper, and Maliban Glass." He noted that these four companies represented 40 percent of the industrial sector's losses during the 2006 conflict.

Dalal Steel Industries manufactured and installed pre-engineered steel buildings and pre-

fabricated houses at its \$30 million plant in the Bekaa Valley. Israeli jets attacked the plant at 5:30 a.m. on July 24, 2006, and, according to the owner, "when they saw one building was still standing, they returned and bombed again." Liban Lait, also in the Bekaa Valley, was the leading producer of milk and dairy products in Lebanon, employing 285 people. The IDF's precise attack on the plant at 3:00 a.m. on July 16, 2006, caused \$23 million in damage. One journalist described the production floor as "a mass of twisted metal, melted plastic and cardboard packaging and ash." The Maliban Glassworks factory, located several hundred yards from Dalal Steel, was the second-largest company of its kind in the Middle East, manufacturing 200 tons of glass daily on a 24-hour production schedule. It provided regular employment for about 400 workers. The IDF attack at 12:45 p.m. on July 19, 2006, destroyed the firm's production areas, three glass ovens, and offices. "In two minutes, everything was gone," the manager said. The cost of rebuilding the factory was estimated at \$70 million.

Owners and managers of these companies were stunned by the attacks. "No one knows why this happened," Toufic Dalal, owner of Dalal Steel Industries, told ADC-RI. "There were no weapons here, no military people around the area. The only thing I can say is that Israel is involved in some sort of economic warfare." The managing director of Liban Lait, Michel Waked, offered similar comments in a separate interview: "We do not know why we were targeted. We have 38,000 square meters, next to us is our farm, and [the Israelis] fly overhead all the time. They cannot say they did not know we were here. I have nothing to say other

than they wanted to destroy the Lebanese infrastructure....they do not want us to work." Shrai Madhvani, a member of the family that owns Maliban Glassworks, noted that when Israel attacked Palestinian bases in the Bekaa Valley in 1982, the plant was untouched. "They knew who owned the factory and what we were doing. That's why it was such a shock to know they sent four bombs specifically at us," he said.

Notably, the IDF never announced in its public daily reports during the conflict that these and other industrial businesses were targeted and destroyed. Under international humanitarian law, manufacturing and other companies that produce goods unrelated to the war effort are civilian objects, not legitimate military objectives. Businesses forfeit this protected status under two conditions. The first is that the enterprise must be making an effective contribution to military action, and the second is that its total or partial destruction must provide a definite military advantage to the attacker. Israel must explain who in the IDF chain of command made the decision to put scores of economic enterprises on the target list, and why, in each specific case, these businesses were evaluated as military objectives and subsequently destroyed. Generalized and vague responses that cannot be verified are insufficient. Such unacceptable responses include the one that an IDF spokeswoman offered after the war when she said that factories in the Bekaa Valley were attacked because of suspicion that they were storing weapons for Hizballah. Without detailed information that justifies each individual attack, the targeting of Lebanon's industrial economy can only be characterized as indiscriminate under international humanitarian law and unlawful economic warfare.

## NOTES

1. According to the government of Lebanon, 1,191 people were killed and another 4,409 injured in Lebanon during the conflict. (U.S. Government Humanitarian Situation Report #10, Fiscal Year 2007, Lebanon Humanitarian Emergency, December 29, 2006.) The number of dead reportedly included 250 Hizballah fighters and 37 Lebanese soldiers and police officers. *See* Sam. F. Ghattas, "Lebanon Sees More Than 1,000 War Deaths," Associated Press, December 28, 2006.

In Israel, 43 civilians were killed, another 33 seriously wounded, and 68 moderately injured from Hizballah rocket attacks between July 12 and August 14, 2006. Another 1,388 civilians were lightly injured, and 2,883 were "treated for shock and anxiety." Israel Ministry of Foreign Affairs, official website, "Hizballah attacks northern Israel and Israel's response," undated. The website address of Israel's Ministry of Foreign Affairs is: [www.mfa.gov.il](http://www.mfa.gov.il)

2. Lebanon's population is estimated at 3.5 million, with 1.2 million – or 34 percent -- under the age of 18. UNICEF, Middle East Crisis, UNICEF Situation Report No.13, August 3, 2006.



## RECOMMENDATIONS

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### TO THE UNITED NATIONS

- ◆ As a step toward ending impunity in Israel and Lebanon for the repeated pattern of violations of international humanitarian law, including war crimes, the U.N. Secretary-General should act on the recommendations of leading international human rights organizations and establish a commission of inquiry to investigate these violations during the July-August 2006 military conflict. This investigation should identify the perpetrators on both sides with command responsibility for the violations, and propose mechanisms to hold them accountable under the law, particularly for war crimes that are subject to universal jurisdiction.
- ◆ As the U.N. organ with primary responsibility for maintaining international peace and security, the Security Council should meet formally and investigate the legal basis under international law of a state's assertion of the right of self-defense to use military force against another state, particularly in situations when a state claims that it has come under "armed attack."
- ◆ In cases where the Security Council determines that a state has unlawfully reserved

the right to act in self-defense under Article 51 of the U.N. Charter, it should take immediate measures to suppress acts of aggression or other breaches of the peace, and bring the state into compliance with Article 2(4) of the U.N. Charter.

- ◆ In recognition of the legal obligation under international humanitarian law to provide during armed conflicts relief supplies to civilians, particularly to women and children, the U.N. Secretary-General should establish an inter-agency task force to document and analyze why the delivery of such relief to civilians in Lebanon in July and August 2006 was flawed, and develop practical recommendations to ensure that in future conflicts, in the Middle East and elsewhere, the identified problems will be remedied.

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### TO THE MEMBER STATES OF THE EUROPEAN UNION AND THE INTERNATIONAL COMMUNITY

- ◆ Take specific steps to remind the State of Israel that it remains legally accountable for violations of international humanitarian law that occurred during the July-August 2006 military conflict in Lebanon, includ-



ing indiscriminate attacks and the use of indiscriminate cluster bombs on an unprecedented and massive scale in populated areas of the southern part of the country.

- ◆ Commence investigations of war crimes that Israeli government officials and military officers committed or ordered to be committed in Lebanon in July-August 2006, and bring indictments against those individuals when *prima facie* cases can be established.
- ◆ Identify opportunities, when engaging in bilateral meetings with Israeli government officials and IDF officers, for discussion of the conduct of the Israel Defense Forces (IDF) in Lebanon that violated international humanitarian law, including indiscriminate attacks and the use of indiscriminate weapons that constituted war crimes.
- ◆ Urge Israeli government officials to conduct an impartial, comprehensive investigation of the conduct of IDF forces in Lebanon in July and August 2006, for the purpose of holding accountable individuals with criminal responsibility for war crimes.
- ◆ Express deep concern to Israeli government officials about the facts that implicate IDF ground troops in the killing at close range of four unarmed civilians in the village of Taibe in southern Lebanon during the conflict, and emphasize the importance of identifying, investigating, and bringing to justice IDF personnel responsible for this incident, which was a grave breach of the Geneva Conventions and, as such, a war crime for which the perpetrators have criminal responsibility.

- ◆ Deny entry to former IDF military officers and Israeli government officials who made public statements during the 2006 conflict that were contrary to the letter and spirit of international humanitarian law. These include former IDF chief of staff Lt. Gen. Dan Halutz and former minister of justice Haim Ramon.

## TO THE STATE OF ISRAEL

### To the Executive Branch of the Israeli Government:

- ◆ Appoint a state Commission of Inquiry, with sufficient budget and staff, to examine comprehensively the policies and specific actions of the Israel Defense Forces (IDF) during "Operation Change of Direction" that violated Israel's binding legal obligations under international humanitarian law.
- ◆ Make public the testimony before, and the findings of, the Commission of Inquiry.
- ◆ Hold accountable under Israeli law those Israeli government officials and IDF commanders and officers who ordered, committed, or in other ways condoned and sanctioned unlawful actions, including actions that amounted to war crimes under international humanitarian law.
- ◆ Pledge publicly that under no circumstances will the IDF fire cluster munitions into areas of civilian population or use.
- ◆ Obtain from the IDF and release to the U.N. and the Lebanese government all data

on the use of cluster bombs in Lebanon, including detailed coordinates of each recorded strike during the 2006 conflict.

- ◆ Pledge publicly that under no circumstances will the IDF fire phosphorous munitions into open ground near populated areas.
- ◆ Ensure that the IDF's safety margins for the use of forms of phosphorous munitions are sufficiently generous to protect civilians in all cases when these weapons are fired.
- ◆ Establish a National Committee for the Implementation of International Humanitarian Law, serving as a permanent inter-ministerial working group, to ensure that the rules of international humanitarian law are fully understood, respected, and punished when violations occur. (As of January 31, 2007, ten countries in the Middle East and North Africa have established national committees, including Egypt, Iran, Jordan, and Syria.)
  - The members of the National Committee should include representatives of government ministries, including defense, foreign affairs, and justice; representatives from the legislative and judicial branches of the government; and international law experts from university faculties.
  - The National Committee should assess Israel's domestic law for compliance with legal obligations under international humanitarian law; monitor the application of the law; propose changes in existing legislation and administrative regulations; and promote a broader understanding of international

humanitarian law among the armed forces and the general population.

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### **To the Judge Advocate General of the Israel Defense Forces:**

- ◆ Hold accountable to the fullest extent of the law IDF officers who gave and implemented orders to use cluster bombs in violation of the prohibition on the use of indiscriminate weapons under customary international humanitarian law.
- ◆ Investigate IDF attacks in Bint Jbail during "Operation Change of Direction" that reportedly were not based on military necessity but carried out because senior IDF commanders believed the town was of "symbolic" value to Hizballah.
- ◆ Hold accountable IDF officers who ordered and condoned such attacks on Bint Jbail.
- ◆ Investigate allegations that IDF ground forces in the village of Taibe in southern Lebanon, on or after July 30, 2006, killed at least four unarmed civilians at close range; identify the perpetrators; and bring them to justice.
- ◆ Investigate the circumstances of the attack on the evening of August 7, 2006, on a block of residential buildings in the Shiyah neighborhood of Beirut's southern suburbs that killed 40 people, including at least 14 children.
- ◆ Investigate the circumstances of IDF attacks on vehicles of the Lebanese Red Cross during "Operation Change of Direction," and hold accountable IDF offi-

cers and soldiers responsible for indiscriminate attacks on these vehicles.

- ◆ Review IDF procedures, including precautionary measures, to ensure that humanitarian vehicles, including those of the Lebanese Red Cross, are never subjected to indiscriminate attack, and that the emblems of the Lebanese Red Cross and other humanitarian organizations are fully respected and protected as required under international humanitarian law.

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### **To Members of the Knesset:**

- ◆ Request that the government make public the IDF internal investigation of the military orders to use cluster bombs in Lebanon, including details about specific authorizations and any restrictions that were placed on the use of these munitions.
- ◆ Investigate IDF policies that led to the targeting and destruction of Lebanon's economic infrastructure during "Operation Change of Direction," including the destruction of some of the country's largest industrial businesses, such as Liban Lait, Dalal Steel, and Maliban Glassworks.
- ◆ Investigate IDF policies that led to the targeting of two large fuel tanks at the Jiyeh thermal power plant south of Beirut, which caused substantial marine and air pollution in Lebanon, and may endanger public health over the long term.

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### **To Nongovernmental Civil Rights and Human Rights Organizations in Israel:**

- ◆ Disseminate this report and its findings to concerned constituencies in Israel, including members of the Knesset and the Israeli media.
- ◆ Examine the allegations that implicate IDF ground troops in the killing at close range of at least four unarmed civilians in Taibe, Lebanon, and use advocacy tools to press for identification, investigation, and prosecution of the perpetrators.
- ◆ Provide legal representation to Lebanese civilians who wish to bring cases before Israeli courts for losses during the 2006 military conflict.

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### **TO THE REPUBLIC OF LEBANON**

#### **To the Council of Ministers:**

- ◆ Appoint an inter-ministerial committee to develop a feasible and effective emergency plan to ensure that all Lebanese civilians, particularly families with children and disabled relatives, who seek to evacuate areas of armed conflict are provided with public means to do so if they cannot afford the cost of private transportation.
- ◆ Establish a National Committee for the Implementation of International Humanitarian Law, serving as a permanent inter-ministerial working group, to ensure that the rules of international humanitarian law are fully understood, respected, and pun-

ished when violations occur. (As of January 31, 2007, ten countries in the Middle East and North Africa have established national committees, including Egypt, Iran, Jordan, and Syria.)

- The members of the National Committee should include representatives of government ministries including defense, foreign affairs, and justice; representatives from the legislative and judicial branches of the government; and international law experts from university faculties.
- The National Committee should assess Lebanon's domestic law for compliance with legal obligations under international humanitarian law; monitor the application of the law; propose changes in existing legislation and administrative regulations; and promote a broader understanding of international humanitarian law among the armed forces and the general population.

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### **To the Ministry of Social Affairs:**

- ◆ With respect to the government's casualty count for the July-August 2006 conflict, separate combatant from civilian casualties, and make public the number of civilians killed and injured, by gender and age, including the number of victims who were children.
- ◆ Document and make public the statistics about civilians in Lebanon who suffered permanent disabilities as a result of injuries sustained during the conflict, with particu-

lar note of those who are children.

- ◆ In the spirit of the Convention on the Rights of the Child, to which Lebanon is a state party, establish an independent task force, composed of government and civil society representatives, to investigate measures that were taken, and should have been taken, to afford maximum protection to children during the conflict. The findings and recommendations of the task force should be made public.
- ◆ Pursuant to the post-conflict observation of the Office of the U.N. High Commissioner for Refugees (UNHCR), develop mechanisms to register and track accurately the status of civilians displaced during periods of military conflict and unable to return to their homes after hostilities cease.

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### **To the Ministry of Health:**

- ◆ Pursuant to the recommendations of the U.N. Environment Programme in its January 2007 post-conflict environmental assessment of Lebanon.
  - Create a national registry of residents who breathed toxic pollution from the burning fuel tanks at the Jiyeh power plant in order to monitor their health, and identify and treat at an early stage any unusual health trends, including cancer and respiratory and cardiac problems.
  - Establish a national registry of residents who lived in close proximity to major bomb sites, and may have been exposed

to heavy metal pollution, in order to track their health and identify and treat at an early stage any unusual health trends, including cancer.

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### **To the Political and Military Leadership of Hizballah:**

- ◆ Cooperate fully with independent investigations of violations of the laws of war in Lebanon and Israel during the 2006 conflict.
- ◆ Pledge publicly to respect fully all the legal obligations under international humanitarian law and customary international law that apply to the conduct of the military forces of Hizballah, including the legal duty to refrain from intentional attacks on civilians and civilian objects, and the use of indiscriminate weapons in areas of civilian population.
- ◆ Disseminate information about, and promote the understanding of, international humanitarian law and customary international law among commanders and other combatants in the military forces of the organization, including information about individual criminal responsibility in courts worldwide for ordering, condoning, and carrying out acts that constitute war crimes.

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### **TO THE U.S. GOVERNMENT**

#### **To the Executive Branch:**

- ◆ Impose enforceable restrictions and condi-

tions on future U.S. arms sales and other military transfers to the State of Israel to ensure respect for international humanitarian law.

- ◆ Insist that the State of Israel provide detailed, useful information to the U.N. about the exact location, quantity, and type of cluster munitions fired into Lebanon during the conflict, and make public the substance of these demarches.
- ◆ Make public the State Department's preliminary report concerning the IDF's use of U.S.-supplied cluster bombs during the 2006 conflict.
- ◆ Make public the bilateral agreement between the U.S. and Israel under the U.S. Arms Export Control Act about the use of cluster bombs.
- ◆ Release publicly the report that the State of Israel provided to the U.S. State Department about the use of cluster bombs during the 2006 conflict.
- ◆ Endorse and participate in the Norwegian government's initiative to develop a new legally binding international treaty to ban cluster munitions that have unacceptable humanitarian consequences.
- ◆ Deny entry to the U.S. to former IDF military officers and Israeli government officials who made public statements during the 2006 conflict that were in sharp contrast to the letter and spirit of international humanitarian law. These include former IDF chief of staff Lt. Gen. Dan Halutz and former minister of justice Haim Ramon.
- ◆ Deny entry to the U.S. to Israeli citizens who are under criminal investigation in other countries for ordering, condoning,

and carrying out military actions in Lebanon in 2006 that are war crimes under international law.

- ◆ Hold accountable U.S. executive branch officials who make public statements during times of armed conflict that run counter to the letter and spirit of the U.S. government's legal responsibilities under international humanitarian law.

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### **To the U.S. Congress**

- ◆ Impose enforceable restrictions and conditions on future U.S. arms sales and other military transfers to the State of Israel to ensure respect for international humanitarian law.
- ◆ Conduct an independent investigation of the use of U.S.-supplied cluster bombs in populated areas of Lebanon in July and August 2006, and determine if the use of these weapons violated provisions of the U.S. Arms Export Control Act.
- ◆ Investigate why the Bush Administration did not use its full influence with the State of Israel after the U.N.-mandated cessation of hostilities in August 2006 to press for the IDF's immediate, full disclosure of the coordinates of all cluster bomb strikes in Lebanon.
- ◆ Further investigate why Israel continues to withhold the coordinates of all cluster bomb strikes in Lebanon, and determine the specific initiatives, if any, the Bush Administration is undertaking to secure full disclosure of all relevant information concerning cluster-bomb strike coordinates.



## NOTES

### CHAPTER I

1. Article 1(1) of the United Nations Charter states that one of the purposes of the U.N. system is to "maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace".

2. Detailed documentation of these incidents is contained in the twice-yearly reports on the United Nations Interim Force in Lebanon (UNIFIL) that the U.N. Secretary-General provides to the U.N. Security Council.

3. U.N. Security Council, Report of the Secretary-General on the United Nations Interim Force in Lebanon (for the period from 21 January to 21 July 2004), July 21, 2004, S/2004/572.

4. U.N. Security Council, Report of the Secretary-General on the United Nations Interim Force in Lebanon (for the period from 21 January 2005 to 20 July 2005), July 21, 2005, S/2005/460.

5. U.N. Security Council, Report of the Secretary-General on the United Nations Interim Force in Lebanon (for the period from 22 July 2005 to 20 January 2006), January 18, 2006, S/2006/26.

6. UNIFIL, the United Nations Interim Force in Lebanon, is a U.N. peacekeeping force established under the authority of U.N. Security Council Resolution 425 of March 19, 1978, for the purpose of confirming the withdrawal of Israeli forces from southern Lebanon; restoring international peace and security; and assisting the Lebanese government in ensuring the return of its effective authority in the south of Lebanon. The mandate of UNIFIL was expanded pursuant to U.N. Security Council Resolution 1701 of August 11, 2006. See Appendix A and Appendix B of this report for the full text of these U.N. Security Council Resolutions.

7. U.N. Security Council, Report of the Secretary-

General on the United Nations Interim Force in Lebanon (for the period from 22 July 2005 to 20 January 2006), January 18, 2006, S/2006/26.

8. See, for example, U.N. Security Council, Report of the Secretary-General on the United Nations Interim Force in Lebanon (for the period from 22 July 2005 to 20 January 2006), January 18, 2006, S/2006/26, and U.N. Security Council, Report of the Secretary-General on the United Nations Interim Force in Lebanon (for the period from 21 January 2005 to 20 July 2005), July 21, 2005, S/2005/460.

9. See Appendix A of this report for the full text of U.N. Security Council Resolution 1701.

10. See Appendix B of this report for the full text of these U.N. Security Council resolutions.

11. Herb Keinon, "Bracing for 'war crime' battles abroad," *Jerusalem Post*, September 4, 2006, and "Officials said fearing wave of war crimes suits over Lebanon," *Haaretz*, September 4, 2006.

12. "Officials said fearing wave of war crimes suits over Lebanon," *Haaretz*, September 4, 2006.

13. Ibid.

14. U.N. Security Council, Report of the Secretary-General on the United Nations Interim Force in Lebanon (For the period from 21 January 2006 to 18 July 2006), S/2006/560, July 21, 2006.

15. Ibid.

16. Israel Defense Forces, official website, "Four Soldiers Killed, Two Kidnapped, and Four Missing Following Hizballah Attack," July 12, 2006.

17. Scott Wilson, "Israeli War Plan Had No Exit Strategy," *Washington Post*, October 21, 2006. Wilson is the newspaper's Jerusalem bureau chief.

18. Israel Ministry of Foreign Affairs, official website, "Two soldiers killed, one missing in Kerem Shalom terror attack," June 25, 2006.

19. Scott Wilson, "Israeli War Plan Had No Exit Strategy," *Washington Post*, October 21, 2006.

20. Ibid.

21. BBC Monitoring International Reports, "Hezbollah Destroys Two Israeli Tanks, Crew 'Killed or Wounded'—TV," Text of report by Lebanese Hezbollah TV *al-Manar*, July 12, 2006, 1005 GMT.

22. Scott Wilson, "Israeli War Plan Had No Exit Strategy," *Washington Post*, October 21, 2006.

23. BBC Monitoring Middle East – Political, "Hezbollah chief warns Israel against escalation, wants prisoner exchange," Lebanese Hezbollah TV *al-Manar*, live news conference at an undisclosed location in Lebanon, July 12, 2006, 1435 GMT.

24. U.N. Security Council, Report of the Secretary-General on the United Nations Interim Force in Lebanon (For the period from 21 January 2006 to 18 July 2006), S/2006/560, July 21, 2006.

25. BBC Monitoring Middle East – Political, "Hezbollah chief warns Israel against escalation, wants prisoner exchange," Lebanese Hezbollah TV *al-Manar*, live news conference at an undisclosed location in Lebanon, July 12, 2006, 1435 GMT.

26. Ibid.

27. Ibid.

28. Ibid.

29. On October 7, 2000, Hizballah abducted three IDF soldiers who were on patrol on the Israeli side of the border. The IDF announced on October 29, 2001, that there was a high probability that the three soldiers were dead, based on "new and reliable information," and on November 2, 2001, the IDF chaplain general declared the soldiers dead. See Israel Ministry of Foreign Affairs, official website, "Israelis Held by the Hizballah: October 2000 – January 2004," February 4, 2004.

Israeli prime minister Ariel Sharon stated on January 25, 2004, that "negotiations for the return of our sons began a short time after they were kidnapped, and have been conducted continuously ever since then, except for short interruptions." See Israel Ministry of Foreign Affairs, official website, Cabinet Communique, January 25, 2004.

The bargaining involved the German government and mediators acting in its name. On January 29, 2004, the IDF Spokesman announced that in a swap for the bodies of the three soldiers, 429 Palestinian and foreign security prisoners and administrative detainees were released, and that as another part of the deal "the bodies of 60 Lebanese decedents and members of Hizballah will be relocated from the IDF's cemetery of the fallen enemy to Lebanon, in coordination with the Red Cross and via the international border crossing in Rosh-Hanikra." See Israel Ministry of Foreign Affairs, official website, "The release of security prisoners and administrative detainees," January 29, 2004.

30. U.N. Security Council, Report of the Secretary-General on the United Nations Interim Force in Lebanon (For the period from 21 January 2006 to 18 July 2006), S/2006/560, July 21, 2006.

31. Israel Ministry of Foreign Affairs, official website, "IDF Spokesman: Hizballah attack on northern border and IDF response," July 12, 2006.

32. Ibid.

33. Ibid.

34. BBC Monitoring, "Hezbollah TV Reports Casualties, Damage Caused by Israeli Raids," *al-Manar* Television, July 12, 2006, 1630 GMT.

35. Ibid.

36. Israeli Government Press Office, "PM Olmert says 'Lebanon is responsible, and Lebanon will bear responsibility,'" July 12, 2006, reported by BBC Monitoring Middle East – Political, July 12, 2006.

37. Ibid.

38. Ibid.

39. Israel Channel 2 Television, 1512 GMT, July 12, 2006, as reported by BBC Monitoring International Reports, July 12, 2006.

40. Ibid.

41. Ibid.

42. Ibid.

43. CNN, "Israel authorizes 'severe' response to abductions," July 12, 2006. Also see Patrick Anidjar, "Israel battles on two fronts for captured soldiers," Agence France Presse, July 12, 2006.

44. For additional information, see the section in this chapter titled "Israel's Use of Force in Lebanon and International Law."

45. Prime Minister Olmert appointed a group of seven government ministers to approve "the detailed actions" of the defense forces. In addition to himself, the other members of this group were: Defense Minister Amir Peretz; Foreign Minister Tzipi Livni; Vice Premier Shimon Peres; Industry, Trade and Employment Minister Eli Yishai; Transportation Minister Shaul Mofaz; and Public Security Minister Avi Dichter. Israel Ministry of Foreign Affairs, official website, "Special Cabinet Communique – Hizballah attack," July 12, 2006.

46. Scott Wilson, "Israeli War Plan Had No Exit

Strategy," *Washington Post*, October 21, 2006.

47. Ibid.

48. Ibid.

49. The minister was quoted by Dan Margalit in the Israeli daily *Maariv*, as reported in *Mideast Mirror*, July 13, 2006.

50. Shimon Schiffer writing in the Israeli daily *Yedioth Ahronoth*, as reported in *Mideast Mirror*, July 13, 2006.

51. Former Israeli Supreme Court Justice Dr. Eliyahu Winograd was head of the commission of inquiry, hence its widely used name, the Winograd Commission. The purpose of the commission was to "look into the preparation and conduct of the political and security levels concerning all the dimensions of the Northern Campaign which started on July 12, 2006." Israel Ministry of Foreign Affairs, official website, "Winograd Commission submits Interim Report," April 30, 2007.

52. See Ze'ev Segal, "Legal Analysis/Rough guide to the Winograd report," *Haaretz*, April 30, 2007.

53. Nir Hasson, "A brief history of the panel," *Haaretz*, April 30, 2007.

54. The official Israeli government Summary of the Winograd Commission's interim report is in Appendix C of this report.

55. Winograd Commission Interim Report, Summary, paragraph 8.

56. Winograd Commission Interim Report, Summary, paragraph 10a.

57. Winograd Commission Interim Report, Summary, paragraph 12b.

58. Winograd Commission Interim Report, Summary, paragraph 14a.

59. Winograd Commission Interim Report, Summary, paragraph 15f.

60. Winograd Commission Interim Report, Summary, paragraph 10c.

61. Ibid.

62. Winograd Commission Interim Report, Summary, paragraph 14d.

63. Winograd Commission Interim Report, Summary, paragraph 14e.

64. Israel Defense Forces, official website, News, "The

IDF Operates Against Targets in Lebanon," July 13, 2006.

65. Israel Defense Forces, official website, "The IDF Attacks Targets in Southern Lebanon," July 13, 2006. The IDF named the other targets as "Hezbollah base in the Davin area, Hezbollah base north of A-Sultania, Hezbollah base in Ayata-Shav [Aita al-Shaab], two Hezbollah bases in near [sic] Tzrifa [Srifa], two Hezbollah bases east of Abel A-Saki, and a Hezbollah terrorist vehicle. The vehicle was hit while exiting a Hezbollah post." Ibid.

66. Israel Defense Forces, official website, News, "The IDF Operates Against Targets in Lebanon," July 13, 2006. With respect to the Beirut airport attack, the IDF stated that the airport was "used as an infrastructure by the Hezbollah terror organization, as well as a station to transport weapons." The IDF also stated that the *Manar* television station "has for many years served as the main tool for propaganda and incitement by Hezbollah, and has also helped the organization recruit people into its ranks." The naval blockade of Lebanese ports was justified on the grounds that "ports and harbors of Lebanon are used to transfer terrorists and weapons by the terrorist organizations operating against the citizens of Israel from within Lebanon, mainly Hezbollah." Ibid.

67. Israel Ministry of Foreign Affairs, official website, "Israel-Hizbullah conflict: Victims of rocket attacks and IDF casualties," July-August 2006.

68. Ibid.

69. Ibid.

70. CNN International, transcript from the show *Insight*, "Crisis in the Middle East," July 13, 2006.

71. Israel Defense Forces, official website, "Chief of Staff: We will continue to operate in all necessary ways until we achieve our goal," July 13, 2006. Emphasis in text added by ADC-RI.

72. Israel Defense Forces, official website, "Our goal is for the Lebanese government to take responsibility," July 13, 2006.

73. Israel Defense Forces, official website, "The IDF Attacks Targets in Southern Lebanon," July 13, 2006.

74. Israel Defense Forces, official website, "Head of Operations Directorate: 'IDF's Target is Terrorists,'" July 16, 2006.

75. See Human Rights Watch, "Fatal Strikes, Israel's Indiscriminate Attacks Against Civilians in Lebanon,"

August 2006, Volume 18, No. 3(E), for documentation of this attack.

76. U.S. Department of State, Remarks on the Draft Resolution on the Middle East, Ambassador John R. Bolton, U.S. Permanent Representative to the United Nations, Remarks at a Security Council Stakeout, New York, July 13, 2006.

77. U.S. Department of State, Situation in the Middle East, Ambassador John R. Bolton, U.S. Permanent Representative to the United Nations, Remarks in the Security Council, New York, July 21, 2006.

78. Text of news conference carried live by Israel Television, July 14, 2006, as reported by BBC Monitoring Middle East – Political, July 14, 2006. Emphasis in text added by ADC-RI.

79. Ibid. Emphasis in text added by ADC-RI.

80. Ibid.

81. Ibid.

82. Scott Wilson, "Israeli War Plan Had No Exit Strategy," *Washington Post*, October 21, 2006.

83. Ibid.

84. Ibid.

85. Israel Ministry of Foreign Affairs, official website, "Political-Security Cabinet Communique," July 19, 2006. The communiqué also identified the three "principles of a diplomatic solution" to the crisis: the "unconditional release" of the two kidnapped IDF soldiers; cessation of rocket attacks "against residents of the State of Israel and against Israeli targets;" and the full implementation of U.N. Security Council Resolution 1559, "including the disarming of all armed militias, the extension of the sovereignty of the Lebanese government over all its territory and the deployment of the Lebanese army along the border with Israel."

86. Israel Ministry of Foreign Affairs, official website, "Chief of Staff Halutz: 'We have no intention of hurting Syria or the citizens of Lebanon,'" July 27, 2006.

87. Winograd Commission Interim Report, Summary, paragraph 10f.

88. Winograd Commission Interim Report, Summary, paragraph 10d.

89. Winograd Commission Interim Report, Summary, paragraph 12c.

90. Ibid.

91. Article 51(5)(b), Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts. Hereinafter Protocol I.

92. U.N. Security Council, Identical letters dated 17 July 2006 from the Charge d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council," A/60/941, S/2006/529, July 17, 2006.

93. Ibid.

94. Ibid.

95. Ned Temko, Conal Urquhart and Peter Beaumont, "British split with Bush as Israeli tanks roll in," *Observer* (London), July 23, 2006, and BBC News, "Minister condemns Israeli action," July 22, 2006.

96. Steven Erlanger, "Troops Ready, But Israel Bets on Air Power," *New York Times*, July 23, 2006.

97. Craig S. Smith and Helene Cooper, "U.S., at Rome Meeting, Resists Call for Halt to Mideast Combat," *New York Times*, July 27, 2006.

98. CNN World News, "Bolton defends Israel's actions in Lebanon," July 23, 2006.

99. CNN, "Israel strikes militant stronghold in Beirut," July 15, 2006. See Chapter 2 and Appendix D of this report for additional documentation of the text of leaflets the IDF dropped in Lebanon during the war.

100. Israel Prime Minister's Office, "PM's Speech at the Commencement Ceremony of the 33rd National Security College Course in Gilot," August 1, 2006. Emphasis in text added by ADC-RI.

101. Reuters, "Text--Reuters interview with Israeli PM Olmert," August 2, 2006.

102. Herb Keinon and David Horovitz, "PM to *Post*: I had no illusions about this job," *Jerusalem Post*, September 28, 2006.

103. Israel Ministry of Foreign Affairs, official website, "Chief of Staff Halutz: 'We have no intention of hurting Syria or the citizens of Lebanon,'" July 27, 2006.

104. Statement by Ambassador Dan Gilleran, Permanent Representative, during the open debate on "The Situation in the Middle East Including the Palestinian Question," Security Council, New York, July 21, 2006. Emphasis in text added by ADC-RI.

105. Ibid.
106. Jihad Siqlawi, "Israel punches into Lebanon as civilians flee," Agence France Presse, July 23, 2006.
107. Interview with Haim Ramon, Israeli Army Radio, July 27, 2006. Emphasis in text added by ADC-RI.
108. Ibid. Emphasis in text added by ADC-RI.
109. "EU denies giving Israel green light," *Guardian* (London), July 27, 2006.
110. Ibid.
111. "Israel's Deputy UN Ambassador Defends Israel's Attacks on Lebanon: 'We Cannot For Sure Prove That All Of The Civilians In Southern Lebanon Were Purely Innocent,'" Rush Transcript, *Democracy Now!*, August 24, 2006, <http://www.democracynow.org/article.pl?sid=06/08/24/1425218>
112. Maj. Gen. Amos Yadlin, "Ethical Dilemmas in Fighting Terrorism," Jerusalem Center for Public Affairs, Jerusalem Issue Brief, Vol. 4, No. 8, November 25, 2004. Emphasis in the original text.
113. Israel Defense Forces, official website, "The Chief of Staff: 'The government of Lebanon is responsible for everything that occurs within its borders and for actions that emanate from its territory,'" July 15, 2006.
114. CNN, "Israel strikes militant stronghold in Beirut," July 15, 2006.
115. Craig S. Smith and Helene Cooper, "U.S., at Rome Meeting, Resists Call for Halt to Mideast Combat," *New York Times*, July 27, 2006.
116. Permanent Mission of Israel to the United Nations, official website, "Statement by Ambassador Dan Gillerman, Permanent Representative, during the open debate on 'The Situation in the Middle East,'" Security Council, New York, July 30, 2006.
117. Ibid. Emphasis in text added by ADC-RI.
118. Edward Cody and Molly Moore, "Lebanese Surge Back to South," *Washington Post*, August 15, 2006.
119. Jad Mouawad and Steven Erlanger, "Ferocity Raised on Fifth Day of Conflict," *New York Times*, July 17, 2006.
120. Ibid.
121. Yaakov Katz, "High-ranking officer: Halutz ordered retaliation policy," *Jerusalem Post*, July 24, 2006.
122. Ibid.
123. Article 51(1) of Protocol I states in pertinent part: "The civilian population as such, as well as individual civilians, shall not be the object of attack." Article 52(1) of Protocol I states in pertinent part: "Civilian objects shall not be the object of attack or reprisals."
124. Association for Civil Rights in Israel, "ACRI protest statements and order issued by Chief of Staff," July 24, 2006.
125. These include U.N. Security Council Resolution 425 (1978), Resolution 520 (1982), Resolution 1559 (2004), and Resolutions 1655 and 1690 (2006). See Appendix B of this report for the full text of these resolutions.
126. Winograd Commission Interim Report, Summary, paragraph 8.
127. Winograd Commission Interim Report, Summary, paragraph 10b.
128. Winograd Commission Interim Report, Summary, paragraph 12b.
129. Ibid.
130. Nouhad Mahmoud, representative of Lebanon, summary of remarks to members of the U.N. Security Council, New York, July 14, 2006, U.N. Department of Public Information – News and Media Division, "Security Council Debates Escalating Crisis Between Israel, Lebanon: UN Officials Urge Restraint, Diplomacy, Protection of Civilians," Security Council SC/8776, July 14, 2006.
131. Jean-Marie Guehenno, U.N. Under-Secretary-General for Peacekeeping Operations, summary of remarks to members of the U.N. Security Council, New York, July 14, 2006, U.N. Department of Public Information – News and Media Division, "Security Council Debates Escalating Crisis Between Israel, Lebanon: UN Officials Urge Restraint, Diplomacy, Protection of Civilians," Security Council SC/8776, July 14, 2006.
132. Antonio Cassese, "Terrorism is Also Disrupting Some Crucial Categories of International Law," *European Journal of International Law*, Volume 12, Number 5, 2001. Emphasis in the original text.
133. Ibid.
134. Letter from Ambassador Dan Gillerman, Permanent Representative of Israel, to Kofi Annan, U.N. Secretary-General, July 12, 2006, posted on the official website of



the Permanent Mission of Israel to the United Nations.

135. The letter stated: "Responsibility for this belligerent act of war lies with the government of Lebanon, from whose territory these acts have been launched into Israel. Responsibility also lies with the governments of Iran and Syria, who support and embrace those who carried out this attack." Ibid.

136. Ibid.

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138. Ibid.

139. The U.N. Charter does not define the term "armed attack." The International Court of Justice (ICJ), in its 1986 ruling on the merits in *Nicaragua v. United States*, noted that "a definition of armed attack...is not part of treaty law." See International Court of Justice, *Case Concerning the Military and Paramilitary Activities in and Against Nicaragua* (Nicaragua v. United States of America), 1986 ICJ 14, 25 International Legal Materials 1023 (1986) at paragraph 176.

140. International Court of Justice, *Case Concerning the Military and Paramilitary Activities in and Against Nicaragua* (Nicaragua v. United States of America), 1986 ICJ 14, 25 International Legal Materials 1023 (1986) at paragraph 195.

141. Ibid.

142. See, for example, U.N. Security Council Resolution 1559 (2004), Adopted by the Security Council on September 2, 2004, S/RES/1559 (2004), September 2, 2004.

143. U.N. Security Council Resolution 1559 (2004), provision 6.

## CHAPTER 2

1. Craig S. Smith, "Israel to Discuss Foreign Troops as Border Guard," *New York Times*, July 24, 2006.

2. For documentation of Israel's use of this tactic during "Operation Accountability," see Human Rights Watch, *Civilian Pawns: Laws of War Violations and the Use of Weapons on the Israel-Lebanon Border*, May 1996. For documentation of the same tactic during "Operation Grapes of Wrath," see Human Rights Watch, "Operation Grapes of Wrath: The Civilian Victims," Vol. 9, No. 8(E), September 1997.

3. Ze'ev Schiff, "A strategic mistake," *Haaretz*, July 20, 2006.

4. The Higher Relief Council's statements were posted during the war on this Lebanese government website: [www.lebanonundersiege.gov.lb](http://www.lebanonundersiege.gov.lb)

5. Ibid.

6. Ibid.

7. Ibid.

8. Yoav Stern, Aluf Benn and Yossi Melman, and Associated Press, "Thousands flee south Lebanon in wake of IDF warning to leave," *Haaretz*, July 23, 2006.

9. Reuters, "Text -- Reuters interview with Israeli PM Olmert," August 2, 2006.

10. Guida G. Hourani and Eugene Sensenig-Dabbous, "Insecurity, Migration and Return: The Case of Lebanon following the Summer 2006 War," Euro-Mediterranean Consortium for Applied Research on International Migration (CARIM), Research Report, CARIM-RR 2007/01. The CARIM report was financed by the European Commission under its MEDA Programme. The full report is available at: <http://www.carim.org/Publications>.

11. See American-Arab Anti-Discrimination Committee (ADC), "ADC Files Lawsuit Against Secretaries of State and Defense for Failure to Protect US Citizens in Lebanon," Press Release, July 24, 2006.

12. ADC announced on August 22, 2006, that it withdrew the lawsuit because of the U.N. Security Council-mandated cessation of hostilities, which went into effect on the morning of August 14, 2006. In a press release, ADC stated, "the goal of the lawsuit has been achieved," and also said, "With a ceasefire in place, ADC has been



successful in pushing the issue of the cessation of hostilities. The U.S. citizens who wished to leave Lebanon and were trapped have been given the opportunity to safely leave."

13. See Appendix D of this report for the Israeli government's official reproductions of some of these leaflets.

14. For example, the Israeli foreign affairs ministry published this in July 2006: "Concern for the lives of civilians is an integral part of the IDF operational procedure, which requires extreme care to be taken to minimize harm to the civilian population – often at the cost of operational advantages. Residents of southern Lebanon have been warned repeatedly several days in advance of Israeli operations to leave the area before attacks by the IDF." Israel Ministry of Foreign Affairs, official website, "IDF warns Lebanese civilians to leave danger zone," July 25, 2006.

15. Israel Defense Forces, official website, "IDF Strikes Hezbollah Headquarters Monday," July 17, 2006.

16. Ibid.

17. Ibid.

18. Article 51(2) of Protocol I states in pertinent part: "Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited."

19. Israel Ministry of Foreign Affairs, official website, "Incident in Kafr Qana," July 30, 2006. Emphasis in text added by ADC-RI.

20. Israel Ministry of Foreign Affairs, official website, "IDF drops leaflets to warn Lebanese civilians," July 19, 2006.

21. Ibid. Emphasis in text added by ADC-RI.

22. Article 51(5)(a) of Protocol I states that indiscriminate attacks include those carried out "by bombardment by any methods or means which treats as a single military objective number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects".

23. Israel Ministry of Foreign Affairs, official website, "IDF drops leaflets to warn Lebanese civilians," July 19, 2006. Emphasis in text added by ADC-RI. Also see Israel Defense Forces, official website, "Warnings Dropped to Protect Southern Lebanese Civilians," July 19, 2006.

24. In order to spare civilians during military operations, international humanitarian law requires that those who

plan or decide upon an attack take precautionary measures, and "do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects". See Article 57(2)(a)(i) of Protocol I.

25. Avi Issacharoff and Amos Harel, "IDF strikes kill at least 59 in Lebanon," *Haaretz*, July 21, 2006.

26. Yoav Stern, Aluf Benn and Yossi Melman, "Thousands flee south Lebanon in wake of IDF warnings to leave," *Haaretz*, July 23, 2006.

27. Israel Ministry of Foreign Affairs, official website, "Summary of IDF operations against Hizbullah in Lebanon," July 23, 2006. The 22 villages, as named by the spokesman, were: Tulla, Tallousse, A-Taybe [Taibe], Markaba, A-Tzuana, El-Hiam [Khiam], Meiss El-Jabal, El Kutzer, Shakra, Bint Jbel [Bint Jbail], Ananta, Aitarun, Balaïda, Barashit, Beit Yahun, A-Tiri, Yaroun, Kounin, Kharsat a-Taleb, Hadtiya, Majed Al Salim, and Khibet Sahlem.

28. Israel Ministry of Foreign Affairs, official website, "Incident in Kafr Qana," July 30, 2006.

29. CBS News, "Qaeda No. 2: Mideast War Will Spread," July 27, 2006.

30. Israel Ministry of Foreign Affairs, official website, "Summary of IDF activity against Hizbullah in Lebanon," July 28, 2006.

31. Ibid.

32. Ibid.

33. Ibid.

34. Ze'ev Schiff, Amos Harel and Aluf Benn, "Reservists kill four Hezbollah guerillas in south Lebanon; soldier seriously hurt," *Haaretz*, August 2, 2006. The villages were not named in this newspaper story.

35. Israel Ministry of Foreign Affairs, official website, "Summary of IDF operations against Hizbullah in Lebanon," August 7, 2006.

36. See Appendix D of this report for the Israeli government's reproduced copy of this leaflet in its original Arabic.

37. Associated Press, "IAF [Israeli Air Force] drops leaflets over downtown Beirut threatening 'painful' response to Hezbollah attacks," *Haaretz*, August 10, 2006, and Salim Yassine, Agence France Presse, "Israel tells south Beirut residents to get out," Agence France Presse, *Daily Star* (Beirut), August 10, 2006.

38. This principle is summarized in Article 48 of Protocol I: "In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives."

39. Article 51(3) of Protocol I states that civilians enjoy protection "unless and for such time as they take a direct part in hostilities." See International Committee of the Red Cross, "Direct Participation in Hostilities under International Humanitarian Law," September 2003, for additional information.

40. *The Times* (London), June 28, 1982, cited in *Israel in Lebanon/Report of the International Commission to enquire into reported violations of International Law by Israel during its invasion of the Lebanon*, Ithaca Press, London: 1983, p.103. The commission was chaired by Sean MacBride, former Minister for External Affairs in Ireland and former U.N. Assistant Secretary-General. Hereinafter MacBride report.

41. *Daily Telegraph* (London), June 29, 1982, cited in MacBride report, p.104.

42. MacBride report, p.160.

43. MacBride report, p.160.

44. Association for Civil Rights in Israel, "Stop attacks on innocent civilians and civilian infrastructure," July 20, 2006.

45. Article 57(2)(a)(i) of Protocol I.

46. Article 51(4) of Protocol I.

## CHAPTER 3

1. Zlatan Milisic, Emergency Coordinator in Lebanon, U.N. World Food Program, cited in BBC News, "UN attacks Lebanon aid 'disgrace,'" August 10, 2006.

2. See Chapter 4, Chapter 5, and Chapter 6.

3. Ibid.

4. Renwick McClean, "Fleeing Lebanon For a Crowded Island," *New York Times*, July 22, 2006.

5. Jonathan Steele, "After the siege, the panic to flee devastation," *Guardian* (London), August 1, 2006.

6. Sabrina Tavernise, "For Lebanese, Calm Moment to Flee Ruins," *New York Times*, August 1, 2006.

7. Anthony Shadid, "Survivors Rise From Rubble of Battered Lebanese Village," *Washington Post*, August 1, 2006.

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11. Israel Ministry of Foreign Affairs, official website, "Israel Defense Forces press conference following the Kafr Qana incident," July 30, 2006.

12. Agence France Presse, "Cut-off Lebanese village struggles as food, medicine dry up," published in *Daily Star* (Beirut), July 27, 2006.

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15. Anthony Shadid, "'God Stop the Bombs!'" *Washington Post*, July 26, 2006.

16. Ibid.

17. Ibid.

18. Ibid.

19. ICRC News, Lebanon/Israel Bulletin No. 12/2006, August 15, 2006.

20. UNIFIL Press Release, July 22, 2006. UNIFIL's press releases can be found at this website address:

[www.un.org/Depts/dpko/missions/unifil/docs.html](http://www.un.org/Depts/dpko/missions/unifil/docs.html)

21. UNIFIL, Press Release, July 17, 2006.

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22. UNIFIL, Press Release, July 20, 2006.
23. UNIFIL, Press Release, July 21, 2006.
24. UNIFIL, Press Release, July 22, 2006.
25. UNIFIL, Press Release, July 23, 2006.
26. UNIFIL, Press Release, July 22, 2006.
27. UNIFIL Press Release, July 23, 2006.
28. UNIFIL, Press Release, July 27, 2006.
29. ADC-RI interview with Milos Struger, UNIFIL Senior Advisor, Beirut, Lebanon, November 17, 2006.
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32. Human Rights Watch documented IDF attacks on civilian vehicles that occurred between July 15 and July 24, 2006, and concluded: "At best, the continued attacks on fleeing civilians show reckless disregard by Israel for its obligation to distinguish between civilian and military objects, and a complete failure to take adequate safeguards to prevent civilian deaths. At worst, Israel is deliberately targeting civilian vehicles as part of the price that must be paid to stop all traffic in parts of Lebanon. Either way, Israel is flagrantly violating its obligations under international humanitarian law, and its widespread attacks on civilian vehicles are war crimes." Human Rights Watch, "Fatal Strikes, Israel's Indiscriminate Attacks Against Civilians in Lebanon," August 2006, Volume 18, No. 3(E).
33. Nicholas Blanford and Ned Parker, "Fleeing civilian vehicles hit by Israeli missiles," *The Times* (London), July 24, 2006.
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36. Suzanne Goldberg, "Blasted by a missile on the road to safety," *Guardian* (London), July 24, 2006.
37. Ibid.
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39. Ibid.
40. Kathy Gannon, "Civilians Bear Fear, Injuries, Death, Grief," Associated Press, July 25, 2006.
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44. Nicholas Blanford and Ned Parker, "Fleeing civilian vehicles hit by Israeli missiles," *The Times* (London), July 24, 2006.
45. Ibid.
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48. UNIFIL, Press Release, August 11, 2006.
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50. UNIFIL, Press Release, August 12, 2006.
51. Ibid.
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54. Israel Ministry of Foreign Affairs, official website, "IDF response on convoy hit in south Lebanon," August 12, 2006. Emphasis in original text.
55. Taher Abu Ramdan, "Israel air strike hits Lebanon convoy, 7 dead," Agence France Presse, August 12, 2006.
56. ICRC, "Lebanon-Israel: ICRC deplores increasing number of civilian casualties and lack of respect for medical mission," Press Release, August 12, 2006.
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59. Ibid.
60. Ibid.
61. Ibid.
62. ICRC News, Lebanon/Israel – ICRC Bulletin No. 14/2006, August 22, 2006.
63. ADC-RI interview with Ghaleb Ayoubi, head of public relations and communications, Lebanese Red Cross, Beirut, Lebanon, November 16, 2006.
64. Ibid.
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65. For detailed documentation of this attack, see Human Rights Watch, "The 'Hoax' That Wasn't: The July 23 Qana Ambulance Attack," Number 1, December 2006.
66. Kerry Sanders, "On a mission of mercy with Lebanon Red Cross," NBC News, July 26, 2006.
67. Jim Muir, "Walking in fear in Lebanon's no-drive zone," BBC News, August 10, 2006.
68. Marko Kokic, "Tragedy in Marroub," in "Lebanon: tales of courage and compassion," International Committee of the Red Cross, August 28, 2006.
69. Ibid.
70. Ibid.
71. Ibid.
72. Israel Ministry of Foreign Affairs, official website, "Behind the Headlines: Israel's counter terrorist campaign, Frequently Asked Questions," July 26, 2006.
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75. Ibid. The U.N. Joint Logistics Center (UNJLC) also reported that mapping the convoy routes, from starting point to final destination, "required coordinates and assigned waypoints from known villages or clear landmarks." Damaged roads and bridges had to be noted "and possible detours found." It added: "Often routes had to be changed due to the denial of concurrence for certain roads or destinations, or recent bomb damage/security concerns which required an alteration. Sometimes several versions were produced before requirements for all parties were met," the UNJLC reported.
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83. Israeli Cabinet Communique, July 30, 2006, Communicated by the Cabinet Secretariat, posted on Israel Ministry of Foreign Affairs official website.
84. David Clarke, "Safe aid access still needed to south Lebanon – UN," Reuters, July 31, 2006.
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90. Medecins Sans Frontieres, "MSF Continues to Provide Assistance Despite Ban on Movement in Southern Lebanon," Press Release, August 10, 2006.
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94. BBC News, "UN attacks Lebanon aid 'disgrace,'" August 10, 2006.
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96. Sabine Dolan, "The humanitarian challenge in Lebanon," UNICEF, August 9, 2006.
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100. Israel Ministry of Foreign Affairs, official website, "IDF response on convoy hit in south Lebanon," August 12, 2006.
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102. See Jean S. Pictet, Editor, *Commentary IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, International Committee of the Red Cross, Geneva:1958, p.180.
103. Article 8(2)(b)(xxv) of the Rome Statute of the International Criminal Court.
104. Article 70(2) of Protocol I.
105. Article 70(4) of Protocol I.
106. Article 70(3)(a) of Protocol I.
107. See Chapter 1 and Chapter 2 of this report for additional information.
108. Article 51(3) of Protocol I.
109. Article 50(1) of Protocol I.
110. Article 50(3) of Protocol I.
111. Israel Ministry of Foreign Affairs, official website, "Humanitarian efforts," August 8, 2006.
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## CHAPTER 4

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2. Ibid.
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5. IRIN News, "Lebanon: Up to 200,000 still displaced after war, UN says," U.N. Office for the Coordination of Humanitarian Affairs, November 1, 2006.
6. Ibid.
7. See Israel Ministry of Foreign Affairs, official website, "Hizbullah attacks northern Israel and Israel's response," undated. The ministry, citing the Israel Police, stated that since July 12, 2006, of the 3,970 rockets that landed in Israel, 901 of them fell in urban areas. "More than a thousand rockets landed in the Kiryat Shmona area, 808 rockets landed near Nahariya, 471 near Safed, 176 near Carmiel, 106 near Akko, 93 in the Haifa vicinity and 81 near Tiberias," the ministry reported.  
  
Israel's wartime censorship regulations prohibited journalists from identifying the exact location of where the majority of these rockets and missiles landed, aside from the 901 reported strikes in urban areas. See Appendix E of this report for additional information about IDF censorship during the war.
8. See, for example, U.N. Security Council, Report of the Secretary-General on the United Nations Interim Force in Lebanon (For the period from 22 July 2005 to 20 January 2006), January 18, 2006, S/2006/26.
9. Ibid.
10. Ze'ev Schiff, "Analysis: Hezbollah cell based in Tyre wreaking havoc on Haifa," *Haaretz*, July 24, 2006.
11. Ibid.
12. Ibid.
13. Ibid.
14. Article 8(2)(a)(iv).
15. The principle of proportionality is spelled out in Article 57(2) of Protocol I. The pertinent part of this article states that those who plan or decide upon an attack

shall "refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated." See Article 57(2)(a)(iii) of Protocol I.

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22. Annette Rehl, "Hardy souls return to clean up the mess in southern Lebanon," UNHRC News Stories, October 18, 2006.

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25. Jonathan Steele, "After the siege, the panic to flee devastation," *Guardian*, August 1, 2006.

26. Steven Erlanger and Helene Cooper, "Praising Lebanon for Backing Peace Bid, Rice Returns to Israel to Press for Cease-Fire," *New York Times*, July 30, 2006.

27. ADC-RI interview with Rachid Mackeh, Coordinator for the Qatari Project for Rehabilitation, Beirut, Lebanon, November 27, 2006.

28. ADC-RI interview, Bint Jbail, Lebanon, November 18, 2006.

29. Ibid.

30. ADC-RI interview with Rachid Mackeh, Coordinator

for the Qatari Project for Rehabilitation, Beirut, Lebanon, November 27, 2006. The *New York Times* reported that town officials said "700 homes were destroyed, 300 heavily damaged, and 1,500 moderately damaged" during the war. See Michael Slackman, "Ruined Towns Look to Beirut, Mostly in Vain," *New York Times*, October 1, 2006.

31. ADC-RI interview, Bint Jbail, Lebanon, November 18, 2006.

32. The BBC reported that the Mihaniya school, in the eastern section of the town, sheltered 2,000 civilians who were afraid to flee because of IDF attacks on the roads leading north. Martin Asser, "Dangers await Lebanon returnees," BBC News, August 21, 2006.

33. ADC-RI interviews with Dr. Mohammed Shumman, medical administrator, and Haj Fouad Taha, hospital director, Bint Jbail, Lebanon, November 19, 2006.

34. Ibid.

35. ADC-RI interview, Bint Jbail, Lebanon, November 18, 2006. Mr. Bazzi requested that ADC-RI not publish his first name

36. Ibid.

37. Ibid.

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39. ADC-RI interview, Bint Jbail, Lebanon, November 18, 2006.

40. *Haji* is the feminine of *haj* in Arabic. These are honorific terms for Muslims who carried out the pilgrimage to Mecca in fulfillment of religious obligations.

41. ADC-RI interview, Bint Jbail, Lebanon, November 19, 2006.

42. David Horovitz, " 'IDF has a lot left to achieve' Maj.-Gen. Benny Gantz: Hizbullah has suffered hundreds of fatalities; Bint Jbail is the symbolic heart of the struggle," *Jerusalem Post*, July 27, 2006.

43. Amos Harel, "Halutz nixed ground war despite Military Intelligence and IAF backing," *Haaretz*, January 23, 2007.

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47. Ibid.
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49. Yaakov Katz, "IDF Looks to Reclaim the Bint Jbail Symbol," *Jerusalem Post*, July 25, 2006.
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51. ADC-RI interview, Khiam, Lebanon, November 21, 2006.
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55. Hussein Dakroub, "Israel Hints at a Full-Scale Invasion," Associated Press, July 20, 2006.
56. See Chapter 5 of this report for these testimonies.
57. ADC-RI interview, Khiam, Lebanon, November 21, 2006.
58. Ibid.
59. Ibid.
60. Jocelyne Zablit, "South Lebanon villagers desperate for housing before winter," Agence France Presse, September 7, 2006.
61. Ibid.
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63. ADC-RI interview, Froun, Lebanon, November 20, 2006.
64. Ibid.
65. Ibid.
66. Mahmoud Hayek and Hayek Hayek cared for the orphaned children.
67. ADC-RI interview, Froun, Lebanon, November 20, 2006. See Chapter 5 of this report for documentation of IDF attacks on Ghaziye.
68. ADC-RI interview, Maroun al-Ras, Lebanon, November 18, 2006.
69. Ibid.
70. Ibid.
71. Ibid.
72. Ibid.
73. Astrid van Genderen Stort, "Amid the rubble, a Lebanese family works to rebuild a normal life," UNHCR News Stories, September 5, 2006.
74. Ibid.
75. UNHCR News Stories, "With most Lebanese back, UNHCR shifts focus to the rebuilding," August 18, 2006.
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79. Shaheen Chughtai, "Counting the cost of conflict," Oxfam International, August 14, 2006.
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84. Samidoun, Village Assessment, South Lebanon, Population, September 2006.
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86. ADC-RI interview, Taibe, Lebanon, November 20, 2006.
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2006.

94. U.N. Office for the Coordination of Humanitarian Affairs (OCHA), "Situation Report 31 -- Lebanon Response," August 23, 2006.

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96. Martin Asser, "Hezbollah is unbowed in Baalbek," BBC News, August 1, 2006.

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102. Cilina Nasser, "A drive through the rubble," *al-Jazeera*, English-language web site, July 21, 2006.

103. U.N. Development Programme, "Clearance of Rubble and Debris from Beirut's Southern Suburbs," undated. See

[www.undp.org/lebanon/project\\_rubble.shtml](http://www.undp.org/lebanon/project_rubble.shtml)

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105. Ibid.

106. Ibid.

## CHAPTER 5

1. In addition, Israeli naval forces carried out over 2,500 bombardments of targets along the Mediterranean coast. See Israel Defense Forces, official website, News, "7,000 Targets in Lebanon," August 15, 2006.

2. Israeli Air Force, official website, "Operation 'Change of Direction' entering its 2nd week," July 20, 2006. The website address of the Israeli Air Force is: <http://iaf.org.il>

3. Israeli Air Force, official website, "Aircraft and Armament."

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5. Israel Ministry of Foreign Affairs, official website, "Behind the Headlines: Legal and operational aspects of the use of cluster bombs," undated.

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9. Ahmed Mantash, "Israeli airstrikes kill 13 in town mourning victims from attacks a day earlier," Associated Press, August 8, 2006.

10. ADC-RI interview, Ghaziyeh, Lebanon, November 21, 2006. Mr. Khalifeh, whose shop has since been repaired, said that he was closed for one month after the attack and that Hizballah carried out the repairs.

11. ADC-RI interview, Ghaziyeh, Lebanon, November 21, 2006.

12. Ibid.

13. Ibid.

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15. ADC-RI interview, Ghaziyeh, Lebanon, November 21, 2006, with Rania Haidar Kareem, 32, who lived in the building next door with her husband Mohammed Sleiman, 38.

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16. ADC-RI interview, Ghaziyeh, Lebanon, November 21, 2006.
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20. Tom Perry, "Israeli strike kills 14," Reuters, August 8, 2006.
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29. CNN, "Arab League takes Lebanon concerns to U.N. council," August 8, 2006.
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33. Clancy Chassay, "Selwa's Story," *Guardian*, August 15, 2006.
34. ADC-RI interview, Shiyah, Beirut, Lebanon, November 22, 2006.
35. Ibid.
36. Edward Cody, "With Fatal Blasts, War Invades Quiet Enclave of Beirut," *Washington Post*, August 9, 2006.
37. Rym Ghazal and Raed El Rafei, "Terror of war interrupts quiet evening in Shiyah," *Daily Star*, August 9, 2006.
38. Brian Whitaker and Clancy Chassay, "Beirut bombarded hours before start of ceasefire," *Guardian*, August 14, 2006.
39. ACDRI interviews, Rweis, Beirut, Lebanon, November 15, 2006.
40. ACDRI interview, Rweis, Beirut, Lebanon, November 15, 2006.
41. Ibid.
42. Ibid.
43. Ibid.
44. *Israel Manual on the Laws of War 2006*, p. 28, cited by Israel Ministry of Foreign Affairs, official website, in "Responding to Hizbullah attacks from Lebanon: Issues of Proportionality, Legal Background," July 25, 2006.
45. ADC-RI interview, Ain Ibil, Lebanon, November 19, 2006.
46. Ibid.
47. Sabrina Tavernise, "Christians Fleeing Lebanon Denounce Hezbollah," *New York Times*, July 28, 2006.
48. Sabrina Tavernise, "Hilltop Village in Lebanon Feels Stuck in the Middle," *New York Times*, August 2, 2006.
49. ADC-RI interview, Ain Ibil, Lebanon, November 19, 2006.
50. Ibid.
51. Israeli Defense Forces, official website, News, "60 Targets Attacked Today in Lebanon," July 26, 2006.
52. UNIFIL, Press Release, August 14, 2006.
53. Ibid.
54. Ibid.
55. See Ian Fisher and Steven Erlanger, "Israeli Shelling Kills 18 Gazans; Anger Boils Up," *New York Times*, November 9, 2006; Ian Fisher, "Palestinians Angrily Mourn 18 Civilians Killed by Israel," *New York Times*, November 10, 2006; and B'Tselem, The Israeli Information Center for Human Rights in the Occupied Territories, "The Killing of Civilians in Beit Hanun is a War Crime," November 8, 2006, available at: [www.btselem.org/english/firearms/20061108\\_War\\_Crime\\_in\\_Beit\\_Hanun.asp](http://www.btselem.org/english/firearms/20061108_War_Crime_in_Beit_Hanun.asp)
56. See Association for Civil Rights in Israel (ACRI), "Reducing 'Safety Zone' for artillery fire – a manifestly illegal order," Press Release, April 16, 2006. In addition to
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ACRI, the other organizations that petitioned the High Court included Al Mezan Center for Human Rights in Gaza, B'tselem, Gaza Community Mental Health Programme, Physicians for Human Rights – Israel, and the Public Committee against Torture in Israel.

57. Association for Civil Rights in Israel, "Reducing 'Safety Zone' for artillery fire – a manifestly illegal order," Press Release, April 16, 2006.

58. Ze'ev Schiff, "Analysis: Why wasn't the air force used to counter Qassams?", *Haaretz*, November 10, 2006. Emphasis added by ADC-RI.

59. ADC-RI interview, Srifa, Lebanon, November 18, 2006.

60. Ibid.

61. Ibid. The Lebanese nongovernmental organization Samidoun reported in September 2006 that 311 homes in Srifa were destroyed and another 275 were uninhabitable, with data still being compiled as of the date of the publication of its assessment. See Samidoun, Village Assessment, Damage (Homes), September 2006.

62. ADC-RI interview, Srifa, Lebanon, November 18, 2006.

63. Ibid.

64. Ibid. See Human Rights Watch, "Fatal Strikes," for additional information about this attack.

65. ADC-RI interview, Khiam, Lebanon, November 21, 2006.

66. Ibid.

67. Ibid.

68. Ibid.

69. Ibid.

70. ADC-RI interview, Beit Yahoun, Lebanon, November 19, 2006.

71. Ibid.

72. ADC-RI interview, Mashghara, Lebanon, November 25, 2006.

73. Mr. Sadr's remaining four sons and their families were not in the building at the time of the attack. Ibrahim, 45, a plumber married with three children; Abdu, 42, married with a two-year-old child; Hussein, 32, married with one child; and Abbas, 28, who was not married, had all relocated to Damascus, Syria, when the war started.

74. ADC-RI interview, Mashghara, Lebanon, November 25, 2006.

75. The family members who left for Damascus were: Hassan, his eight-month-pregnant wife Namat Nabils, 33, and their two children, ages four and five; Hassan's brother Ali, 45, his wife Hanna Yousef, 40, and their three children, ages 13 to 18; and the family of Hassan's brother Mohammed, his wife Zahra Sbeidi, 25, and their six-year-old twins.

76. Nadia Haddad, 80, and her daughters Olga and Adal, both in their fifties. The sisters worked in Beirut, and have a brother Elias who works in Germany. With their home totally destroyed, the women moved to Hazmiyeh, near Beirut.

77. National Public Radio, *Morning Edition*, "Lebanon Hosts U.S. Diplomat for Conflict Talks," August 9, 2006.

78. *Informed Comment* website, August 10, 2006, citing the NaharNet morning roundup. The website address is [www.juancole.com](http://www.juancole.com).

79. ADC-RI interview, Mashghara, Lebanon, November 25, 2006.

80. One type of attack that is indiscriminate under international humanitarian law is "an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated," as stated in Article 51(5)(b) of Protocol I.

81. The seventh day of the war would have been July 18, 2006, or July 19, 2006, depending on the date the residents counted as the first day of hostilities.

82. ADC-RI interview, Mashghara, Lebanon, November 26, 2006.

83. Ibid.

84. Article 57(2)(ii) requires that those who plan or decide upon an attack shall "take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event, minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects". Article 57(2)(iii) states that the planners and decision makers shall "refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated".

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85. The peacekeepers were from four nations: Austria, Canada, China, and Finland.
86. "Summary: Destruction of Patrol Base Khiam. Evaluation of the Content of the Reports Provided by Israel and the United Nations," Government of Finland, Prime Minister's Office Publications 15/2006, November 10, 2006.
87. Steve Farrell and Nicholas Blanford, "UN observers begged Israelis to stop shelling their position," *Times* (London), July 27, 2006.
88. Ibid.
89. U.N. Department of Public Information, "Secretary-General Receives Report on Attack That Killed Observers at Khiam, Lebanon," SG/SM/10666, September 29, 2006.
90. "Summary: Destruction of Patrol Base Khiam. Evaluation of the Content of the Reports Provided by Israel and the United Nations," Government of Finland, Prime Minister's Office Publications 15/2006, November 10, 2006.
91. U.N. News Services, "Probe into Israeli killing of UN monitors unable to determine why appeals were ignored," September 29, 2006.
92. Steve Farrell and Nicholas Blanford, "UN observers begged Israelis to stop shelling their position," *Times* (London), July 27, 2006.
93. BBC News, "UN Lebanon deaths 'tragic error,'" September 15, 2006.
94. U.N. Department of Public Information, "Secretary-General Receives Report on Attack That Killed Observers at Khiam, Lebanon," SG/SM/10666, September 29, 2006.
95. The report summary is available in English on the government of Finland website: [http://www.vnk.fi/julkaisukansio/2006/j15-khiamin-partiotukikohdan-tuhoutuminen/pdf/Khiam\\_summary.pdf](http://www.vnk.fi/julkaisukansio/2006/j15-khiamin-partiotukikohdan-tuhoutuminen/pdf/Khiam_summary.pdf)
96. "Summary: Destruction of Patrol Base Khiam. Evaluation of the Content of the Reports Provided by Israel and the United Nations," Government of Finland, Prime Minister's Office Publications 15/2006, November 10, 2006.
97. Ibid.
98. Ibid.
99. Ibid.
100. Government of Finland, Government Communications Unit, "The expert group on Khiam finalised its report," Press release 403/2006, November 11, 2006.
101. "Summary: Destruction of Patrol Base Khiam. Evaluation of the Content of the Reports Provided by Israel and the United Nations," Government of Finland, Prime Minister's Office Publications 15/2006, November 10, 2006.
102. Yaakov Katz, "Bad planning led to IDF bombing UN post," *Jerusalem Post*, November 17, 2006.
103. Ibid.
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## CHAPTER 6

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2. Ibid.

3. Israel Ministry of Foreign Affairs, official website, "Summary of IDF activity against Hizbullah in Lebanon," July 30, 2006.

4. Yaakov Katz, "Too late now for an invasion?" *Jerusalem Post*, July 31, 2006.

5. CNN, "Israel OKs expansion of Lebanon campaign," July 31, 2006.

6. Anshel Pfeffer, "Merkava tanks prove their mettle," *Jerusalem Post*, August 1, 2006.

7. Israel Ministry of Foreign Affairs, official website, "Summary of IDF operations against Hizbullah in Lebanon," July 31, 2006.

8. Ken Ellingwood, "Fighting Intensifies as Israel Pushes Farther into Lebanon," *Los Angeles Times*, August 2, 2006.

9. Jonathan Finer and Edward Cody, "Hezbollah Unleashes Fiery Barrage," *Washington Post*, August 3, 2006.

10. Bob Graham, "Israeli Blitz on Hospital," *The Evening Standard* (London), August 2, 2006.

11. Tracy Wilkinson, "Warfare in the Middle East," *Los Angeles Times*, August 6, 2006.

12. Israel Ministry of Foreign Affairs, official website, "Summary of IDF operations against Hizbullah in Lebanon," August 4, 2006.

13. ADC-RI telephone interview with Ghaleb Said Nahle, February 10, 2007.

14. Ibid.

15. Ibid.

16. ADC-RI telephone interview with Said Hussein Nahle, February 11, 2007.

17. ADC-RI telephone interview with Ali Ahmad Nasrallah, February 6, 2007.

18. Ibid.

19. Ibid.

20. *See* Chapter 3 of this report for additional information about travel restrictions on the movement of Lebanese Red Cross vehicles during the war.

21. ADC-RI telephone interview with Ali Ahmad Nasrallah, February 6, 2007.

22. Ibid.

23. ADC-RI telephone interview with Said Hussein Nahle, February 11, 2007.

24. Ibid.

25. Ibid.

26. Ibid.

27. ADC-RI telephone interview with Ali Saad, volunteer director of the southern division of the Lebanese Red Cross, January 31, 2007.

28. Ibid.

29. ADC-RI telephone interview with Hussein Kazzem, February 1, 2007.

30. ADC-RI telephone interview with Ali Ahmad Nasrallah, February 6, 2007.

31. Ibid.

32. ADC-RI interviews, Taibe, Lebanon, November 20, 2006.

33. Ibid.

34. ADC-RI telephone interview with Hussein Haidar, February 25, 2007.

35. Ibid.

36. According to Hussein, Mohammed Salim Nahle served with a British brigade during World War II, and received military benefits from the British Embassy in Beirut four times a year. Hussein said that he took his grandfather to the embassy to obtain his payments.

37. ADC-RI telephone interview with Hussein Haidar, February 25, 2007.

38. Ibid.

39. Ibid.

40. Ibid.

41. Ibid.

42. ADC-RI telephone interview with Hussein Kazzem,



February 1, 2007.

43. Ibid.

44. Article 32 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War states: "The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents." This article is common to all four Geneva Conventions. See First and Second Conventions, Article 12; Third Convention, Article 13; and Article 3 common to the four Conventions.

45. Jean S. Pictet, Editor, *Commentary IV Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, International Committee of the Red Cross, Geneva, 1958, p. 222.

46. Article 147 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. This article is common to all four Geneva Conventions. See First Convention, Article 50; Second Convention, Article 51; and Third Convention, Article 130.

47. Gen. Mandelblit has served as both an IDF military prosecutor and defense attorney. He was the senior assistant to the chief military prosecutor in 1993-1996, and deputy chief military prosecutor from 1996-1997.

## CHAPTER 7

1. See, for example, IRIN News, "Lebanon: Israel defends its weapons," July 26, 2006.

2. "Official and complete statistics about the quantity of cluster bombs used are not available. However, an extrapolation based partly on likely failure or "dud" rates of munitions and partly on media reports about the extent to which various types of cluster bombs were used indicates that up to 1 million unexploded cluster bomblets may be on the ground," MACC reported. See E-Mine Electronic Mine Information Network, Lebanon update, Mine Action Coordination Centre Southern Lebanon [MACC], Unexploded Ordnance Fact Sheet, November 4, 2006.

In addition to unexploded cluster bomblets, other unexploded Israeli ordnance remained on the ground in southern Lebanon. MACC reported that these munitions included about 15,300 unexploded items, including bombs dropped from aircraft ranging in size from 500 to 2,000 pounds, artillery rounds fired from the ground and from ships, and air-to-surface rockets. See MACC, "Lebanon Update, Unexploded Ordnance Fact Sheet," September 28, 2006. These statistics remained unchanged in subsequent updates.

3. United Nations Security Council, "Report of the Secretary-General on the implementation of Security Council resolution 1701 [2006]," S/2006/730, September 12, 2006, p.10.

4. Richard Norton-Taylor, "Rights groups warn of danger of unexploded cluster bombs," *Guardian* (London), August 18, 2006.

5. U.N. Mine Action Coordination Centre South Lebanon, "Situation Report and Operations Update," September 14, 2006. File Ref: OC-06-9-013

6. Ibid.

7. Meron Rapoport, "Israel opted for cheaper, unsafe cluster bombs in Lebanon war," *Haaretz*, November 14, 2006.

8. On its website, Israel Military Industries describes the weapon: "The valuable and unique Self-Destruct Dual Purpose (Anti-Personnel & Anti-Armour) M85 bomblet ensures that no hazardous duds are encountered by advancing friendly forces. The IMI safety mechanism prevents inadvertent arming of duds by manual means. No stored energy is contained in the bomblet fusing system, thus complying with the most severe military standards.

This requirement is not met by any other bomblet worldwide." The website address is: [www.imi-israel.com](http://www.imi-israel.com)

9. Meron Rapoport, "Israel opted for cheaper, unsafe cluster bombs in Lebanon war," *Haaretz*, November 14, 2006.

10. Nir Hasson and Meron Rapoport, "IDF admits targeting civilian areas in Lebanon with cluster bombs," *Haaretz*, November 21, 2006.

11. Israel Ministry of Foreign Affairs, official website, "Behind the Headlines: Legal and operational aspects of the use of cluster bombs," undated. Emphasis in text added by ADC-RI.

12. United Nations Security Council, "Report of the Secretary-General on the implementation of Security Council resolution 1701 [2006]," S/2006/730, September 12, 2006, p.10.

13. Alfred de Montesquiou, "Israeli urged to give more info on bombs," Associated Press, September 19, 2006.

14. Ibid.

15. U.N. Mine Action Coordination Centre South Lebanon, "Unexploded Ordnance Fact Sheet," September 28, 2006.

16. U.N. Mine Action Coordination Centre South Lebanon, "Lebanon Update, Unexploded Ordnance Fact Sheet," November 4, 2006.

17. UNIFIL, "Dealing with UXO deadly threat," Press Release, October 11, 2006.

18. U.N. Security Council, Letter dated 1 December 2006 from the Secretary-General addressed to the President of the Security Council, S/2006/933, December 1, 2006.

19. Ibid.

20. MACC, "Report of the Mine Action Co-ordination Centre, South Lebanon, for the Period of August 14 - September 2006," October 9, 2006.

21. Sean Sutton, "Imprisoned by Bombs," AlertNet, Reuters Foundation, August 29, 2006. The Mines Advisory Group has carried out demining work in Lebanon since 2000.

22. Ibid.

23. Ibid.

24. ICRC News, Lebanon/Israel – ICRC Bulletin No. 13/2006, August 18, 2006.

25. Meron Rapoport, "What Lies Beneath," *Haaretz*, September 8, 2006.

26. Ibid.

27. ADC-RI interview, Tibnin, Lebanon, November 18, 2006.

28. Ibid.

29. ADC-RI interview with Haj Fouad Taha, hospital director, Bint Jbail, Lebanon, November 19, 2006.

30. ADC-RI interview, Beirut, Lebanon, November 24, 2006.

31. U.N. Mine Action Coordination Centre South Lebanon, Update, January 12, 2007.

32. Ibid.

33. Ibid.

34. Ibid.

35. During the same period, eight clearance personnel were killed, and another 25 injured. See Mine Action Coordination Centre, South Lebanon, "226 Casualties as at April 05, 2007."

36. See UNDP Mine Action, "Information on Mine and UXO Victims, Casualties from August 14, 2006 to November 6, 2006." This statistical summary counted 16 civilians killed and another 125 injured. Of the 16 deaths, eight were people working in agriculture or herding, and five were engaged in reconnaissance of their homes. Among the injured, 81 people were in or around their homes at the time of the incident, 14 were working in agriculture, and eight were herding.

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38. Ibid.

39. Ibid.

40. See Meron Rapoport, "When rockets and phosphorous cluster," *Haaretz*, September 13, 2006, and Meron Rapoport, "What lies beneath," September 8, 2006.

41. Meron Rapoport, "What lies beneath," *Haaretz*, September 8, 2006.

42. Ibid.

43. Ibid.

44. Meron Rapoport, "When rockets and phosphorous

cluster," *Haaretz*, September 13, 2006.

45. Ibid.

46. Ibid.

47. Ibid.

48. The letter, dated September 4, 2006, is posted on ACRI's website: [www.acri.org.il](http://www.acri.org.il)

49. Greg Myre, "Israel Orders Investigation Of Bomb Use in Lebanon," *New York Times*, November 21, 2006.

50. Ibid.

51. Ibid.

52. Ibid.

53. Nir Hasson and Meron Rapoport, "IDF admits targeting civilian areas in Lebanon with cluster bombs," *Haaretz*, November 21, 2006.

54. Ibid.

55. David S. Cloud and Greg Myre, "Israel May Have Violated Arms Pact, U.S. Officials Say," *New York Times*, January 28, 2007.

56. Title 22 of the U.S. Code Section 2751 et. seq.

57. David S. Cloud and Greg Myre, "Israel May Have Violated Arms Pact, U.S. Officials Say," *New York Times*, January 28, 2007.

58. Herb Keinon, " 'Cluster bombs used in self-defense,' " *Jerusalem Post*, January 28, 2007.

59. Glenn Kessler, "Israel May Have Misused Cluster Bombs, U.S. Says," *Washington Post*, January 30, 2007.

60. Article 51(4) of Protocol I states: "Indiscriminate attacks are prohibited. Indiscriminate attacks are: (a) those which are not directed at a specific military objective; (b) those which employ a method or means of combat which cannot be directed at a specific military objective; or (c) those which employ a method or means of combat the effects of which cannot be limited as required by this Protocol; and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction."

61. Israel Ministry of Foreign Affairs, official website, "Behind the Headlines: Legal and operational aspects of the use of cluster bombs," undated.

62. Article 51(4) of Protocol I defines indiscriminate attacks as those that "strike military objectives and civilians or civilian objects without distinction." Article

51(5)(a) of the protocol provides this example of an indiscriminate attack: "an attack by bombardment by any method or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects".

63. Article 57(2)(a)(ii) of Protocol I.

64. Nir Hasson and Meron Rapoport, "IDF admits targeting civilian areas in Lebanon with cluster bombs," *Haaretz*, November 21, 2006.

65. See Human Rights Watch, *Civilian Pawns: Laws of War Violations and the Use of Weapons on the Israel-Lebanon Border*, May 1996, p.118-127.

66. Federation of American Scientists, "Fact Sheet – White Phosphorous," undated, available at [www.fas.org](http://www.fas.org).

67. Ibid.

68. "Direct skin contact can lead to thermal burns and chemical burns. WP [white phosphorous ] particles react with oxygen and can cause 2nd and 3rd degree thermal burns. The particles can also enter the body through the burns or other wounds and continue to damage tissues. Chemical burns result from several different compounds produced through WP reactions....Exposure to smoke created by burning WP from military munitions can result in irritation or damage to the eyes, lungs, and throat." Ibid.

69. Meron Rapoport, "Israel admits to using phosphorous bombs in recent Lebanon war," *Haaretz*, October 22, 2006.

70. U.N. Environment Programme (UNEP), *Lebanon Post-Conflict Environmental Assessment*, January 2006, p.153. Hereinafter UNEP report.

71. Ibid.

72. Ibid.

73. Ibid.

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75. Ibid.

76. Gideon Levy, "IDF using phosphorous shells to train, against international law," *Haaretz*, October 11, 2005. The shepherd killed was Fadal Abu Aram; his brothers Yusef, 24; Mahmoud, 14; and Hani, 12, were injured.

77. Ibid.

78. Ibid.

79. ADC-RI interview, Bint Jbail, Lebanon, November 18, 2006.

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81. ADC-RI interview, Tyre, Lebanon, November 21, 2006.

82. ADC-RI interview, Bint Jbail, Lebanon, November 19, 2006.

83. IRIN News, "Lebanon: Israel defends its weapons," U.N. Office for the Coordination of Humanitarian Affairs, July 26, 2006.

84. Two cars, traveling north, were attacked while crossing the Rmeileh road bridge in Sidon on July 17, 2006. Medical sources reported that nine civilians were killed in one vehicle; a woman in the other vehicles was killed and six of her family members were injured. Clancy Chassay, "Is Hizbullah here? Only children here.'City mourns air strike dead," *Guardian*, July 18, 2006.

85. ADC-RI interview, Sidon, Lebanon, November 19, 2006.

86. Ibid.

87. The German medical report stated in pertinent part: "An impact of known toxins on the skin can also be ruled out because specific changes would be expected that were not detected. The impact of microwaves would have also led to heating up the tissue with the corresponding changes, which also were not present. The soot-like deposits on the skin explain the black color of the corpses, on the one hand, and on the other they make a case for the fact that the persons were exposed to a cloud of soot while they were alive or after their deaths for some period of time. As the cause of death, poisoning by smoke inhalation or anoxemia as a result of fire in a more or less sealed room may be considered. The blackish deposits on the skin do not suffice to explain the death.

"Without an autopsy and a chemical and toxicological analysis of the blood for smoke gas (carbon monoxide, hydrocyanic acid), the cause of death cannot be clarified. An external inspection of the corpse does not suffice to confirm or rule out a pulmonary edema. This generally requires a macroscopic and microscopic examination of the lungs."

Medico International, Frankfurt am Main, Germany, English translation of expert opinion of Dr. Hansjurgan Bratzke, director of the Forensic Medicine Institute,

Frankfurt am Main, Germany, August 18, 2006. Correspondence on file at ADC-RI.

88. ADC-RI interview, Sidon, Lebanon, November 19, 2006.

89. UNEP report, p.154.

90. UNEP report, p.159

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## CHAPTER 8

1. See Chapter 1 of this report.
2. Israel Defense Forces, official website, "Chief of General Staff: We will continue to operate in all necessary ways until we achieve our goals," July 13, 2006.
3. Israel Defense Forces, official website, "The Chief of Staff: 'The government of Lebanon is responsible for everything that occurs within its borders and for actions that emanate from its territory,'" July 15, 2006.
4. Presidency of the Council of Ministers, "Lebanon: On the Road to Reconstruction and Recovery," First Issue (updated version), December 15, 2006. This document was updated as of February 16, 2007. See Appendix G of this report for a list of the bridges in Lebanon that were destroyed during the war.
5. Presidency of the Council of Ministers, "Lebanon: On the Road to Reconstruction and Recovery," First Issue (updated version), December 15, 2006, Appendix 1, Table 1, Damaged Bridges. This appendix lists each bridge, its location, the reconstruction needs, and the estimated costs of repairs, in addition to other information.
6. Israel Ministry of Foreign Affairs, official website, "Responding to Hizbullah attacks from Lebanon: Issues of proportionality, Legal Background," July 25, 2006.
7. See Israel Ministry of Foreign Affairs, official website, "Summary of IDF operations against Hizbullah in Lebanon," July 13, 2006.
8. Ze'ev Schiff, "How the IDF blew chance to destroy short-range rockets," *Haaretz*, September 3, 2006.
9. Kim Murphy, "Lebanon's Renewal is Dashed in Weeks," *Los Angeles Times*, August 13, 2006.
10. Presidency of the Council of Ministers, "Lebanon: On the Road to Reconstruction and Recovery," First Issue (updated version), Appendix 1, Table 1, December 15, 2006.
11. See Embassy of the United States, Beirut, Lebanon, "United States Begins Work Rebuilding Mada'raj Bridge," Press Release, March 7, 2007. The embassy described the bridge as over 68 meters high and almost 480 meters long, the largest in Lebanon, and one of the tallest in the Middle East.
12. Yaakov Katz, "IDF report card," *Jerusalem Post*, August 24, 2006.
13. Jocelyne Zablitz, "Anger mounts among Lebanese over Israeli blockade," Agence France Presse, September 5, 2006.
14. Roula Khalaf, "Israel 'waging economic war on Lebanon,'" *Financial Times*, August 24, 2006.
15. "Lebanon blockade to be lifted at 6 P.M. despite IDF objection," *Haaretz*, September 7, 2006.
16. Ibid.
17. This and other information about EDL was obtained from its website.
18. Smaller hydroelectric power plants are maintained by the Litani River Authority and a limited number of concessions.
19. Presidency of the Council of Ministers, "Lebanon: On the Road to Reconstruction and Recovery," First Issue (updated version), December 15, 2006.
20. Presidency of the Council of Ministers, "Lebanon: On the Road to Reconstruction and Recovery," First Issue (updated version), Appendix I, Table 3, Recovery Activities in the Energy and Water Sectors, December 15, 2006.
21. Presidency of the Council of Ministers, "Lebanon: On the Road to Reconstruction and Recovery," First Issue (updated version), December 15, 2006.
22. One of the fuel tanks had a capacity of 25,000 tons; two tanks had a capacity of 15,000 tons; and the remaining two had a capacity of 10,000 tons. See Regional Marine Pollution Emergency Response Centre for the Mediterranean (REMPEC), "Sitrep 12 (Updated August 25, 2006) Spill in Lebanon," August 25, 2006. REMPEC is administered by the International Maritime Organization and is part of the Regional Seas network of the U.N. Environment Programme.
23. REMPEC, *ibid.*
24. Report of the Ministry of Environment, August 11, 2006, quoted in REMPEC, *ibid.*
25. U.N. Office for the Coordination of Humanitarian Affairs and U.N. Environment Programme, Environmental Update No. 02, Lebanon Crisis, August 4, 2006.
26. Geoffrey Lean, "Poisonous pollution spread in aftermath of Israel air strikes; Lebanese minister says damage was deliberate, causing 'an even bigger disaster than the war itself,'" *The Independent on Sunday* (London),



September 10, 2006.

27. Ibid.

28. Ibid.

29. Richard Steiner, "After the bombs, environmental calamity," *Seattle Post-Intelligencer*, September 10, 2006.

30. The address of the official website of the Israel Defense Forces is: [www1.idf.il](http://www1.idf.il)

31. Lauren Frayer, "Lebanon's Month-Old Oil Slick Stinks," Associated Press, August 22, 2006.

32. Henry Meyer, "Lebanon Begins to Clear Ravaged Coast," Associated Press, September 21, 2006.

33. Ibid.

34. Amos Harel, Yoav Stern and Eli Ashkenazi, "Forces in Lebanon tripled as IDF pushes north," *Haaretz*, August 12, 2006.

35. U.N. Office for the Coordination of Humanitarian Affairs, Lebanon Fact Sheet: August 15, 2006.

36. Associated Press, "Israel steps up attacks after cease-fire deal," August 12, 2006.

37. Israel Ministry of Foreign Affairs, official website, "Responding to Hizbullah attacks from Lebanon: Issues of proportionality, Legal Background," July 25, 2006.

38. Ibid.

39. The quoted language is from Article 52(2) of Protocol I, which limits attacks to military objectives and defines this term.

40. See Chapter 9 of this report for additional information.

41. Article 51(5)(b) of Protocol I.

42. B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, *Act of Vengeance: Israel's Bombing of the Gaza Power Plant and its Effects*, Status Report, September 2006.

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44. Lebanon Ministry of Industry, "Report on Industrial Sector Damages Survey," September 2006.

45. The International Committee of the Red Cross states: "Business enterprises' property such as factories, offices, vehicles, land and resources are considered civilian objects and thus ... benefit from the protection against deliberate and indiscriminate attacks. However, if business property

is used for military purposes, it becomes a military object and risks being legitimately attacked by parties to the conflict." See International Committee of the Red Cross, "Business and international humanitarian law," November 30, 2006.

46. Article 52(2) of Protocol I.

47. Ibid.

48. Lebanon Ministry of Industry, "Report on Industrial Sector Damages Survey," September 2006.

49. Ibid.

50. Ibid.

51. U.N. Food and Agriculture Organization [FAO], "Lebanon: Damage and Early Recovery Needs Assessment of Agriculture, Fisheries and Forestry," Technical Cooperation Programme, Special Emergency Programmes Service, Emergency Operations and Rehabilitation Division, TCP/LEB/3101, November 2006, p.11. Hereinafter FAO report.

52. Ibid.

53. Lebanon Ministry of Industry, "Report on Industrial Sector Damages Survey," September 2006.

54. ADC-RI interview, Beirut, Lebanon, November 27, 2006.

55. Ibid.

56. James Whittington, "Rebuilding Lebanon: the task ahead," BBC News, November 28, 2006. Whittington is a business reporter for BBC World Service and traveled to Lebanon to write this story.

57. Article 52(3) of Protocol I states: "*In case of doubt* whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used." Emphasis in text added by ADC-RI.

58. ADC-RI telephone interview from Beirut with Michel Waked in Beirut, Lebanon, November 27, 2006.

59. See Liban Lait's website: [www.libanlait.com](http://www.libanlait.com)

60. Ibid.

61. Ibid.

62. IRIN News, "Agricultural Sector in Danger as War Drags On," August 7, 2006.

63. Jim Quilty, "Israeli strikes deal major blow to Bekaa's



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82. Jim Quilty, "Israel strikes deal major blow to Bekaa's working class," *Daily Star*, August 5, 2006.

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87. Ibid.

88. IRIN News, "Lebanon: Factories come under fire," August 4, 2006.

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90. ADC-RI telephone interview from Beirut with Toufic Dalal in Beirut, Lebanon, November 27, 2006.

91. Mr. Dallal told ADC-RI that he had lived in the U.S. and graduated from Louisiana State University. He said that he visits the U.S. twice a year, and has two children who are graduates of Purdue University with engineering degrees. Ibid.

92. ADC-RI telephone interview from Beirut with Toufic Dalal in Beirut, Lebanon, November 27, 2006.

93. UNEP report, p.83.

94. Ibid.

95. UNEP report, p. 86.

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104. FAO report, p.7.

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## CHAPTER 9

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44. Article 55(2), Protocol I.

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46. Article 55(1) of Protocol I.

47. Article 8(2)(b)(iv).

48. Article 51(5)(b) of Protocol I describes as indiscriminate "an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."

49. Nir Hasson and Meron Rapoport, "IDF admits targeting civilian areas in Lebanon with cluster bombs," *Haaretz*, November 21, 2006.

50. Article 57(2)(a)(iii) of Protocol I requires that those who plan or decide upon an attack shall "refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated".

51. UNEP report, p.155.

52. Ibid.

53. FAO report, p.10.

54. Ibid.

55. FAO report, p.11.

56. UNEP report, p. 156.

57. UNEP report, p.155.

58. Heavy metals include lead, mercury, cadmium, copper, and zinc.

59. UNEP report, p.154.

60. Ibid.

61. "MK84," Military Analysis Network, Federation of American Scientists.

62. UNEP report, p.154.

63. The U.N. Environment Programme (UNEP) describes depleted uranium as "the main byproduct of uranium enrichment...a chemically and radiologically toxic heavy metal; it is mildly radioactive, with about 60% of the activity of natural uranium. This dense metal is used in munitions for its penetrating ability and as a protective material in armoured vehicles." See United Nations Environment Programme, Post-Conflict Branch, "Depleted Uranium," on the UNEP website at <http://postconflict.unep.ch/index.php?prog=du>

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## APPENDIX A

# UN Security Council Resolution 1701 Adopted by the Security Council on August 11, 2006

United Nations

S/RES/1701 (2006)



**Security Council**

Distr.: General  
11 August 2006

### **Resolution 1701 (2006)**

**Adopted by the Security Council at its 5511th meeting, on  
11 August 2006**

*The Security Council,*

*Recalling* all its previous resolutions on Lebanon, in particular resolutions 425 (1978), 426 (1978), 520 (1982), 1559 (2004), 1655 (2006) 1680 (2006) and 1697 (2006), as well as the statements of its President on the situation in Lebanon, in particular the statements of 18 June 2000 (S/PRST/2000/21), of 19 October 2004 (S/PRST/2004/36), of 4 May 2005 (S/PRST/2005/17), of 23 January 2006 (S/PRST/2006/3) and of 30 July 2006 (S/PRST/2006/35),

*Expressing* its utmost concern at the continuing escalation of hostilities in Lebanon and in Israel since Hizbollah's attack on Israel on 12 July 2006, which has already caused hundreds of deaths and injuries on both sides, extensive damage to civilian infrastructure and hundreds of thousands of internally displaced persons,

*Emphasizing* the need for an end of violence, but at the same time *emphasizing* the need to address urgently the causes that have given rise to the current crisis, including by the unconditional release of the abducted Israeli soldiers,

*Mindful* of the sensitivity of the issue of prisoners and *encouraging* the efforts aimed at urgently settling the issue of the Lebanese prisoners detained in Israel,

*Welcoming* the efforts of the Lebanese Prime Minister and the commitment of the Government of Lebanon, in its seven-point plan, to extend its authority over its territory, through its own legitimate armed forces, such that there will be no weapons without the consent of the Government of Lebanon and no authority other than that of the Government of Lebanon, *welcoming also* its commitment to a United Nations force that is supplemented and enhanced in numbers, equipment, mandate and scope of operation, and *bearing in mind* its request in this plan for an immediate withdrawal of the Israeli forces from southern Lebanon,

*Determined* to act for this withdrawal to happen at the earliest,

*Taking due note* of the proposals made in the seven-point plan regarding the Shebaa farms area,

*Welcoming* the unanimous decision by the Government of Lebanon on 7 August 2006 to deploy a Lebanese armed force of 15,000 troops in South Lebanon as the Israeli army withdraws behind the Blue Line and to request the assistance of

06-46503 (E)





**S/RES/1701 (2006)**

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additional forces from the United Nations Interim Force in Lebanon (UNIFIL) as needed, to facilitate the entry of the Lebanese armed forces into the region and to restate its intention to strengthen the Lebanese armed forces with material as needed to enable it to perform its duties,

*Aware* of its responsibilities to help secure a permanent ceasefire and a long-term solution to the conflict,

*Determining* that the situation in Lebanon constitutes a threat to international peace and security,

1. *Calls for* a full cessation of hostilities based upon, in particular, the immediate cessation by Hizbollah of all attacks and the immediate cessation by Israel of all offensive military operations;

2. Upon full cessation of hostilities, *calls upon* the Government of Lebanon and UNIFIL as authorized by paragraph 11 to deploy their forces together throughout the South and *calls upon* the Government of Israel, as that deployment begins, to withdraw all of its forces from southern Lebanon in parallel;

3. *Emphasizes* the importance of the extension of the control of the Government of Lebanon over all Lebanese territory in accordance with the provisions of resolution 1559 (2004) and resolution 1680 (2006), and of the relevant provisions of the Taif Accords, for it to exercise its full sovereignty, so that there will be no weapons without the consent of the Government of Lebanon and no authority other than that of the Government of Lebanon;

4. *Reiterates* its strong support for full respect for the Blue Line;

5. *Also reiterates* its strong support, as recalled in all its previous relevant resolutions, for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized borders, as contemplated by the Israeli-Lebanese General Armistice Agreement of 23 March 1949;

6. *Calls on* the international community to take immediate steps to extend its financial and humanitarian assistance to the Lebanese people, including through facilitating the safe return of displaced persons and, under the authority of the Government of Lebanon, reopening airports and harbours, consistent with paragraphs 14 and 15, and *calls on* it also to consider further assistance in the future to contribute to the reconstruction and development of Lebanon;

7. *Affirms* that all parties are responsible for ensuring that no action is taken contrary to paragraph 1 that might adversely affect the search for a long-term solution, humanitarian access to civilian populations, including safe passage for humanitarian convoys, or the voluntary and safe return of displaced persons, and *calls on* all parties to comply with this responsibility and to cooperate with the Security Council;

8. *Calls for* Israel and Lebanon to support a permanent ceasefire and a long-term solution based on the following principles and elements:

- full respect for the Blue Line by both parties;
- security arrangements to prevent the resumption of hostilities, including the establishment between the Blue Line and the Litani river of an area free of any

armed personnel, assets and weapons other than those of the Government of Lebanon and of UNIFIL as authorized in paragraph 11, deployed in this area;

- full implementation of the relevant provisions of the Taif Accords, and of resolutions 1559 (2004) and 1680 (2006), that require the disarmament of all armed groups in Lebanon, so that, pursuant to the Lebanese cabinet decision of 27 July 2006, there will be no weapons or authority in Lebanon other than that of the Lebanese State;
- no foreign forces in Lebanon without the consent of its Government;
- no sales or supply of arms and related materiel to Lebanon except as authorized by its Government;
- provision to the United Nations of all remaining maps of landmines in Lebanon in Israel's possession;

9. *Invites* the Secretary-General to support efforts to secure as soon as possible agreements in principle from the Government of Lebanon and the Government of Israel to the principles and elements for a long-term solution as set forth in paragraph 8, and *expresses* its intention to be actively involved;

10. *Requests* the Secretary-General to develop, in liaison with relevant international actors and the concerned parties, proposals to implement the relevant provisions of the Taif Accords, and resolutions 1559 (2004) and 1680 (2006), including disarmament, and for delineation of the international borders of Lebanon, especially in those areas where the border is disputed or uncertain, including by dealing with the Shebaa farms area, and to present to the Security Council those proposals within thirty days;

11. *Decides*, in order to supplement and enhance the force in numbers, equipment, mandate and scope of operations, to authorize an increase in the force strength of UNIFIL to a maximum of 15,000 troops, and that the force shall, in addition to carrying out its mandate under resolutions 425 and 426 (1978):

- (a) Monitor the cessation of hostilities;
- (b) Accompany and support the Lebanese armed forces as they deploy throughout the South, including along the Blue Line, as Israel withdraws its armed forces from Lebanon as provided in paragraph 2;
- (c) Coordinate its activities related to paragraph 11 (b) with the Government of Lebanon and the Government of Israel;
- (d) Extend its assistance to help ensure humanitarian access to civilian populations and the voluntary and safe return of displaced persons;
- (e) Assist the Lebanese armed forces in taking steps towards the establishment of the area as referred to in paragraph 8;
- (f) Assist the Government of Lebanon, at its request, to implement paragraph 14;

12. Acting in support of a request from the Government of Lebanon to deploy an international force to assist it to exercise its authority throughout the territory, *authorizes* UNIFIL to take all necessary action in areas of deployment of its forces and as it deems within its capabilities, to ensure that its area of operations

**S/RES/1701 (2006)**

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is not utilized for hostile activities of any kind, to resist attempts by forceful means to prevent it from discharging its duties under the mandate of the Security Council, and to protect United Nations personnel, facilities, installations and equipment, ensure the security and freedom of movement of United Nations personnel, humanitarian workers and, without prejudice to the responsibility of the Government of Lebanon, to protect civilians under imminent threat of physical violence;

13. *Requests* the Secretary-General urgently to put in place measures to ensure UNIFIL is able to carry out the functions envisaged in this resolution, *urges* Member States to consider making appropriate contributions to UNIFIL and to respond positively to requests for assistance from the Force, and *expresses* its strong appreciation to those who have contributed to UNIFIL in the past;

14. *Calls upon* the Government of Lebanon to secure its borders and other entry points to prevent the entry in Lebanon without its consent of arms or related materiel and *requests* UNIFIL as authorized in paragraph 11 to assist the Government of Lebanon at its request;

15. *Decides* further that all States shall take the necessary measures to prevent, by their nationals or from their territories or using their flag vessels or aircraft:

(a) The sale or supply to any entity or individual in Lebanon of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, whether or not originating in their territories; and

(b) The provision to any entity or individual in Lebanon of any technical training or assistance related to the provision, manufacture, maintenance or use of the items listed in subparagraph (a) above;

except that these prohibitions shall not apply to arms, related material, training or assistance authorized by the Government of Lebanon or by UNIFIL as authorized in paragraph 11;

16. *Decides* to extend the mandate of UNIFIL until 31 August 2007, and *expresses its intention* to consider in a later resolution further enhancements to the mandate and other steps to contribute to the implementation of a permanent ceasefire and a long-term solution;

17. *Requests* the Secretary-General to report to the Council within one week on the implementation of this resolution and subsequently on a regular basis;

18. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions including its resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 1515 (2003) of 19 November 2003;

19. *Decides* to remain actively seized of the matter.

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## APPENDIX B

### U.N. Security Council Resolutions 425, 520, 1559, 1665, 1680

At its 2073rd meeting, on 18 March 1978, the Council decided to invite the representative of the Sudan to participate, without vote, in the discussion of the question.

At its 2074th meeting, on 19 March 1978, the Council decided to invite the representatives of Iraq, Mongolia, Pakistan and Qatar to participate, without vote, in the discussion of the question.

#### Resolution 425 (1978) of 19 March 1978

##### *The Security Council,*

*Taking note* of the letters from the Permanent Representative of Lebanon<sup>19</sup> and from the Permanent Representative of Israel,<sup>20</sup>

*Having heard* the statements of the Permanent Representatives of Lebanon and Israel,<sup>21</sup>

*Gravely concerned* at the deterioration of the situation in the Middle East and its consequences to the maintenance of international peace,

*Convinced* that the present situation impedes the achievement of a just peace in the Middle East,

1. *Calls* for strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries;

2. *Calls upon* Israel immediately to cease its military action against Lebanese territorial integrity and withdraw forthwith its forces from all Lebanese territory;

3. *Decides*, in the light of the request of the Government of Lebanon, to establish immediately under its authority a United Nations interim force for Southern Lebanon for the purpose of confirming the withdrawal of Israeli forces, restoring international peace and security and assisting the Government of Lebanon in ensuring the return of its effective authority in the area, the force to be composed of personnel drawn from Member States;

4. *Requests* the Secretary-General to report to the Council within twenty-four hours on the implementation of the present resolution.

*Adopted at the 2074th meeting by 12 votes to none, with 2 abstentions (Czechoslovakia, Union of Soviet Socialist Republics).<sup>22</sup>*

<sup>19</sup> *Ibid.*, documents S/12600 and S/12606.

<sup>20</sup> *Ibid.*, document S/12607.

<sup>21</sup> *Ibid.*, *Thirty-third Year*, 2071st meeting.

<sup>22</sup> One member (China) did not participate in the voting.

#### Resolution 426 (1978) of 19 March 1978

##### *The Security Council*

1. *Approves* the report of the Secretary-General on the implementation of Security Council resolution 425 (1978), contained in document S/12611 of 19 March 1978;<sup>23</sup>

2. *Decides* that the United Nations Interim Force in Lebanon shall be established in accordance with the above-mentioned report for an initial period of six months, and that it shall continue in operation thereafter, if required, provided the Security Council so decides.

*Adopted at the 2075th meeting by 12 votes to none, with 2 abstentions (Czechoslovakia, Union of Soviet Socialist Republics).<sup>24</sup>*

##### **Decision**

At its 2076th meeting, on 3 May 1978, the Council proceeded with the discussion of the item entitled "The situation in the Middle East: letter dated 1 May 1978 from the Secretary-General to the President of the Security Council (S/12675)".<sup>25</sup>

#### Resolution 427 (1978) of 3 May 1978

##### *The Security Council,*

*Having considered* the letter dated 1 May 1978 from the Secretary-General to the President of the Security Council,<sup>26</sup>

*Recalling* its resolutions 425 (1978) and 426 (1978) of 19 March 1978,

1. *Approves* the increase in the strength of the United Nations Interim Force in Lebanon requested by the Secretary-General from 4,000 to approximately 6,000 troops;

2. *Takes note* of the withdrawal of Israeli forces that has taken place so far;

3. *Calls upon* Israel to complete its withdrawal from all Lebanese territory without any further delay;

4. *Deplores* the attacks on the United Nations Force that have occurred and demands full respect for the United Nations Force from all parties in Lebanon.

*Adopted at the 2076th meeting by 12 votes to none, with 2 abstentions (Czechoslovakia, Union of Soviet Socialist Republics).<sup>27</sup>*

<sup>23</sup> See *Official Records of the Security Council, Thirty-third Year, Supplement for January, February and March 1978*.

<sup>24</sup> One member (China) did not participate in the voting.

<sup>25</sup> See *Official Records of the Security Council, Thirty-third Year, Supplement for April, May and June 1978*.

<sup>26</sup> *Ibid.*, document S/12675.

<sup>27</sup> One member (China) did not participate in the voting.

“(c) Letter dated 16 September 1982 from the Permanent Representative of Lebanon to the United Nations addressed to the President of the Security Council (S/15392)”.<sup>35</sup>

**Resolution 520 (1982)**  
of 17 September 1982

*The Security Council,*

*Having considered* the report of the Secretary-General of 15 September 1982,<sup>40</sup>

*Condemning* the murder of Bashir Gemayel, the constitutionally elected President-elect of Lebanon, and every effort to disrupt by violence the restoration of a strong, stable government in Lebanon,

*Having listened* to the statement by the Permanent Representative of Lebanon,<sup>41</sup>

*Taking note* of the determination of Lebanon to ensure the withdrawal of all non-Lebanese forces from Lebanon,

1. *Reaffirms* its resolutions 508 (1982), 509 (1982) and 516 (1982) in all their components;

2. *Condemns* the recent Israeli incursions into Beirut in violation of the cease-fire agreements and of Security Council resolutions;

3. *Demands* an immediate return to the positions occupied by Israel before 15 September 1982, as a first step towards the full implementation of Security Council resolutions;

4. *Calls again* for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon through the Lebanese Army throughout Lebanon;

5. *Reaffirms* its resolutions 512 (1982) and 513 (1982), which call for respect for the rights of the civilian populations without any discrimination, and repudiates all acts of violence against those populations;

6. *Supports* the efforts of the Secretary-General to implement resolution 516 (1982), concerning the deployment of United Nations observers to monitor the situation in and around Beirut, and requests all the parties concerned to cooperate fully in the application of that resolution;

7. *Decides* to remain seized of the question and asks the Secretary-General to keep the Security Council informed of developments as soon as possible and not later than within twenty-four hours.

*Adopted unanimously at the  
2395th meeting.*

**Decision**

At its 2396th meeting, on 18 September 1982, the Council decided to invite the representatives of Algeria, Democratic Yemen and Greece to participate, without vote, in the discussion of the question.

<sup>40</sup> *Ibid.*, document S/15382/Add.1.

<sup>41</sup> *Ibid.*, *Thirty-seventh Year*, 2394th meeting.

**Resolution 521 (1982)**  
of 19 September 1982

*The Security Council,*

*Appalled* at the massacre of Palestinian civilians in Beirut, *Having heard* the report of the Secretary-General<sup>42</sup> at its 2396th meeting,

*Noting* that the Government of Lebanon has agreed to the dispatch of United Nations observers to the sites of greatest human suffering and losses in and around that city,

1. *Condemns* the criminal massacre of Palestinian civilians in Beirut;

2. *Reaffirms* once again its resolutions 512 (1982) and 513 (1982), which call for respect for the rights of the civilian populations without any discrimination, and repudiates all acts of violence against those populations;

3. *Authorizes* the Secretary-General, as an immediate step, to increase the number of United Nations observers in and around Beirut from ten to fifty, and insists that there shall be no interference with the deployment of the observers and that they shall have full freedom of movement;

4. *Requests* the Secretary-General, in consultation with the Government of Lebanon, to ensure the rapid deployment of those observers in order that they may contribute in every way possible within their mandate to the effort to ensure full protection for the civilian populations;

5. *Requests* the Secretary-General, as a matter of urgency, to initiate appropriate consultations and, in particular, consultations with the Government of Lebanon on additional steps which the Security Council might take, including the possible deployment of United Nations forces, to assist that Government in ensuring full protection for the civilian populations in and around Beirut and requests him to report to the Council within forty-eight hours;

6. *Insists* that all concerned must permit United Nations observers and forces established by the Security Council in Lebanon to be deployed and to discharge their mandates and, in this connection, solemnly calls attention to the obligation of all Member States, under Article 25 of the Charter of the United Nations, to accept and carry out the decisions of the Council in accordance with the Charter;

7. *Requests* the Secretary-General to keep the Security Council informed on an urgent and continuing basis.

*Adopted unanimously at the resumed 2396th meeting.*

**Decisions**

At its 2400th meeting, on 18 October 1982, the Council decided to invite the representative of Lebanon to participate, without vote, in the discussion of the item entitled “The situation in the Middle East: report of the Secretary-General on the United Nations Interim Force in Lebanon (S/15455 and Corr.1)”.<sup>43</sup>

At the same meeting, the Council also decided, by a vote, that an invitation should be accorded to the representative

<sup>42</sup> *Ibid.*, *Thirty-seventh Year*, *Supplement for July, August and September 1982*, document S/15400.

<sup>43</sup> *Ibid.*, *Supplement for October, November and December 1982*.

United Nations

S/RES/1559 (2004)

**Security Council**Distr.: General  
2 September 2004

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**Resolution 1559 (2004)****Adopted by the Security Council at its 5028th meeting, on  
2 September 2004***The Security Council,*

*Recalling* all its previous resolutions on Lebanon, in particular resolutions 425 (1978) and 426 (1978) of 19 March 1978, resolution 520 (1982) of 17 September 1982, and resolution 1553 (2004) of 29 July 2004 as well as the statements of its President on the situation in Lebanon, in particular the statement of 18 June 2000 (S/PRST/2000/21),

*Reiterating* its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized borders,

*Noting* the determination of Lebanon to ensure the withdrawal of all non-Lebanese forces from Lebanon,

*Gravely concerned* at the continued presence of armed militias in Lebanon, which prevent the Lebanese Government from exercising its full sovereignty over all Lebanese territory,

*Reaffirming* the importance of the extension of the control of the Government of Lebanon over all Lebanese territory,

*Mindful* of the upcoming Lebanese presidential elections and *underlining* the importance of free and fair elections according to Lebanese constitutional rules devised without foreign interference or influence,

1. *Reaffirms* its call for the strict respect of the sovereignty, territorial integrity, unity, and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon throughout Lebanon;
2. *Calls upon* all remaining foreign forces to withdraw from Lebanon;
3. *Calls for* the disbanding and disarmament of all Lebanese and non-Lebanese militias;
4. *Supports* the extension of the control of the Government of Lebanon over all Lebanese territory;

04-49892 (E)

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**S/RES/1559 (2004)**

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5. *Declares* its support for a free and fair electoral process in Lebanon's upcoming presidential election conducted according to Lebanese constitutional rules devised without foreign interference or influence;

6. *Calls upon* all parties concerned to cooperate fully and urgently with the Security Council for the full implementation of this and all relevant resolutions concerning the restoration of the territorial integrity, full sovereignty, and political independence of Lebanon;

7. *Requests* that the Secretary-General report to the Security Council within thirty days on the implementation by the parties of this resolution and *decides* to remain actively seized of the matter.

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United Nations

S/RES/1655 (2006)

**Security Council**Distr.: General  
31 January 2006

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**Resolution 1655 (2006)****Adopted by the Security Council at its 5362nd meeting, on  
31 January 2006***The Security Council,*

*Recalling* all its previous resolutions on Lebanon, including resolutions 425 (1978) and 426 (1978) of 19 March 1978 and 1614 (2005) of 29 July 2005 as well as the statements of its President on the situation in Lebanon, in particular the statement of 18 June 2000 (S/PRST/2000/21),

*Recalling also* the letter from its President to the Secretary-General of 18 May 2001 (S/2001/500),

*Recalling further* the Secretary-General's conclusion that, as of 16 June 2000, Israel has withdrawn its forces from Lebanon in accordance with resolution 425 (1978) and met the requirements defined in the Secretary-General's report of 22 May 2000 (S/2000/460), as well as the Secretary-General's conclusion that the United Nations Interim Force in Lebanon (UNIFIL) has essentially completed two of the three parts of its mandate, focusing now on the remaining task of restoring international peace and security,

*Reaffirming* that the Council has recognized the Blue Line as valid for the purpose of confirming Israel's withdrawal pursuant to resolution 425 (1978) and that the Blue Line must be respected in its entirety,

*Gravely concerned* at the persistence of tension and violence along the Blue Line, including the hostilities initiated by Hizbullah on 21 November 2005 and those triggered by the firing of rockets from Lebanon into Israel on 27 December 2005, which demonstrated once more that the situation remains volatile and fragile and underlined yet again the urgent need for the Lebanese Government to fully extend its authority and exert control and monopoly over the use of force throughout its territory, as outlined in the Secretary-General's report of 18 January 2006 (S/2006/26), and concerned also by the continuing Israeli violations of Lebanese air space,

*Recalling* its resolution 1308 (2000) of 17 July 2000,

*Recalling also* its resolution 1325 (2000) of 31 October 2000,

*Recalling further* the relevant principles contained in the Convention on the safety of United Nations and associated personnel adopted on 9 December 1994,

06-22874 (E)

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**S/RES/1655 (2006)**

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*Responding* to the request of the Government of Lebanon to extend the mandate of UNIFIL for a new period of six months presented in the letter from its Chargé d'affaires to the United Nations of 9 January 2006 to the Secretary-General (S/2006/15),

1. *Endorses* the report of the Secretary-General on UNIFIL of 18 January 2006 (S/2006/26);

2. *Decides* to extend the present mandate until 31 July 2006, while emphasizing the interim nature of UNIFIL and looking forward to the early fulfilment of its mandate;

3. *Reiterates* its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries and under the sole and exclusive authority of the Government of Lebanon;

4. *Condemns* all acts of violence, including the latest serious incidents across the Blue Line initiated from the Lebanese side that have resulted in deaths and injuries on both sides, expresses great concern about the serious breaches and the sea, land and the continuing aforementioned air violations of the withdrawal line, and urges the parties to put an end to these violations, to refrain from any act of provocation that could further escalate the tension and to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel, including by avoiding any course of action which endangers United Nations personnel;

5. *Reiterates* its call on the parties to continue to fulfil the commitments they have given to respect fully the entire withdrawal line identified by the United Nations, as set out in the Secretary-General's report of 16 June 2000 (S/2000/590) and to exercise utmost restraint;

6. *Reiterates* its call upon the Government of Lebanon to fully extend and exercise its sole and effective authority throughout the South;

7. *Welcomes* the steps undertaken recently by the Lebanese Government to strengthen the liaison between its armed forces and UNIFIL, including the establishment of a Lebanese Armed Forces liaison office at UNIFIL headquarters in Naqoura, the appointment of liaison officers to UNIFIL field battalions, and the appointment of a new government coordinator with UNIFIL, and acknowledges the firm intention of the Lebanese Government to preserve the security and, to that end, to reinforce the presence of its armed forces in the southern region and to coordinate their activities with UNIFIL;

8. *Urges* nevertheless the Lebanese Government to do more to assert its authority in the South, to exert control and monopoly over the use of force and to maintain law and order on its entire territory and to prevent attacks from Lebanon across the Blue Line, including through deploying additional numbers of Lebanese Armed Forces and Internal Security Forces and taking up UNIFIL's proposals to enhance coordination between those forces and UNIFIL on the ground and establishing a Joint Planning Cell, as recommended by the Secretary-General in his report;

9. *Requests* the Secretary-General to continue to work with the Lebanese Government to reinforce its authority in the South, and in particular to facilitate the early implementation of the measures contained in paragraph 8 above;

10. *Supports* the continued efforts of UNIFIL to maintain the ceasefire along the withdrawal line consistent with its remaining task, while stressing the primary responsibility of the parties in this regard and encourages the Force to focus also on assisting the Lebanese Government to assert its authority in the South;

11. *Welcomes* the continued contribution of UNIFIL to operational mine clearance, encourages further assistance in mine action by the United Nations to the Government of Lebanon in support of both the continued development of its national mine action capacity and clearance of the remaining mine/unexploded ordnances threat in the South, commends donor countries for supporting these efforts through financial and in kind contributions and encourages further international contributions, and stresses the necessity for provision to the Government of Lebanon and UNIFIL any additional existing maps and minefield records;

12. *Calls* on the parties to ensure UNIFIL is accorded full freedom of movement throughout its area of operation as outlined in the Secretary-General's report, requests UNIFIL to report any obstruction it may face in the discharge of its mandate, and reiterates its call on the parties to cooperate fully with the United Nations and UNIFIL;

13. *Welcomes* the efforts being undertaken by UNIFIL to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action including the conduct of pre-deployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

14. *Requests* the Secretary-General to continue consultations with the Government of Lebanon and other parties directly concerned on the implementation of this resolution and to report thereon to the Council before the end of the present mandate as well as on the activities of UNIFIL and the tasks presently carried out by the United Nations Truce Supervision Organization (UNTSO), and to include in the report an assessment of the progress made by the Government of Lebanon towards extending its sole and effective authority throughout the South;

15. *Expresses* its intention to keep the mandate and structures of UNIFIL under regular review, taking into account the prevailing situation on the ground, the activities actually performed by the force in its area of operation, its contribution towards the remaining task of restoring international peace and security, the views of the Lebanese Government and the measures it has taken to fully extend its authority in the South as well as the implications these measures may have, in order to adjust the force to its mission;

16. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions including its resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973.

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United Nations

S/RES/1680 (2006)

**Security Council**Distr.: General  
17 May 2006**Resolution 1680 (2006)****Adopted by the Security Council at its 5440th meeting, on  
17 May 2006***The Security Council,*

*Recalling* all its previous resolutions on Lebanon, in particular resolutions 1559 (2004), 425 and 426 (1978), resolution 520 (1982) and resolution 1655 (2006), as well as the statements of its President on the situation in Lebanon, in particular the statements of 18 June 2000 (S/PRST/2000/21), of 19 October 2004 (S/PRST/2004/36), of 4 May 2005 (S/PRST/2005/17) and of 23 January 2006 (S/PRST/2006/3),

*Reiterating* its strong support for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized borders,

*Noting positively* that further significant progress has been made towards implementing in full all provisions of resolution 1559 (2004), in particular through the Lebanese national dialogue, but noting also with regret that other provisions of resolution 1559 have not yet been fully implemented, namely the disbanding and disarming of Lebanese and non-Lebanese militias, the extension of the control of the Government of Lebanon over all its territory, the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon, and free and fair presidential elections conducted according to the Lebanese constitutional rules, without foreign interference and influence,

*Noting with concern* the conclusion of the Secretary-General's report (S/2006/248) that there had been movements of arms into Lebanese territory for militias over the last six months,

*Expressing* full support for the Lebanese National Dialogue and commending all Lebanese parties for its conduct and for the consensus reached in this context on important matters,

*Having heard* the Prime Minister of Lebanon's address to the Security Council on 21 April 2006 (S/PV.5417),

1. *Welcomes* the third semi-annual report of the Secretary General to the Security Council of 18 April 2006 on the implementation of resolution 1559 (2004) (S/2006/248);

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**S/RES/1680 (2006)**

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2. *Reiterates* its call for the full implementation of all requirements of resolution 1559 (2004);
  3. *Reiterates also* its call on all concerned States and parties as mentioned in the report, to cooperate fully with the Government of Lebanon, the Security Council and the Secretary-General to achieve this goal;
  4. *Strongly encourages* the Government of Syria to respond positively to the request made by the Government of Lebanon, in line with the agreements of the Lebanese national dialogue, to delineate their common border, especially in those areas where the border is uncertain or disputed and to establish full diplomatic relations and representation, noting that such measures would constitute a significant step towards asserting Lebanon's sovereignty, territorial integrity and political independence and improving the relations between the two countries, thus contributing positively to the stability in the region, and urges both parties to make efforts through further bilateral dialogue to this end, bearing in mind that the establishment of diplomatic relations between States, and of permanent diplomatic missions, takes place by mutual consent;
  5. *Commends* the Government of Lebanon for undertaking measures against movements of arms into Lebanese territory and calls on the Government of Syria to take similar measures;
  6. *Welcomes* the decision of the Lebanese national dialogue to disarm Palestinian militias outside refugee camps within six months, supports its implementation and calls for further efforts to disband and disarm all Lebanese and non-Lebanese militias and to restore fully the Lebanese Government's control over all Lebanese territory;
  7. *Reiterates* its support to the Secretary-General and his Special envoy in their efforts and dedication to facilitate and assist in the implementation of all provisions of resolution 1559 (2004);
  8. *Decides* to remain seized of the matter.
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## APPENDIX C

### Official Summary of the Winograd Commission Interim Report, April 30, 2007

*Issued by Israel's Government Press Office on April 30, 2007, and published on the official website of Israel's Ministry of Foreign Affairs*

<http://www.mfa.gov.il/MFA/Government/Communications/2007/Winograd+Inquiry+Commission+submits+Interim+Report+30-Apr-2007.htm>

1. On September 17th 2006, the Government of Israel decided, under section 8A of Basic Law: The Government 2001, to appoint a governmental commission of examination "To look into the preparation and conduct of the political and the security levels concerning all the dimensions of the Northern Campaign which started on July 12th 2006". Today we have submitted to the Prime Minister and the Minister of Defence the classified interim report, and we are now presenting the unclassified report to the public.
2. The Commission was appointed due to a strong sense of a crisis and deep disappointment with the consequences of the campaign and the way it was conducted. We regarded accepted this difficult task both as a duty and a privilege. It is our belief that the larger the event and the deeper the feeling of crisis - the greater the opportunity to change and improve matters which are

essential for the security and the flourishing of state and society in Israel. We believe Israeli society has great strength and resilience, with a robust sense of the justice of its being and of its achievements. These, too, were expressed during the war in Lebanon and after it. At the same time, we must not underrated deep failures among us.

3. This conception of our role affected the way we operated. No-one underestimates the need to study what happened in the past, including the imposition of personal responsibility. The past is the key for learning lessons for the future. Nonetheless, learning these lessons and actually implementing them are the most implication of the conclusions of the Commission.
4. This emphasis on learning lessons does not only follow from our conception of the role of a public Commission. It also follows from our belief that one Israeli society greatest sources of strength is its being a free, open and creative. Together with great achievements, the challenges facing it are existential. To cope with them, Israel must be a learning society - a society which examines its achievements and, in particular, its failures, in order to improve its abil-

ity to face the future.

5. Initially we hoped that the appointment of the Commission will serve as an incentive to accelerate learning processes in the relevant systems, while we are working, so that we could devote our time to study all of the materials in depth, and present the public with a comprehensive picture. However, learning processes have been limited. In some ways an opposite, and worrying, process emerged - a process of 'waiting' for the Commission's Report before energetic and determined action is taken to redress failures which have been revealed.
6. Therefore we decided to publish initially an Interim Report, focusing on the decisions related to starting the war. We do this in the hope that the relevant bodies will act urgently to change and correct all that it implies. We would like to reiterate and emphasize that we hope that this Partial Report, which concentrates on the functioning of the highest political and military echelons in their decision to move into the war will not divert attention from the overall troubling complete picture revealed by the war as a whole.
7. The interim report includes a number of chapters dealing with the following subjects:
  - a. The Commissions' conception of its role, and its attitude to recommendations in general and to recommendations dealing with specific persons in particular. (Chapter 2): We see as the main task of a public commission of inquiry (or investigation) to determine

findings and conclusions, and present them- with its recommendations - before the public and decision makers so that they can take action. A public commission should not - in most cases - replace the usual political decision-making processes and determine who should serve as a minister or senior military commander. Accordingly, we include personal conclusions in the interim report, without personal recommendations. However, we will reconsider this matter towards our Final Report in view of the depiction of the war as a whole.

- b. The way we balanced our desire to engage in a speedy and efficient investigation with the rights of those who may be negatively affected to 'natural justice' (Chapter 3): The special stipulations of the Commissions of Inquiry Act in this regard do not apply to a governmental commission of Examination, but we regard ourselves, naturally, as working under the general principles of natural justice. The commission notified those who may be affected by its investigation, in detailed letters of invitation, of the ways in which they may be negatively affected, and enabled them to respond to allegations against them, without sending "notices of warning" and holding a quasi-judicial hearing before reaching out conclusions. We believe that in this way we provided all who may be negatively affected by our report with a full opportunity to answer all allegations

- against them.
- c. The processes and developments in the period between the withdrawal of the IDF from Lebanon until July 11, 2006 which contributed to the background of the Lebanon War (Chapter 4): These processes created much of the factual background against which the decision-makers had to operate on July 12th, and they are thus essential to both the understanding and the evaluation of the events of the war. Understanding them is also essential for drawing lessons from the events, whose significance is often broader than that of the war itself.
8. The core of the interim report is a detailed examination of the decisions of senior political and military decision-makers concerning the decision to go to war at the wake of the abduction of the two soldiers on the morning of July 12th. We start with the decision of the government on the fateful evening of the 12th to authorize a sharp military response, and end with the speech of the Prime Minister in the Knesset on July 17th, when he officially presented the campaign and its goals. These decisions were critical and constitutive, and therefore deserve separate investigation. We should note that these decisions enjoyed broad support within the government, the Knesset and the public throughout this period.
  9. Despite this broad support, we determine that there are very serious failings in these decisions and the way they were made. We impose the primary responsibility for these failures on the Prime Minister, the minister of defence and the (outgoing) Chief of Staff. All three made a decisive personal contribution to these decisions and the way in which they were made. However, there are many others who share responsibility for the mistakes we found in these decisions and for their background conditions.
  10. The main failures in the decisions made and the decision-making processes can be summed up as follows:
    - a. The decision to respond with an immediate, intensive military strike was not based on a detailed, comprehensive and authorized military plan, based on careful study of the complex characteristics of the Lebanon arena. A meticulous examination of these characteristics would have revealed the following: the ability to achieve military gains having significant political-international weight was limited; an Israeli military strike would inevitably lead to missiles fired at the Israeli civilian north; there was not other effective military response to such missile attacks than an extensive and prolonged ground operation to capture the areas from which the missiles were fired - which would have a high "cost" and which did not enjoy broad support. These difficulties were not explicitly raised with the political leaders before the decision to strike was taken.
    - b. Consequently, in making the decision to go to war, the government did not consider the whole range of options, including that of continuing the policy

- of 'containment', or combining political and diplomatic moves with military strikes below the 'escalation level', or military preparations without immediate military action - so as to maintain for Israel the full range of responses to the abduction. This failure reflects weakness in strategic thinking, which derives the response to the event from a more comprehensive and encompassing picture.
- c. The support in the cabinet for this move was gained in part through ambiguity in the presentation of goals and modes of operation, so that ministers with different or even contradictory attitudes could support it. The ministers voted for a vague decision, without understanding and knowing its nature and implications. They authorized to commence a military campaign without considering how to exit it.
  - d. Some of the declared goals of the war were not clear and could not be achieved, and in part were not achievable by the authorized modes of military action.
  - e. The IDF did not exhibit creativity in proposing alternative action possibilities, did not alert the political decision-makers to the discrepancy between its own scenarios and the authorized modes of action, and did not demand - as was necessary under its own plans - early mobilization of the reserves so they could be equipped and trained in case a ground operation would be required.
  - f. Even after these facts became known to the political leaders, they failed to adapt the military way of operation and its goals to the reality on the ground. On the contrary, declared goals were too ambitious, and it was publicly stated that fighting will continue till they are achieved. But the authorized military operations did not enable their achievement.
- 11. The primary responsibility for these serious failings rests with the Prime Minister, the minister of defense and the (outgoing) Chief of Staff. We single out these three because it is likely that had any of them acted better - the decisions in the relevant period and the ways they were made, as well as the outcome of the war, would have been significantly better.
  - 12. Let us start with the Prime Minister.
    - a. The Prime Minister bears supreme and comprehensive responsibility for the decisions of 'his' government and the operations of the army. His responsibility for the failures in the initial decisions concerning the war stem from both his position and from his behavior, as he initiated and led the decisions which were taken.
    - b. The Prime Minister made up his mind hastily, despite the fact that no detailed military plan was submitted to him and without asking for one. Also, his decision was made without close study of the complex features of the Lebanon front and of the military, political and diplomatic options available to Israel. He made his decision without system-

- atic consultation with others, especially outside the IDF, despite not having experience in external-political and military affairs. In addition, he did not adequately consider political and professional reservations presented to him before the fateful decisions of July 12th.
- c. The Prime Minister is responsible for the fact that the goals of the campaign were not set out clearly and carefully, and that there was no serious discussion of the relationships between these goals and the authorized modes of military action. He made a personal contribution to the fact that the declared goals were over-ambitious and not feasible.
  - d. The Prime Minister did not adapt his plans once it became clear that the assumptions and expectations of Israel's actions were not realistic and were not materializing.
  - e. All of these add up to a serious failure in exercising judgment, responsibility and prudence.
13. The Minister of Defence is the minister responsible for overseeing the IDF, and he is a senior member in the group of leaders in charge of political-military affairs.
- a. The Minister of Defence did not have knowledge or experience in military, political or governmental matters. He also did not have good knowledge of the basic principles of using military force to achieve political goals.
  - b. Despite these serious gaps, he made his decisions during this period without systemic consultations with experienced political and professional experts, including outside the security establishment. In addition, he did not give adequate weight to reservations expressed in the meetings he attended.
  - c. The Minister of Defence did not act within a strategic conception of the systems he oversaw. He did not ask for the IDF's operational plans and did not examine them; he did not check the preparedness and fitness of IDF; and did not examine the fit between the goals set and the modes of action presented and authorized for achieving them. His influence on the decisions made was mainly pointillist and operational. He did not put on the table - and did not demand presentation - of serious strategic options for discussion with the Prime Minister and the IDF.
  - d. The Minister of Defence did not develop an independent assessment of the implications of the complexity of the front for Israel's proper response, the goals of the campaign, and the relations between military and diplomatic moves within it. His lack of experience and knowledge prevented him from challenging in a competent way both the IDF, over which he was in charge, and the Prime Minister.
  - e. In all these ways, the Minister of Defence failed in fulfilling his functions. Therefore, his serving as Minister of Defence during the war impaired Israel's ability to respond well to its challenges.



14. The Chief of Staff (COS) is the supreme commander of the IDF, and the main source of information concerning the army, its plans, abilities and recommendations presented to the political echelon. Furthermore, the COS's personal involvement with decision making within the army and in coordination with the political echelon were dominant.
  - a. The army and the COS were not prepared for the event of the abduction despite recurring alerts. When the abduction happened, he responded impulsively. He did not alert the political leaders to the complexity of the situation, and did not present information, assessments and plans that were available in the IDF at various levels of planning and approval and which would have enabled a better response to the challenges.
  - b. Among other things, the COS did not alert the political echelon to the serious shortcomings in the preparedness and the fitness of the armed forces for an extensive ground operation, if that became necessary. In addition, he did not clarify that the military assessments and analyses of the arena were that a military strike against Hezbollah will with a high probability make such a move necessary.
  - c. The COS's responsibility is aggravated by the fact that he knew well that both the Prime Minister and the Minister of Defense lacked adequate knowledge and experience in these matters, and by the fact that he had led them to believe that the IDF was ready and prepared and had operational plans fitting the situation.
  - d. The COS did not provide adequate responses to serious reservation about his recommendations raised by ministers and others during the first days of the campaign, and he did not present to the political leaders the internal debates within the IDF concerning the fit between the stated goals and the authorized modes of actions.
  - e. In all these the Chief of Staff failed in his duties as commander in chief of the army and as a critical part of the political-military leadership, and exhibited flaws in professionalism, responsibility and judgment.
15. Concomitantly we determine that the failures listed here, and in the outcomes of the war, had many other partners.
  - a. The complexity of the Lebanon scene is basically outside Israel's control.
  - b. The ability of Hezbollah to sit 'on the border', its ability to dictate the moment of escalation, and the growth of its military abilities and missile arsenal increased significantly as a result of Israel's unilateral withdrawal in May 2000 (which was not followed, as had been hoped, by The Lebanese Army deploying on the border with Israel.
  - c. The shortcomings in the preparedness and the training of the army, its operational doctrine, and various flaws in its organizational culture and structure, were all the responsibility of the military commanders and political leaders

in charge years before the present Prime Minister, Minister of Defense and Chief of Staff took office.

- d. On the political-security strategic level, the lack of preparedness was also caused by the failure to update and fully articulate Israel's security strategy doctrine, in the fullest sense of that term, so that it could not serve as a basis for coping comprehensively with all the challenges facing Israel. Responsibility for this lack of an updated national security strategy lies with Israel's governments over the years. This omission made it difficult to devise an immediate proper response to the abduction, because it led to stressing an immediate and sharp military strike. If the response had been derived from a more comprehensive security strategy, it would have been easier to take into account Israel's overall balance of strengths and vulnerabilities, including the preparedness of the civil population.
  - e. Another factor which largely contributed to the failures is the weakness of the high staff work available to the political leadership. This weakness existed under all previous Prime Ministers and this continuing failure is the responsibility of these PMs and their cabinets. The current political leadership did not act in a way that could compensate for this lack, and did not rely sufficiently on other bodies within and outside the security system that could have helped it.
  - f. Israel's government in its plenum failed in its political function of taking full responsibility for its decisions. It did not explore and seek adequate response for various reservations that were raised, and authorized an immediate military strike that was not thought-through and suffered from over-reliance on the judgment of the primary decision-makers.
  - g. Members of the IDF's general staff who were familiar with the assessments and intelligence concerning the Lebanon front, and the serious deficiencies in preparedness and training, did not insist that these should be considered within the army, and did not alert the political leaders concerning the flaws in the decisions and the way they were made.
16. As a result of our investigation, we make a number of structural and institutional recommendations, which require urgent attention:
- a. The improvement of the quality of discussions and decision making within the government through strengthening and deepening staff work; strict enforcement of the prohibition of leaks; improving the knowledge base of all members of the government on core issues of Israel's challenges, and orderly procedures for presentation of issues for discussion and resolution.
  - b. Full incorporation of the Ministry of Foreign Affairs in security decisions with political and diplomatic aspects.
  - c. Substantial improvement in the func-

tioning of the National Security Council, the establishment of a national assessment team, and creating a center for crises management in the Prime Minister's Office.

17. We regard it is of great importance to make findings, reach conclusions and present recommendations on the other critical issues which emerged in this war. We will cover them in the final report, which we strive to conclude soon. These subjects include, among others, the direction of the war was led and its management by the political echelon; the conduct of the military campaign by the army; the civil-military relationship in the war; taking care of Israel's civilian population under missile attack; the diplomatic negotiations by the Prime Minister's office and the Ministry of Foreign Affairs; censorship, the media and secrecy; the effectiveness of Israel's media campaign; and the discussion of various social and political processes which are essential for a comprehensive analysis of the events of the war and their significance.
18. Let us add a few final comments: It took the government till March 2007 to name the events of the summer of 2006 'The Second Lebanon War'. After 25 years without a war, Israel experienced a war of a different kind. The war thus brought back to center stage some critical questions that parts of Israeli society preferred to avoid.
19. The IDF was not ready for this war. Among the many reasons for this we can mention a few: Some of the political and military elites in Israel have reached the conclusion that Israel is beyond the era of

wars. It had enough military might and superiority to deter others from declaring war against her; these would also be sufficient to send a painful reminder to anyone who seemed to be undeterred; since Israel did not intend to initiate a war, the conclusion was that the main challenge facing the land forces would be low intensity asymmetrical conflicts.

20. Given these assumptions, the IDF did not need to be prepared for 'real' war. There was also no urgent need to update in a systematic and sophisticated way Israel's overall security strategy and to consider how to mobilize and combine all its resources and sources of strength - political, economic, social, military, spiritual, cultural and scientific - to address the totality of the challenges it faces.
21. We believe that - beyond the important need to examine the failures of conducting the war and the preparation for it, beyond the need to identify the weaknesses (and strengths) in the decisions made in the war - these are the main questions raised by the Second Lebanon war. These are questions that go far beyond the mandate of this or that commission of inquiry; they are the questions that stand at the center of our existence here as a Jewish and democratic state. It would be a grave mistake to concentrate only on the flaws revealed in the war and not to address these basic issues.

We hope that our findings and conclusions in the interim report and in the final report will not only impel taking care of the serious governmental flaws and failures we

examine and expose, but will also lead towards a renewed process in which Israeli society, and its political and spiritual leaders will take up and explore Israel's long-term aspirations and the ways to advance them.



## APPENDIX D

### Full Text of Israel Defense Force (IDF) “Warning” Leaflets Distributed in Lebanon During the July-August 2006 War

Source: Israel Ministry of Foreign Affairs, official website

<http://www.mfa.gov.il/MFA/Terrorism+Obstacle+to+Peace/Terrorism+from+Lebanon+Hizbullah/IDF+warns+Lebanese+civilians+to+leave+danger+zones+3-Aug-2006.htm>

Following are several examples of actual leaflets dropped by the IDF in southern Lebanon.

**The IDF warns Lebanese civilians to leave areas being used to launch rockets and not to travel by truck, often used as rocket launchers (July 25, 2006):**

#### *"To the people of Lebanon*

*Pay attention to these instructions!!*

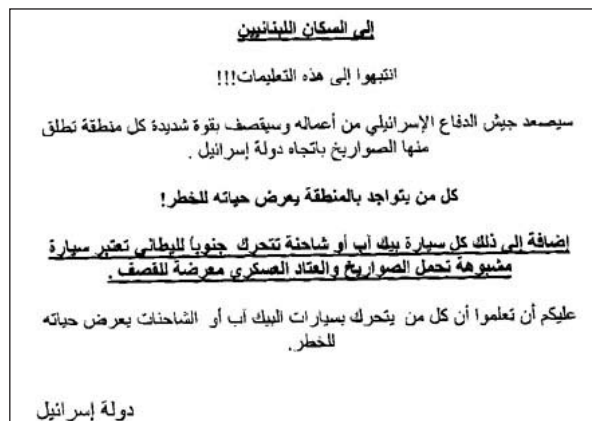
*The IDF will intensify its activities and will heavily bomb the entire area from which rockets are being launched against the State of Israel.*

*Anyone present in these areas is endangering his life!*

***In addition, any pickup truck or truck traveling south of the Litani River will be suspected of transporting rockets and weapons and may be bombed.***

*You must know that anyone traveling in a pickup truck or truck is endangering his life.*

*The State of Israel"*





\* \* \*

The IDF warns Lebanese civilians to evacuate villages south of the Litani River (July 25, 2006):

*"He who says he is protecting you,  
is really robbing you."*

**"To all citizens south of the Litani River**

*Due to the terror activities being carried out against the State of Israel from within your villages and homes, the IDF is forced to respond immediately against these activities, even within your villages.*

***For your safety!!!***

**We call upon you to evacuate your villages and move north of the Litani River.**

The State of Israel"



\* \* \*

The IDF warns residents of south Lebanon to move northward (July 27, 2006):

*"To residents of the region*

**For your personal safety**

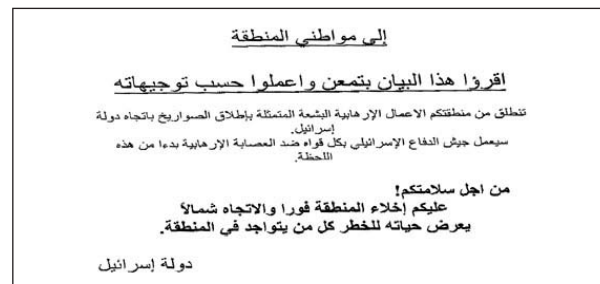
**Read this announcement and act accordingly**

*Rockets are being fired against the State of Israel from your area.*

*The IDF will operate at full force against these terrorist groups effective immediately.*

*For your own safety, you must leave the area immediately, and travel northwards. Anyone who remains is putting himself in danger.*

The State of Israel"



\* \* \*

**The IDF tells the people of Lebanon that they are in conflict with the Hizbullah terrorists, not the people of Lebanon, and that they should not allow themselves to be used as human shields (Aug 3, 2006):**

"To the people of Lebanon

*IDF forces operated with daring and force in Baalbek, the center of operations of the Hizbullah terror band, in the framework of its defense of the citizens of the State of Israel and the return of the abducted IDF soldiers.*

*Know that the IDF will continue to send its long arm to wherever Hizbullah terrorists are found, in order to strike at them forcefully and with determination, and to neutralize their options to execute their criminal ideology against the citizens of Israel.*

*Citizens of Lebanon,  
The IDF forces are not acting against the Lebanese people, but against the Hizbullah terrorists, and will continue to act as long as it deems necessary.*

*Do not allow Hizbullah elements to hold you as prisoners and use you as a human shield for the sake of foreign interests.*

*The State of Israel"*

\* \* \*

**The IDF announced restrictions on travel in any kind of vehicle south of Litani River (Aug 7, 2006), which entered into effect at 22:00:**

*"To the Lebanese civilians south of the Litani River*

**Read this announcement carefully and follow the instructions**

*The IDF will escalate its operations, and will strike with great force the terrorist groups which are exploiting you as human shields, and which fire rockets from your homes at the State of Israel.*

*Any vehicle of any kind traveling south of the Litani River will be bombarded, on suspicion of transporting rockets, military equipment and terrorists.*

*Anyone who travels in any vehicle is placing his life in danger.*

*The State of Israel"*

**إلى المواطنين اللبنانيين**

عملت قوات جيش الدفاع الإسرائيلي بشجاعة وقوة في بعلبك مركز عمليات العصابة الإرهابية حزب الله في إطار الدفاع عن مواطني دولة إسرائيل وإعادة جنود جيش الدفاع الإسرائيلي المختطفين.

اعلموا أن جيش الدفاع الإسرائيلي سيستمر بإرسال ذراعه الطويلة إلى كل مكان يتواجد به الإرهابيون من عناصر حزب الله ليضرب بهم بقوة وبإصرار وليشل إمكانياتهم في تنفيذ الأيدولوجيا المجرمة لعصابتهم ضد مواطني دولة إسرائيل.

مواطني لبنان  
قوات جيش الدفاع الإسرائيلي لا تعمل ضد الشعب اللبناني وإنما ضد عناصر حزب الله الإرهابية وتستمر في العمل والمدة الضرورية التي تراها لازمة.

لا تسمحوا لعصابة حزب الله أن يحتجزونكم كرهائن ويستخدمونكم كدرع بشري من أجل مصالح أجنبية.

دولة إسرائيل

**إلى المواطنين اللبنانيين المتواجدين جنوب نهر الليطاني**

**اقرأوا هذا البيان بتمعن واعملوا حسب توجيهاته**

سيستعد جيش الدفاع الإسرائيلي لعملياته وسيضرب ببالقوة العناصر الإرهابية التي تستخدمكم كدرع بشري وتطلق الصواريخ من داخل بيوتكم باتجاه دولة إسرائيل.

كل سيارة ومن أي نوع كانت تتحرك جنوب نهر الليطاني ستقصف لأنها مشبوهة بنقل الصواريخ والعتاد العسكري والمخربين.

عليكم أن تعلموا أن كل من يتحرك بأي سيارة كانت يعرض حياته للخطر.

دولة إسرائيل

\* \* \*

**This warning was reiterated in repeated radio broadcasts to southern Lebanon beginning in the early afternoon on August 7:**

*"Announcement to the population of southern Lebanon*

*The IDF absolutely prohibits travel on the roads of southern Lebanon, from the line of the Litani River southwards, to the Israeli border. This applies to all vehicles. The curfew is in effect from 22:00 on August 7.*

*Southern Lebanon is a combat zone. Hizbullah terrorists are operating in your area, and you are being exploited as "human shields", in order to camouflage their activities.*

*The Israeli army is operating against the rocket fire and other terrorist activities being carried out from your area and from Lebanon against the State of Israel.*

*All vehicles, of any type, traveling in the aforementioned area are liable to be attacked, endangering those traveling in the vehicles. Any person who violates these instructions endangers himself and his passengers.*

*We repeat - The IDF prohibits absolutely the movement of all vehicles on the roads of southern Lebanon."*

● نقل مراسلنا في الشمال الاسرائيلي عن قيادة المنطقة الشمالية البيان الذي وصف بشدد  
اللهجة وهذا نصه :

● وجه الجيش الاسرائيلي تحذيرا واضحا وشديدا للهجرة الى جميع السكان والمتواجدين في  
الجنوب اللبناني من خط الليطاني جنوبا وحتى الحدود مع اسرائيل بعدم التحرك  
واستعمال المركبات من جميع الانواع والأشكال بما في ذلك السيارات والشاحنات  
والسيارات الرباعية الدفع والدراجات النارية والعربات التي تجرها الدواب // وذلك  
ابتداء من الساعة الثامنة من مساء اليوم الإثنين 7 آب أغسطس 2006 . وحتى اشعار  
آخر // وكل من يخالف هذه الدعوة يعرض نفسه وذويه وجميع المسافرين معه والمسيارة  
التي يستقلها للخطر المعلوم واضاف لا بد من الاشارة الى ان الجنوب اللبناني أصبح  
منطقة حرب حيث عصابات حزب الله الارهابية تعمل في هذه المنطقة وتستعملكم كدرع  
حماية انساني وكتغطية لعملياتهم العدوانية // ان الجيش الاسرائيلي يعمل ضد مناطق  
انطلاق السوابغ والعمليات الارهابية الاخرى بكل الوسائل الملائمة ولأجل الحفاظ  
على سلامة السكان فإن عليهم عدم التحرك بواسطة المركبات من جميع الانواع  
والأشكال بما في ذلك السيارات والشاحنات والسيارات رباعية الدفع والدراجات النارية  
والعربات التي تجرها الدواب ، وذلك ابتداء من الساعة الثامنة مساء اليوم وحتى اشعار  
آخر ذلك في جميع أرجاء الجنوب اللبناني من خط الليطاني جنوبا وحتى الحدود مع  
اسرائيل . وقد أذاع من أنتر .

## APPENDIX E

### Israel's Censorship Policy During the July-August 2006 War

Domestic and foreign journalists working in Israel during the war were subjected to a censorship regime. As in previous wars, Israel made clear to all journalists covering the conflict from inside its territory that numerous subjects were off-limits. The first censorship regulations were published on July 16, 2006, and distributed to journalists through the Government Press Office. These regulations prohibited, among other subjects, "reports on missile hits at IDF bases and/or strategic facilities." Supplemental regulations, issued on July 23, 2006, mentioned in the general guidelines "a special emphasis on matters regarding the activity of special forces and the use of unique kinds of ammunition and weaponry."<sup>1</sup>

The Chief Military Censor, Col. Sima Vaknin-Gil, explained her broad powers in the event of infractions: "I can close a newspaper or shut down a station. I can do almost anything."<sup>2</sup> The Associated Press reported that adherence to the censor's guidelines were "a condition for receiving permission to operate as a media organization in Israel." It added: "Reporters are expected to censor themselves and not report any of the forbidden material....When in doubt, they can submit a story to the censor who will hand it back, possibly with deletions."<sup>3</sup>

In a postwar development, it was disclosed

that IDF chief of general staff Lt. Gen. Dan Halutz sought to silence criticism of the war's conduct in meetings with senior Israeli government officials. On July 14, 2006, two days after the hostilities commenced, Gen. Halutz reportedly told senior IDF officers in a meeting in his office: "In my opinion, we are confusing the decision-makers. I'm no longer willing to hear any position other than the ones made [in the General Staff]. You want an intellectual discussion? You can do that anywhere you want with the prime minister. In formal deliberations the IDF position will be voice, just as the Shin Bet and the Mossad each has a single position."<sup>4</sup>

The head of Military Intelligence (MI), Maj. Gen. Amos Yadlin, reportedly told Gen. Halutz "that he was obligated to present the country's leaders with his own, independent position if he had one, in his capacity as MI chief and in light of the conclusions of the Agranat Commission investigation into the Yom Kippur War. Halutz agreed, but noted that even the head of MI cannot present the cabinet with operational recommendations that differ from those agreed on by the IDF General Staff."<sup>5</sup> Gen. Halutz reportedly said: "You present the [IDF] position, period. Clear-cut. If this is difficult for people, I'll go there alone."<sup>6</sup>

The Winograd Commission, the Israeli gov-

ernmental commission of inquiry established to examine the preparation for and conduct of the 2006 war, found that Gen. Halutz "did not provide adequate responses to serious reservation [sic] about his recommendations raised by ministers and others during the first days of the campaign, and he did not present to the political leaders the internal debates within the IDF concerning the fit between the stated goals and the authorized modes of actions."<sup>7</sup>

Gen. Halutz was also troubled by his officers' contact with the media. He reportedly "instructed the Field Security Directorate [at the General Staff] to provide him with the telephone logs of the generals, their department heads and their secretaries, in order to crosscheck whether they have had contacts with journalists."<sup>8</sup> In a follow-up report, the Israeli daily newspaper *Haaretz* said that the IDF's Information Security Department "recently advised Halutz that officers have been conducting some 460 unauthorized telephone conversations with journalists a day."<sup>9</sup> The IDF military spokesperson "said that the matter was being investigated."<sup>10</sup>

## **THE REGULATIONS ISSUED BY THE MILITARY CENSOR ON JULY 16, 2006**

16 July 2006

### **Censorship Policy Regarding Fighting in the North**

1. As of now, over 1,200 rockets have been fired at Israel; it is expected that this will continue.

2. Therefore, following are the Military

Censor's relevant guidelines:

- a. The Military Censor will not approve reports regarding visits of Israeli Government and IDF officials in the north of Israel until the visits are over due to the clear connection between officials' visits and missile attacks on the area in question.
  - b. The Military Censor will not approve reports on missile hits at IDF bases and/or strategic facilities.
  - c. The Military Censor will not approve reports on missiles that fall in the Mediterranean Sea.
  - d. The Military Censor will not approve reports on time periods when citizens are permitted to leave their shelters. Warnings of such times are utilized by the enemy for timing attacks.
  - e. Reporting on locations in which there are public defense and organizational difficulties should be avoided as much as possible.
3. Real-time reporting on the exact location of rocket hits must be strictly avoided!

Sincerely,

Col. Sima Vaknin-Gil  
Chief Military Censor

## **THE REGULATIONS ISSUED BY THE MILITARY CENSOR ON JULY 23, 2006 IN ADVANCE OF GROUND OPERATIONS**

23 July 2006

**Subject: Military Operations in the North --  
Censorship Guidelines Regarding Ground  
Operations.**

1. Following are the main censorship guidelines regarding the continuation of military operations in the north, with emphasis on ground warfare on the northern border.

2. The guidelines in this document are comprehensive and refer to the option of large-scale military activity. The relevant guidelines should also be applied to the current ground operations.

3. Please brief editors, producers, broadcasters, correspondents with emphasis on field correspondents and other network employees on these guidelines in order to avoid any misunderstanding.

4. Due to the frequent broadcasts and the many live updates considerable attention should be given to what is said by the correspondents in the field. Please make sure that any correspondent/analyst in the field knows the censorship guidelines. The potential error during a live update is very high and you are held responsible for everything broadcast during a live update.

5. This document has been sent to local news agencies as well.

6. This document is the follow-up to the former document "The Fighting In The Northern Arena".

Sincerely,

Col. Sima Vaknin-Gil

Chief Censor

**The Censorship Guidelines Regarding  
Ground Operations In The North For  
Reports And Live Updates.**

### **General**

1. This document will detail the main guidelines regarding operations on the northern border by the Censor.

2. This document contains three main topics: general guidelines for news coverage, coverage of activity leading to the ground operation and the coverage of the combat itself.

3. Any news item that is not within these boundaries must be submitted to the Censorship before it is published.

### **General guidelines**

4. Coverage of any kind, that states intent, specific/general abilities and/or any operational activity (in a live broadcast) is not authorized by the Censorship. In principle, analysis based on matters that were approved for publication is allowed.

5. In a case where a news item is not within the boundaries given by the Chief Censor, the issue should be dealt with by the two censorship bases either in Tel Aviv or Jerusalem.

6. There is a special emphasis on matters regarding the activity of special forces and the use of unique kinds of ammunition and weaponry.

7. In principle, news items on the intelligence abilities / lack of abilities during the operation will not be authorized.



### Coverage of activity leading to ground operation

The censorship does not approve any verbal information or visual photography that attest to:

8. The military order-of-battle.
9. The type of force, the forces' special abilities and warfare equipment.
10. Movement routes.
11. Assembly areas and deployments.
12. Information on forces transferring from one area to another (thinning of forces).
13. Locations of command posts.
14. It is strictly forbidden to mention the time and location in which the army forces might enter the enemy's territory.
15. The codename of the operation will be approved for publication only from the moment it begins.
16. Pictures of the army forces will be approved as long as the location in which they were taken is not disclosed.

### The live coverage of the combat itself

17. It is strictly forbidden to show a picture of the full battle coverage, with an emphasis of identifying the location (long shot pictures).
18. It is strictly forbidden to mention military targets while these targets are being pursued.
19. It is strictly forbidden, until the information is cleared by the censorship, to publish information concerning missing personnel and captives (from both sides).
20. Coverage of aerial accidents in Israeli territory can only be approved by the censor. In hostile territory, this information will not be approved until the evacuation of the staff and

equipment from that area is completed.

21. It is strictly forbidden to conduct real time coverage on visits of officials. Interviews and photography will be approved later, after the end of the visit.

22. During an incident - authorization for coverage of the reasons for the incident will be given as long as there is no breach of Israeli security concerns (thus personal opinions and analyses for the reasons of the incident are allowed).

23. Coverage of an incident with casualties, as always, must be submitted to the censorship.

\*\*\*

## NOTES

1. The full text of these regulations are included in this appendix.
2. Associated Press, "AP Reveals Israeli Censorship, Says It Will Abide By Rules," July 19, 2006.
3. Ibid.
4. Amos Harel, "Halutz barred dissent by IDF top brass in front of cabinet during war," *Haaretz*, February 2, 2007.
5. Ibid.
6. Ibid.
7. Winograd Commission Interim Report, Summary, paragraph 14d.
8. Amos Harel, "IDF brass angered by phone logs check," *Haaretz*, August 18, 2006.
9. Amos Harel, "Halutz disputes officer's remarks that Israel lost war," *Haaretz*, September 22, 2006.
10. Ibid.

## APPENDIX F

### Civilians Killed in the IDF Attack in Shiyah, Beirut August 7, 2006

#### CHILDREN:

1. Hussein Ali Abbas (about 18 months old; identified as "refugee" from southern Lebanon)
2. Rashaa Ali Abbas (about five years old; identified as "refugee" from southern Lebanon)
3. Zahra Mahmoud Abdallah (about six years old)
4. Zeinab Mahmoud Abdallah (about two years old)
5. Mohammed Fadi Dohayni (infant)
6. Ahmad Hassen Kinaj (about 13 years old)
7. Hussein Ahmad Mohsen (about ten years old)
8. Hussein Ali Al-Rai (about 16 years old)
9. Mohammed Ali Rumaiti (less than one year)
10. Riham Ali Rumaiti (about four years old)
11. Abdallah Mohammed Taha (about 18 months)
12. Hassen Ali Wahbi (about five years old; identified as "refugee" from southern Lebanon)
13. Hussein Ali Wahbi (about four years old; identified as "refugee" from southern Lebanon)
14. Waeed Ali Wahbi (less than one year;

identified as "refugee" from southern Lebanon)

#### WOMEN:

15. Suzanne Abdullah Abbas (identified as "refugee" from southern Lebanon)
16. Raueyee Barerra (Sri Lankan national)
17. Subhiya Kamel Bayloun
18. Hanna Ibrahim Hatoun Nasser El-Din (identified as "refugee" from southern Lebanon)
19. Selwa Khalil Nasser (identified as "refugee" from southern Lebanon)
20. Fatima Ali Rumaiti
21. Ibtisam Hussein Rumaiti
22. Mariam Hussein Rumaiti
23. Maya Saeed Yateem Rumaiti
24. Saediyah Hussein Rumaiti
25. Dallal Mohammed Shaeyatu
26. Fatima Abbas Sheyhadah
27. Suzanne Taha (identified as "refugee" from southern Lebanon)
28. Fatme Ahmad Wahbi
29. Fatima Mustafa Younis

**MEN:**

- 30. Ali Ahmad Mohsen
  - 31. Ghazalat Hussein Awada Nasser El-Din
  - 32. Redda Nemer Nasser El-Din
  - 33. Ali Naim Rumati
  - 34. Jamil Hussein Rumaiti
  - 35. Kouther Jamil Rumaiti
  - 36. Malak Ali Rumaiti
  - 37. Mustafa Hussein Rumati
  - 38. Naim Muri Rumati
  - 39. Mohammed Abdallah Taha (identified as "refugee" from southern Lebanon)
  - 40. Ali Ibrahim Wahbi (identified as "refugee" from southern Lebanon)
-

# APPENDIX G

## IDF Targets: Bridges in Lebanon

### Bridges Reconstruction Status

(List prepared by Recovery Unit - Presidency of the Council of Ministers)

19/4/2007

Total No. of Bridges Destroyed is 91	91 Bridges Are donated	43 Bridges Completed
46 with ( MPW) & 45 with (CDR)	0 Bridges Are Undonated	48 Bridges Uncompleted

MPW Reference No	Location	Bridge Name	Donor	Construction Progress %
1	South	Hajje	Under Higher Council for Relief and MPW	100%
2	South	Hajje Maamariye	Iran	
3	South	KAKAIEH	Iran	
4	South	Milekh Bridge	Iran	
5	South	Jhal Ibootm Bridge	Under Higher Council for Relief and MPW	100%
6	South	Jouaya to Tyre	Under Higher Council for Relief and MPW	100%
7	South	Sarafand over Qassmleh ditch	Higher council of Relief	100%
8	South	Saksakieh small culvert	Higher council of Relief	100%
9	South	Tair Falsay - Six February Bridge over Nahr Al Litani	Zariyeh Municipality Mayor	90%
10	South	Bqosta	Russia (Permanent Steel Bridge)	100%
11	South	Qasimye Bridge (East)	Hleij	45%
12	South	Mafraq Deir Antar Bridge	Hleij	80%
13	South	Ramp to Saïda East Boulevard		75%
14	South	Owalli Bridge	Mr. Saad El Harri	100%
15	South	Sahiq	Mr. Saad El Harri	100%
16	South	Ghaziye OverPass	Mr. Saad El Harri	100%
17	South	Qinnarit OverPass	Mr. Bahaa El Hariri	100%
18	South	Zahrani interchange to Nabatiyeh	Mr. Bahaa El Hariri	75%
19	South	Old road Zahrani Bridge over the river	Mr. Bahaa El Hariri	100%
20	South	PS 1 - Addousiyeh OverPass 1.8km south of Zahrani	Iran	30%
21	South	PS3 - Sarafand OverPass 6.5km south of Zahrani	Iran	20%
22	South	PS4 - Babliyeh Interchange OverPass 7.75km south of Zahrani	Iran	20%
23	South	PS4 bis - Saksakiyeh OverPass 8.2km south of Zahrani	Iran	10%
24	South	V3 - Khayzaran Viaduct	Iran	20%
25	South	PI 3 - Ansariyeh UnderPass 10+050km south of Zahrani	Iran	30%
26	South	PI 4 - Ansariyeh Deir Takla UnderPass 10+700km south of Zahrani	Iran	30%
27	South	PI 6 - Abou El Aswad UnderPass 15+400km south of Zahrani	Iran	75%
28	South	Gasmiyeh on Int'l Road - 1	Hleij	100%
29	South	Culvert over water way near Bayadah	Under CDR through Higher Council for Relief Funded by Kingdom of Saudi Arabia	

	MPW Reference No	Location	Bridge Name	Donor	Construction Progress %
1	120	Nabatiye	Wazani Bridge	Iran	
2	121	Nabatiye	El Mari Bridge	Iran	
3	4	Nabatiye	Abou Zeble	Iran	
4	122	Nabatiye	Fardis Bridge	Iran	
5	123	Nabatiye	Zaghia Bridge	Iran	
6	140	Nabatiye	ROUMINE - Deir Ezzahrani	Under Higher Council for Relief and MPW	100%
7	134	Nabatiye	Wadi elakhdar/Arbsalim/Kfar Remman	Iran	
8	125	Nabatiye	Tahrir	Amal Hourani	90%
9	13	Nabatiye	Habbouch - Aarabsalim	Ali Ahmad Fathat	100%
10	119	Nabatiye	qaqaeit aljisir	Hleij	100%
11	17	Nabatiye	Khardail Bridge	Hleij	100%
12	91	Nabatiye	Habboush OverPass	Fawzi Jaber Sons	
13	92	Nabatiye	Habboush UnderPass	Under Higher Council for Relief and MPW	25%
14	144	Nabatiye	Klarmashkeh - Hasbayah - box culvert 1 at 12+600	Under MPW ongoing Project	90%
15		Nabatiye	Hassbani Bridge (Abou Wadih)	Hleij	
16	145	Nabatiye	Klarmashkeh - Hasbayah - box culvert 2 at 12+050	Under MPW ongoing Project	90%
<b>16 Bridges With The Ministry of Public Works (MWP)</b>					
		<b>Nabatiye</b>	<b>0 Bridges With The Council for Development &amp; Reconstruction (CDR)</b>		
		Nabatiye			

	MPW Reference No.	Location	Bridge Name	Donor	Construction Progress %
1	88	Mount Lebanon	Baabda	Under Higher Council for Relief and MPW	
2	79	Mount Lebanon	Gharbafa Bridge	Under Higher Council for Relief and MPW	100%
3	115-116	Mount Lebanon	Hazmiyeh - Airport road Viaduct 1 - 2 (Section B)	Kingdom of Saudi Arabia	
4	117	Mount Lebanon	Old Airport Road Bridge	Under construction by CDR / UTDP	
5	53	Mount Lebanon	Ouzali highway of airport	Under Construction by Airport Authority	100%
6	141	Mount Lebanon	Sofar Viaduct	Italy	
7	74	Mount Lebanon	Mdeirej Viaduct	USAID	
8	55	Mount Lebanon	Old Naameh UnderPass	Mr. Saad El Hariri	100%
9	56	Mount Lebanon	Naameh Interchange overpass	Mr. Saad El Hariri	100%
10	57	Mount Lebanon	Bridge South Pedeterian OverPass	Mr. Wadih Abbasi	
11	58	Mount Lebanon	Damour-Oceana Beach Bridge	Mr. Nehmeh Tohmeh	
12	59	Mount Lebanon	Bridge North of Chouf Interchange (near Ministry of Displacement)	Iran	
13	60	Mount Lebanon	Chouf Interchange	Mr. Saad El Hariri	98%
14	51	Mount Lebanon	Old Damour Bridge	Kingdom of Saudi Arabia	
15	61	Mount Lebanon	Damour Bridge	Kingdom of Saudi Arabia	
16	68	Mount Lebanon	Jissr Beach Bridge	Iran	
17	62	Mount Lebanon	El Debyeh Underpass	Mr. Saad El Hariri	100%
18	63	Mount Lebanon	OverPass South of Aytman Gaz Station	Mr. Maysara Succar	100%
19	64	Mount Lebanon	Jieh OverPass - North of Jammoul Bakery	Mr. Maysara Succar	100%
20	66	Mount Lebanon	Wadi El Zayneh Viaduct	Kingdom of Saudi Arabia	
21	72	Mount Lebanon	Wardaniyeh Interchange - PS4	Mr. Bahaa El Hariri	100%
22	73	Mount Lebanon	Rmeileh OverPass - PS5	Mr. Bahaa El Hariri	100%
23	67	Mount Lebanon	Rmeileh / Olman Interchange	Mr. Saad El Hariri	100%
24	130	Mount Lebanon	Ghazir Bridge	Frem Institution	100%
25	33	Mount Lebanon	Maameltein - Casino Bridge	Casino du Liban	55%
26	37	Mount Lebanon	El Fidar Bridge	Byblos Bank	60%
			3 Bridges With The Ministry of Public Works (MWP)		
			23 Bridges With The Council for Development & Reconstruction (CDR)		



MPW Reference No	Location	Bridge Name	Donor	Construction Progress %
1	Bekaa	Qaa Culvert (Gov. Hospital)	Under Higher Council for Relief and MPW	100%
2	Bekaa	Bednayeil bridge	Under Higher Council for Relief and MPW	100%
3	Bekaa	zaarourteh -allek	Under Higher Council for Relief and MPW	100%
4	Bekaa	saaydeh - majdaloun	Under Higher Council for Relief and MPW	100%
5	Bekaa	Riyyaq Rail road bridge over Nahr al Litani	Greece	100%
6	Bekaa	Alassi Bridge	Iran	40%
7	Bekaa	Fersol - Jarmashiyeh	Mr. Saad El Hariri	100%
8	Bekaa	Bridge between Tirbil & Firzil	Delta Trading	100%
9	Bekaa	Taanael - Barr Elias near Aba	Mr. Saad El Hariri	100%
10	Bekaa	Al Sahel - Ras Baalbeck	Under Higher Council for Relief and MPW	100%
11	Bekaa	Ablah - Baalbak - tel Aamara	Mr. Saad El Hariri	100%

Bekaa	9 Bridges With The Ministry of Public Works (MWP)
Bekaa	2 Bridges With The Council for Development & Reconstruction (CDR)

MPW Reference No	Location	Bridge Name	Donor	Construction Progress %
1	North	Hissa Ballaneh	Mr. Ahmad Trad	100%
2	North	Kbayet Akkar	Under Higher Council for Relief and MPW	100%
3	North	Mazraat Balde & Kafar Harra (Swaysseh)	Mr. Saad El Hariri	100%
4	North	Kouwalkhat	Mr. Saad El Hariri	100%
5	North	Aawik Halba	Mr. Saad El Hariri	100%
6	North	Arqa Bridge	Mr. Saad El Hariri	50%
7	North	Madfoun Bridge	Mr. Najib Mikati	100%
8	North	Arqa coastal Bridge	Mr. Saad El Hariri	100%
9	North	Qlaiaat Airport Bridge	Under CDR through Higher Council for Relief Funded by Kingdom of Saudi Arabia	

North	6 Bridges With The Ministry of Public Works (MWP)
North	3 Bridges With The Council for Development & Reconstruction (CDR)

## APPENDIX H

### The Government of Israel During the July-August 2006 War

*On July 12, 2006, Israeli prime minister Ehud Olmert stated: "Due to the sensitivity of the issue, I ask that the Cabinet approve the recommendations that have been submitted by the security establishment and authorize myself, Defense Minister Peretz, Foreign Minister Tzipi Livni, Vice Premier Shimon Peres, Industry, Trade and Employment Minister Eli Yishai, Transportation Minister Shaul Mofaz and Public Security Minister Avi Dichter to approve the detailed actions that have been presented by the security establishment."*<sup>n</sup>

Prime Minister and Minister of Welfare  
Ehud Olmert

Vice Prime Minister  
Shimon Peres

Minister of Foreign Affairs  
Tzipi Livni

Deputy Prime Minister and Minister of Defense  
Amir Peretz

Deputy Prime Minister and Minister of Industry, Trade and Labor  
Eli Yishai

Deputy Prime Minister and Minister of Transportation and Road Safety  
Shaul Mofaz

Minister of Internal Security  
Avi Dichter

Minister of Justice  
Haim Ramon

*On August 20, 2006, Mr. Ramon submitted a letter of resignation to the Prime Minister; the resignation went into effect at 8:50 p.m. on August 22, 2006.*

Minister (Liaison between the Government and the Knesset)  
Yaakov Edri

Minister of Communications  
Ariel Atias

Minister Responsible for Pensioners  
Rafi Eitan

Minister of Immigrant Absorption  
Zeev Boim

Minister of National Infrastructure  
Binyamin Ben-Eliezer

Minister of Health  
Yaakov Ben-Yizri

Minister of Finance  
Avraham Hirschson

Minister of Tourism  
Yitzhak Herzog

Minister (Responsible for the Israel  
Broadcasting Authority)  
Eitan Cabel

Minister (Responsible for Religious Councils)  
Yitzhak Cohen

Minister  
Meshulam Nahari

Minister of Environmental Protection  
Gideon Ezra

Minister of Science, Technology, Culture and  
Sport  
Ofir Pines-Paz

Minister of Construction and Housing  
Meir Sheetrit

Minister of Agriculture and Rural  
Development  
Shalom Simhon

Minister of Education  
Yuli Tamir

Source: Office of the Prime Minister of Israel

## NOTES

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1. Israel Ministry of Foreign Affairs, official website, "Special Cabinet Communique – Hizbullah attack," July 12, 2006.

## APPENDIX I

### Israel Defense Forces (IDF) General Staff Officers During the July-August 2006 War

Chief of the General Staff  
Lt. Gen. Dan Halutz

Deputy Chief of the General Staff  
Maj. Gen. Moshe Kaplinksy

Commander of the IDF Army Headquarters  
Maj. Gen. Benny Gantz

Commander of the Israel Air Force  
Maj. Gen. Elyezer Shkedy

Commander of the Israel Navy  
Maj. Gen. David Ben Ba'ashat

GOC Northern Command  
Maj. Gen. Udi Adam

Director of Military Intelligence  
Maj. Gen. Amos Yedlin

Head of Operations Directorate  
Maj. Gen. Gadi Eizenkot

Head of Plans and Policy Directorate  
Maj. Gen. Itzhak Harel

Head of Technological and Logistics  
Directorate  
Maj. Gen. Avi Mizrahi

Head of Personnel Directorate  
Maj. Gen. Elazar Stern

GOC Central Command  
Maj. Gen. Yair Naveh

GOC Southern Command  
Maj. Gen. Yoav Gallant

GOC Home Front Command  
Maj. Gen. Gershon Yitzhak

Military Secretary of the Prime Minister  
Maj. Gen. Gadi Shamni

IDF Spokesperson  
Brig. Gen. Miri Regev

Military Advocate General  
Maj. Gen. Avichai Mandelblit

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