

## **Israel/Lebanon**

**Out of all proportion - civilians bear the brunt of  
the war**

## TABLE OF CONTENTS

Preface.....	1
Chapter 1: Introduction .....	2
Chapter 2: International law as it applies to the war.....	7
International humanitarian law.....	8
International human rights law.....	13
International criminal law .....	14
Chapter 3: Israel's attacks and their rationale.....	17
Chapter 4: Civilians under fire.....	28
Trapped and terrorized .....	28
Killed in their homes .....	31
Attacked in flight.....	41
Medical vehicles and humanitarian convoys .....	43
Destruction of homes .....	45
Chapter 5: Impact on civilians .....	46
The blockade .....	47
Economic devastation .....	48
Access to health care .....	53
Access to education.....	55
Lethal legacy of cluster bombs.....	55
Chapter 6: 'Human shields' .....	59
Chapter 7: Conclusions and recommendations.....	64

## **Israel/Lebanon**

### **Out of all proportion - civilians bear the brunt of the war**

#### **Preface**

From the outbreak of the war between Hizbullah and Israel in July 2006, Amnesty International called on both sides to respect their obligations under international humanitarian law (the rules of war), particularly those relating to the protection of civilians. In July Amnesty International published *Israel/Lebanon: Israel and Hizbullah must spare civilians – Obligations under international humanitarian law of the parties to the conflict in Israel and Lebanon*, a reminder to the parties of their legal obligations.<sup>1</sup>

Amnesty International delegates visited both Israel and Lebanon during the fighting to research serious violations by both sides. As the conflict escalated, with both sides repeatedly violating international humanitarian law, Amnesty International joined the call for a ceasefire made by UN Secretary-General Kofi Annan and other world leaders, and its members continued to appeal specifically for the protection of civilians.

Following the end of the hostilities, Amnesty International delegates again visited both countries for further research and discussions with officials. As a result, the organization issued two publications covering some aspects of the conflict. In August it published *Israel/Lebanon: Deliberate destruction or “collateral damage”? Israeli attacks against civilian infrastructure*.<sup>2</sup> Amnesty International found that Israeli forces had committed indiscriminate and disproportionate attacks, pursuing a strategy which appeared intended to punish the people of Lebanon and their government for not turning against Hizbullah, as well as harming Hizbullah’s military capability.

In September, Amnesty International published *Israel/Lebanon: Under fire: Hizbullah’s attacks on northern Israel*.<sup>3</sup> This concluded that Hizbullah’s bombardment amounted to direct attacks on civilians as well as indiscriminate attacks. The attacks also violated the prohibition under international humanitarian law on attacking the civilian population as reprisal, regardless of what abuses the enemy may be carrying out.

This new report covers further aspects of the conduct and consequences of Israeli military actions in Lebanon, and looks into allegations that Hizbullah’s fighters used civilians as “human shields”. The report recalls standards of international human

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<sup>1</sup> AI Index: MDE 15/070/2006.

<sup>2</sup> AI Index: MDE 18/007/2006.

<sup>3</sup> AI Index: MDE 02/025/2006.

rights, humanitarian and criminal law relevant to the conflict. It analyses patterns of Israeli attacks and a number of specific incidents in which civilians were killed in Lebanon. It highlights the impact on civilian life of other Israeli attacks, including the legacy of the widespread cluster bomb bombardment of south Lebanon by Israeli forces in the last days of the war. The final chapter summarizes Amnesty International's conclusions with regard to the overall conduct of both Israel and Hizbullah, and makes recommendations addressed to the parties to the conflict as well as to the international community.

The report is based on field research conducted in Lebanon and Israel in July, August and September 2006, including interviews with victims; a briefing by a senior Israeli commander in September 2006 and other discussions with Israeli and Lebanese military and government officials, as well as senior Hizbullah officials; information from non-governmental groups; and official statements and media reports. In September and October Amnesty International sought from the Israeli authorities specific information on attacks by Israeli forces included in this report, but received no such information.

Amnesty International has examined the conduct of each party to the conflict, in light of the standards laid down by international law and binding on those parties, as it does in other conflicts. Each side in this conflict has committed serious violations of international law, including war crimes. These are addressed on their own merit, seeking accountability, redress and the prevention of future violations.

## **Chapter 1: Introduction**

*"I have lost all my children, my mother, my sisters. My wife is in a very serious condition... How do you tell a mother that she has lost all her children?"*

Ahmad Badran spoke these words to Amnesty International delegates in al-Ghazieh village in south Lebanon after watching the bodies of eight members of his family being dug from under a pile of rubble. On 7 August an Israeli missile hit his home, killing his four children, his mother, his two sisters and his niece, and critically injuring his wife.

The 34-day war that destroyed his family and so many others in Lebanon and Israel began on 12 July after Hizbullah's military wing (known as *al-muqawama al-islamiyya*, Islamic Resistance) crossed into Israel and attacked an Israeli patrol, killing eight Israeli soldiers and capturing two. Almost immediately, a major military confrontation ensued between Israeli forces and Hizbullah fighters.

Within the first 24 hours Israeli attacks killed at least 38 civilians in their homes, many of them children. Among the victims were 12 members of the Bze'a family, killed as the family was having breakfast in Zibqin village; nine members of

the Zein family in Baflay village; and 12 members of the Akash family in al-Dweir village.

Hizbullah rockets also killed a 40-year-old woman in her home in Nahariya in northern Israel and another civilian in the town of Safed.

The scale of the attacks and the high death toll among civilians within 24 hours prompted concern at the international level. Lieutenant General Dan Halutz, Chief of Staff of the Israel Defense Forces (IDF), vowed at a press conference in Tel Aviv on 14 July to continue the offensive. He said that Israel wanted to deliver a clear message to:

*“both greater Beirut and Lebanon that they've swallowed a cancer and have to vomit it up, because if they don't their country will pay a very high price.”*<sup>4</sup>

In the following days, Israeli air strikes intensified and the number of civilian casualties continued to rise. Many among south Lebanon's half a million people quickly realized it was too dangerous to stay in their homes and fled northwards. However, more than 120,000 people remained effectively trapped and continued to face Israel's bombardments in Tyre and in other towns and villages.<sup>5</sup> Some were too poor, sick or elderly to flee. Many knew that it had already become too hazardous to travel to safety. Israeli forces had bombed roads, bridges, airports, petrol stations and other infrastructure in the first days of the war, and the continuing bombardment made movement treacherous or impossible. Civilians were killed when vehicles crammed with people obeying Israeli orders to leave their villages in south Lebanon were hit in Israeli strikes.

By the time of the ceasefire on 14 August, 1,191 people – hundreds of them children – had been killed and more than 4,400 injured in Israeli attacks.<sup>6</sup>

The death and destruction spread far beyond the confines of southern Lebanon. Israeli strikes focused on the south, where tens of thousands of homes were destroyed or damaged, but also targeted the capital Beirut and the Beqa'a valley, including the

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<sup>4</sup> “Israel Vows to Crush Militia; Group's Leader is Defiant”, by Steven Erlanger, *New York Times*, 14 July 2006.

<sup>5</sup> In addition to some 500,000 inhabitants of south Lebanon, many Lebanese who reside abroad, including nationals of other countries, were in south Lebanon for their summer vacation when the war broke out. According to the UN Office of the Coordinator for Humanitarian Affairs (OCHA) on 26 July, some 115,000 “Third Country Nationals” from some 20 countries were in Lebanon, <http://www.reliefweb.int/rw/rwb.nsf/db900SID/SODA-6S42E2?OpenDocument>.

<sup>6</sup> <http://www.lebanonundersiege.gov.lb/english/F/Main/index.asp>. Lebanese internal security sources told Amnesty International that the identities of 129 bodies had not been established by early September 2006 and that 56 of those killed were not Lebanese nationals.

town of Ba'albek.<sup>7</sup> In the predominantly Shi'a Muslim neighbourhood of Dhahiyeh in south Beirut, where Hizbullah had its headquarters, some 250 multi-storey buildings containing at least 4,000 apartments were destroyed. In Ba'albek and the Beqa'a valley, a key agricultural area of Lebanon, dozens of people were killed, some 400 homes were destroyed and extensive damage was caused to orchards, agricultural estates, factories and infrastructure.

According to Israeli official figures, in the course of the war Israel's air force attacked some 7,000 targets throughout Lebanon and the navy carried out 2,500 bombardments on areas near the coast.<sup>8</sup> However, the Israeli authorities have not provided a total figure of their forces' strikes against Lebanon, including the sustained artillery barrage against villages in south Lebanon. According to the ground assessment by the UN Mine Action Coordination Centre (UNMACC), Israeli aerial and ground strikes during the first weeks of the war used up to 3,000 bombs, rockets and artillery rounds daily, with the number rising to 6,000 towards the end of the war.<sup>9</sup> Israeli forces also used cluster bombs and white phosphorous munitions in civilian areas. Up to one million unexploded cluster bomblets now litter south Lebanon and continue to kill and injure civilians. They also hinder the return of displaced residents and the relief and reconstruction efforts.<sup>10</sup>

The widespread bombardment led to the displacement of around a million people in Lebanon, nearly a quarter of the country's population. Some 500,000 of them ended up in Beirut. An estimated 200,000 Lebanese are believed to be still displaced.<sup>11</sup>

Hizbullah fighters fired an estimated 4,000 rockets into northern Israel, including rockets armed with ball-bearings for maximum damage to people and rockets reportedly armed with cluster weapons. These attacks led to the deaths of 43 civilians, led to the displacement of some 300,000 residents of northern Israel and caused widespread damage to buildings.<sup>12</sup>

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<sup>7</sup> See, among other sources, Israeli and Lebanese government websites, the *Report of four Special Rapporteurs on their mission to Lebanon and Israel*, 2 October 2006. Amnesty International also received information directly from Israeli and Lebanese official sources.

<sup>8</sup> *Report of four Special Rapporteurs on their mission to Lebanon and Israel*, 2 October 2006, para. 33.

<sup>9</sup> OCHA Situation Report No. 35, 31 August 2006, <http://iys.cidi.org/humanitarian/hsr/ix179.html>. The report provided no figure for the total number of strikes, including artillery and navy.

<sup>10</sup> See UNMACC at: <http://www.maccsl.org/War%202006.htm>.

<sup>11</sup> "Up to 200,000 still displaced after war, UN says", IRIN News, [http://www.irinnews.org/report.asp?ReportID=56142&SelectRegion=Middle\\_East&SelectCountry=LEBANON](http://www.irinnews.org/report.asp?ReportID=56142&SelectRegion=Middle_East&SelectCountry=LEBANON), accessed 4 November 2006.

<sup>12</sup> Israeli Foreign Affairs Ministry website, <http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Terrorism+from+Lebanon-+Hizbullah/Hizbullah+attack+in+northern+Israel+and+Israels+response+12-Jul-2006.htm>

Among combatants, the Israeli authorities have given the figure of 117 Israeli soldiers killed. Israel maintains it has the names of 500 Hizbullah fighters killed, although it has not released these names. According to Hizbullah, 74 of its fighters were killed; a smaller number of fighters belonging to other groups who fought Israel were also killed.<sup>13</sup> Four members of Lebanon's internal security forces and some 40 Lebanese soldiers were killed in Israeli strikes, even though the Lebanese security and armed forces did not participate in the fighting.

It was civilians, however, who overwhelmingly bore the brunt of the conflict – not just in terms of being killed or physically disabled for life, but also as a result of forced displacement, destruction of homes, psychological trauma and the long-term impact on the economy and environment.

Hostilities between the two sides ended on the morning of 14 August following UN Security Council resolution 1701, adopted on 11 August, which spelled out the terms of a ceasefire and enlarged the role of the UN Interim Force in Lebanon (UNIFIL). On 17 August the Lebanese army moved into south Lebanon. On 7 and 8 September Israel lifted the air and sea blockades imposed at the start of the war. On 1 October the Israeli army announced that it had completely withdrawn from Lebanon, although as of early November it still had a presence in the Lebanese part of the border village of al-Ghajar.

Hizbullah forces continue to hold the two Israeli soldiers captured on 12 July.<sup>14</sup> Although they are reported to be alive, the International Committee of the Red Cross (ICRC) has not been allowed access to them. Israeli forces captured at least 20 Lebanese nationals during the conflict. They continue to detain at least three of them who have reportedly been charged in Israel with offences including membership of Hizbullah.<sup>15</sup> They have been visited by the ICRC. In addition, the bodies of at least 13 Hizbullah fighters were taken to Israel by Israeli forces and, according to Israeli military sources cited in Israeli media, “could potentially be used in negotiations over the return of [the] two soldiers abducted”.<sup>16</sup>

During and after the conflict, both parties have sought to justify their resort to force and the way they fought the war. Hizbullah launched its “Operation True Promise” on 12 July with the declared aim of obtaining the release of Lebanese and other Arab prisoners held in Israel by exchanging them with captured Israeli soldiers – as “promised” by its Secretary General, Hasan Nasrallah. After the war Hasan

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<sup>13</sup> *Report of four Special Rapporteurs on their mission to Lebanon and Israel*, 2 October 2006, footnote 53.

<sup>14</sup> The soldiers are Ehud Goldwasser and Eldad Regev.

<sup>15</sup> The three confirmed detainees are Muhammed Srour, Maher Kourani and Hussein Suleiman (also named as Mahmoud ‘Ali Suleiman).

<sup>16</sup> “Thirteen corpses of gunmen held for possible swap”, *Jerusalem Post*, 23 July 2006.

Nasrallah stated that had he known that Israel was going to respond so harshly he would not have ordered the 12 July raid.<sup>17</sup>

However, Hizbullah still sees itself as defending Lebanon, as well as Arabs and Muslims in general, against a long-standing aggression by Israel and its allies, specifically the USA. In particular, Hizbullah maintains that its conflict with Israel did not end in 2000 when Israel withdrew from Lebanon, as it considers Israel's withdrawal incomplete. Hizbullah, and the Lebanese government, assert that the border area known as Sheba'a Farms is Lebanese even though the UN considers it to be Syrian territory occupied by Israel. They also object to the frequent overflights of Lebanon by the Israeli Air Force, and are still seeking from Israel full disclosure of the location of minefields left from the previous occupation of south Lebanon.

Israeli Prime Minister Ehud Olmert declared Hizbullah's attack of 12 July an "act of war" and promised Lebanon a "very painful and far-reaching response" when he launched "Operation Change of Direction".<sup>18</sup> Israel maintains that the attack by Hizbullah combatants was unprovoked, as Israel had withdrawn from Lebanon in 2000 and the border demarcation between it and Lebanon was recognized by the UN. Israeli officials also see Hizbullah as part of a broader anti-Israel front, which includes the Palestinian organization Hamas, as well as Syria and Iran. They view with particular concern the close alliance between Hizbullah and Iran, whose President has repeatedly made statements threatening to the Israeli state. For Israel, the military campaign against Lebanon was an act of self-defence.

The Lebanese government said it did not have advance warning of the attack by Hizbullah, did not condone it, and sought a ceasefire from the outset. Hizbullah's leader said that he ordered the 12 July operation to seize Israeli soldiers and that the Lebanese government was not party to that decision.

The relationship between the Lebanese state and Hizbullah is complex. Politically, at the time of the conflict Hizbullah was represented as a party in both parliament and the government of Prime Minister Fouad Siniora. Socially, Hizbullah provides substantial medical, educational and other services to Lebanon's people, particularly the traditionally marginalized Shi'a Muslim population. Hizbullah, whose armed wing led the fighting against Israeli troops in Lebanon until they withdrew in 2000, maintains its military capability even though UN Security Council resolution 1559, passed in September 2004, had called for the "disbanding and disarmament" of all militias in Lebanon.

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<sup>17</sup> "Nasrallah sorry for scale of war", *BBC* web news, [http://news.bbc.co.uk/1/hi/world/middle\\_east/5291420.stm?ls](http://news.bbc.co.uk/1/hi/world/middle_east/5291420.stm?ls).

<sup>18</sup> <http://www.msnbc.msn.com/id/13827858/>.

Amnesty International takes no position on the broad ideological and political issues underlying the hostilities between Hizbullah and Israel, nor on Hizbullah's status within Lebanon. The organization has not condemned Hizbullah for carrying out a military attack against Israel on 12 July, nor Israel for launching a military campaign against Hizbullah in Lebanon. However, from the beginning of the war Amnesty International has appealed to both sides to respect international humanitarian law. These rules apply to both aggressors and defenders, to organized armed groups such as Hizbullah as well as to states.

Since the end of the conflict, there has been an ongoing public debate in Israel and Lebanon on the conduct of the war. In Israel, official inquiries have been initiated into various aspects of Israel's preparations for the war and response to Hizbullah's attacks, but none is mandated to look into how the conduct of hostilities complied with Israel's obligations under the laws of war. To Amnesty International's knowledge, no official inquiry is being conducted by the Lebanese government or by Hizbullah.

The conflict shattered innumerable lives and caused devastation in Lebanon and Israel that will take years to overcome. Much of this could have been avoided had both sides respected the rules of war. Amnesty International has looked into the conduct of both sides in light of their obligations under international law with the aims of seeking to ensure accountability for the perpetrators, justice for the victims, and the prevention of further similar abuses.

War inevitably results in personal tragedies, but any life lost or harmed as a result of a violation of the rules of war demands that those responsible be held to account and that victims receive reparations.

## **Chapter 2: International law as it applies to the war**

The legal framework elaborated below sets out key rules and principles relevant to the conflict between Hizbullah and Israel. In certain instances, Amnesty International has identified clear violations of these rules and principles by one or other of the parties to the conflict. A comprehensive international inquiry, as set forth in the recommendations at the end of this report, is required to assess more fully the conduct of the parties and the extent of the violations.

Several bodies of international law apply to this conflict. International humanitarian law, also known as the laws of war, binds all parties to an armed conflict, including armed groups. International human rights law remains applicable in conflict and is binding on states. Under international criminal law, individuals incur criminal responsibility for certain violations, such as war crimes. Further, the law of state responsibility provides a framework to address the issue of reparations for victims of violations.

## **International humanitarian law**

International humanitarian law contains the rules and principles that seek to protect those who are not participating in hostilities, notably civilians but also certain combatants, including those who are wounded or captured. It sets out standards of humane conduct and limits the means and methods of conducting military operations. Its central purpose is to limit, to the extent feasible, human suffering in times of armed conflict.

The four Geneva Conventions of 1949 and their two Additional Protocols of 1977 are the principal instruments of international humanitarian law. Israel is a party to the 1949 Geneva Conventions but is not a party to Protocol I relating to the Protection of Victims of International Armed Conflicts. Lebanon is a party to the Geneva Conventions as well as Protocol I.

Hizbullah has itself accepted some of the core rules of international humanitarian law, for example when it accepted the April 1996 agreement which ended a previous outbreak of fighting with Israel. The agreement was aimed at sparing civilian lives while allowing for the hostilities to continue in south Lebanon.<sup>19</sup> Hizbullah reiterated its commitment to this agreement after the recent war.

The fundamental provisions of Protocol I, including the rules cited below, are considered part of customary international law and are therefore binding on *all* parties to a conflict.<sup>20</sup> Grave breaches of the Geneva Conventions and of Protocol I amount to war crimes. The accepted definitions of these crimes under customary international law are contained in the Rome Statute of the International Criminal Court.

## **Prohibition on direct attacks on civilians and civilian objects – the principle of distinction**

Article 48 of Protocol I sets out the “basic rule” regarding the protection of civilians – the principle of distinction. This is a cornerstone of international humanitarian law.

*“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*

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<sup>19</sup> The agreement formally involved France, Israel, Lebanon, Syria and the USA. It prohibited attacks against civilians in Israel and Lebanon, stipulating also that “civilian populated areas and industrial and electrical installations will not be used as launching grounds for attacks”. As part of the agreement, a monitoring group was set up to adjudicate on complaints by either Israel or Lebanon that the agreement had been violated. The working group ceased to operate in February 2000 and Israeli forces withdrew from Lebanon in May 2000.

[http://telaviv.usembassy.gov/publish/peace/documents/ceasefire\\_understanding.html](http://telaviv.usembassy.gov/publish/peace/documents/ceasefire_understanding.html). See also Adir Waldman, *Arbitrating Armed Conflict: Decisions of the Israel-Lebanon Monitoring Group*, Juris, 2003, p.27.

<sup>20</sup> *Customary International Humanitarian Law*, ICRC, 2005.

*civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”*

According to the Rome Statute, intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities is a war crime.<sup>21</sup> Under Article 51(3) of Protocol I, civilians remain protected “unless and for such time as they take a direct part in hostilities”.

Article 52(1) of Protocol I stipulates that:

*“Civilian objects are all objects which are not military objectives.”*

Article 52(2) defines military objectives as:

*“those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.”*

Objects that do not meet these criteria are civilian objects. In cases where it is unclear whether a target is used for military purposes, “it shall be presumed not to be so used” (Article 52(3)).<sup>22</sup> Intentionally directing attacks against civilian objects constitutes a war crime.

Military advantage may not be interpreted so broadly as to render the rule ineffective. To justify under this provision attacks aimed at harming the economic well-being of a state or demoralizing the civilian population in order to weaken the ability to fight would be to distort the legal meaning of military advantage, undermine fundamental principles of international humanitarian law, and pose a severe threat to civilians.

### **Prohibition on indiscriminate or disproportionate attacks**

Article 51(4) of Protocol I prohibits indiscriminate attacks, which are those:

*“of a nature to strike military objectives and civilians or civilian objects without distinction.”*

Disproportionate attacks, a type of indiscriminate attack, are also those that:

*“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.”(Article 51(5))*

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<sup>21</sup> Article 8(2)(b)(i).

<sup>22</sup> The authoritative ICRC Commentary on the Additional Protocols to the Geneva Conventions (para. 2024) interprets the expression “definite military advantage” by stating that “it is not legitimate to launch an attack which only offers potential or indeterminate advantages.”

Intentionally launching a disproportionate attack is a war crime.<sup>23</sup> Launching an indiscriminate attack resulting in loss of life or injury to civilians or damage to civilian objects is also a war crime.<sup>24</sup>

In addition, incidental losses and damage should never be extensive.<sup>25</sup> The extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, is a war crime.<sup>26</sup>

### **Precautions in attack**

Article 57 requires all parties to exercise constant care “to spare the civilian population, civilians and civilian objects.” Article 57(2) stipulates that those intending to attack shall:

*“(i) do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects and are not subject to special protection but are military objectives within the meaning of paragraph 2 of Article 52 and that it is not prohibited by the provisions of this Protocol to attack them;*

*“(ii) 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;*

*“(iii) 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;*

*“(b) an attack shall be cancelled or suspended if it becomes apparent that the objective is not a military one or is subject to special protection or that the attack 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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<sup>23</sup> Rome Statute of the International Criminal Court, Article 8(2)(b)(iv).

<sup>24</sup> *Customary International Humanitarian Law*, ICRC, 2005, Vol. I: rules; Rule 156, p.589. Article 8(2)(b)(i).

<sup>25</sup> The ICRC Commentary explains (para. 1980): “The idea has also been put forward that even if they are very high, civilian losses and damages may be justified if the military advantage at stake is of great importance. This idea is contrary to the fundamental rules of the Protocol... The Protocol does not provide any justification for attacks which cause extensive civilian losses and damages. Incidental losses and damages should never be extensive.”

<sup>26</sup> Rome Statute of the International Criminal Court, Article 8(2)(a)(iv).

*“(c) effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.”*

### **Precautions in defence**

Warring parties also have obligations to take all feasible precautions to protect civilians and civilian objects under their control against the effects of attacks by the adversary. Protocol I requires each party to avoid locating military objectives within or near densely populated areas (Article 58(b)).

Protocol I also expressly prohibits the use of tactics such as using “human shields” to prevent an attack on military targets. Article 51(7) states:

*“The presence or movements of the civilian population or individual civilians shall not be used to render certain points or areas immune from military operations, in particular in attempts to shield military objectives from attacks or to shield, favour or impede military operations. The Parties to the conflict shall not direct the movement of the civilian population or individual civilians in order to attempt to shield military objectives from attacks or to shield military operations.”*

Intentionally shielding a military objective using civilians is a war crime.<sup>27</sup>

However, the Protocol also makes it clear that even if one side is shielding itself behind civilians, such a violation “...shall not release the Parties to the conflict from their legal obligations with respect to the civilian population and civilians.”

Furthermore, Article 50(3) states that:

*“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.”*

As indicated by the ICRC in its authoritative commentary:

*“In wartime conditions it is inevitable that individuals belonging to the category of combatants become intermingled with the civilian population, for example, soldiers on leave visiting their families. However, provided that these are not regular units with fairly large numbers, this does not in any way change the civilian character of a population.”*

### **Prohibition on reprisal and collective punishment**

Under Articles 51(6) and 52(1), attacks against the civilian population or civilians or against civilian objects by way of reprisals are expressly prohibited by international humanitarian law and are widely held to be prohibited by customary international law.

<sup>27</sup> Rome Statute of the International Criminal Court, Article 8(2)(b)(xxiii).

The fact that one party may have violated the laws of war cannot therefore serve as a basis for an opposing party to engage in unlawful acts, whether to bring the offending party into compliance, or as a means of retaliation or retribution.

According to Article 33 of the Fourth Geneva Convention:

*“No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.”*

### **Protection of the environment**

Under Article 55 of Protocol I, care must be taken to protect the natural environment “against widespread, long-term and severe damage”. Methods or means of warfare that are intended or may be expected to cause such damage are forbidden.

Article 8(2)(b)(iv) of the Rome Statute of the ICC provides that the following is a war crime:

*“Intentionally launching an attack in the knowledge that such an 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.”*

### **Survival of the population and humanitarian access**

Attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population is prohibited (Protocol I, Article 54(2)). The parties to the conflict must allow and facilitate rapid and unimpeded passage of impartial humanitarian relief (Protocol I, Article 70). They must respect and protect medical personnel and their means of transport (Protocol I, Articles 15 and 21).

### **Weapons**

International humanitarian law prohibits the use of weapons that are by nature indiscriminate and weapons that are of a nature to cause superfluous injury or unnecessary suffering. The ICRC Commentary to the Protocols mentions “long-range missiles which cannot be aimed exactly at the objective” as an example of indiscriminate weapons.

Other weapons used in indiscriminate attacks during this conflict included cluster weapons. Cluster bombs or shells scatter scores of bomblets, or submunitions, over a wide area, typically the size of one or two football fields. These can be dropped by aircraft, or fired by artillery or rocket launchers. Depending on which type of submunition is used, between 5 and 20 per cent of cluster bomblets fail to explode.

They are then left behind as explosive remnants of war, posing a threat to civilians similar to anti-personnel landmines. The use of these bombs in areas where there is a concentration of civilians violates the prohibition of indiscriminate attack, because of the wide area covered by the numerous bomblets released and the danger posed to all those, including civilians, who come into contact with the unexploded bomblets.

White phosphorous was also used in this conflict by Israeli forces, reportedly in areas where civilians were present. White phosphorous is used in grenades and shells to mark targets, to provide smokescreens for troop movement, to “trace” the path of bullets, and as an incendiary.<sup>28</sup> Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons (a Protocol additional to the 1980 UN Convention on the Prohibition or Restrictions on the Use of Certain Conventional Weapons) prohibits the use of such weapons against civilians. This is a rule of customary international law, therefore binding on Israel and Lebanon even if they are not parties to Protocol III. According to the ICRC, it is a rule of customary international law that the use of incendiary weapons against combatants is prohibited unless it is not feasible to use a less harmful weapon to render a person *hors de combat* (out of the fight). This rule is not included in Protocol III.

### **International human rights law**

As affirmed by the International Court of Justice and the UN Human Rights Committee, human rights law remains applicable during times of international armed conflict, in a position complementary to international humanitarian law.<sup>29</sup> Both legal regimes are essential to ensure the protection of people during armed conflict.

Lebanon and Israel are both party to major human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). As the UN Human Rights Committee has made clear, the human rights obligations of states in respect of

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<sup>28</sup> For an explanation of the uses and effects of white phosphorous in weapons, see Federation of American Scientists, “White Phosphorous Fact Sheet”, available on <http://www.fas.org/biosecurity/resource/factsheets/whitephosphorus.htm>.

<sup>29</sup> “[T]he Court considers that the protection offered by human rights conventions does not cease in case of armed conflict, save through the effect of provisions for derogation of the kind to be found in Article 4 of the International Covenant on Civil and Political Rights”, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004, ICJ reports 2004. See also Human Rights Committee, General Comment 31, para. 11: “[T]he Covenant applies also in situations of armed conflict to which the rules of international humanitarian law are applicable. While, in respect of certain Covenant rights, more specific rules of international humanitarian law may be especially relevant for the purposes of the interpretation of Covenant rights, both spheres of law are complementary, not mutually exclusive.” General Comment 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant. UN Doc. CCPR/21/Rev.1/Add.13.

the ICCPR apply extraterritorially.<sup>30</sup> The ICESCR provides for no explicit limitations with respect to territorial jurisdiction.

Among the obligations relevant to the conflict that were breached are the right to life (ICCPR, Article 6); the right to adequate food and housing (ICESCR, Article 11); the enjoyment of the highest attainable standard of physical and mental health (ICESCR, Article 12), which also includes the right to water; and the right to education (ICESCR, Article 13).<sup>31</sup> Actions that were aimed towards or were likely to result in the destruction or impairment of infrastructure necessary for the enjoyment of those rights, including hospitals and schools, are violations for which the parties can be held responsible.

With respect to the right to housing, certain actions in the war – namely the widespread destruction of tens of thousands of homes – may constitute unlawful forced evictions, a breach of Article 11 of the ICESCR. The Committee on Economic, Social and Cultural Rights defines “forced evictions” as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.”<sup>32</sup> The Committee includes among such evictions those resulting from “international armed conflicts, internal strife and communal or ethnic violence.”<sup>33</sup>

The ICESCR does not allow for derogation, even in times of emergency, and allows for only those limitations “as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.” As the Committee has made clear, any limitations must be proportionate and “the least restrictive alternative must be adopted where several types of limitations are available.”<sup>34</sup>

### **International criminal law**

Grave breaches of the Geneva Conventions and Protocol I and other serious violations of international humanitarian law are war crimes. The list of war crimes in Article 8 of the Rome Statute of the International Criminal Court reflected customary international law at the time of its adoption.

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<sup>30</sup> Human Rights Committee, General Comment 31, para. 10.

<sup>31</sup> Committee on Economic, Social and Cultural Rights, General Comment 15, The right to water, UN Doc. E/C.12/2002/11 (2002).

<sup>32</sup> Committee on Economic, Social and Cultural Rights, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), UN Doc. E/1998/22, annex IV at 113 (1997), para. 4.

<sup>33</sup> Committee on Economic, Social and Cultural Rights, General Comment 7, *op cit*, para. 7.

<sup>34</sup> Committee on Economic, Social and Cultural Rights, General Comment 14: The right to the highest attainable standard of health (Article 12), para. 29. Adopted at the Twenty-second session (2000). UN Doc. E/C.12/2000/4 (2000).

Article 86 of Protocol I requires that, “Parties to the conflict shall repress grave breaches, and take measures necessary to suppress all other breaches, of the [1949 Geneva] Conventions or of this Protocol which result from a failure to act when under a duty to do so.”

Individuals, whether civilians or military, regardless of rank, can be held criminally responsible for such violations. Commanders can be held responsible for the acts of their subordinates. In the words of Article 86(2):

*“The fact that a breach of the Conventions or of this Protocol was committed by a subordinate does not absolve his superiors from penal or disciplinary responsibility, as the case may be, if they knew, or had information which should have enabled them to conclude in the circumstances at the time, that he was committing or was going to commit such a breach and if they did not take all feasible measures within their power to prevent or repress the breach.”*

Superior orders cannot be invoked as a defence for violations of international humanitarian law although they may be taken into account in mitigation of punishment. This principle has been recognized since the Nuremberg trials which followed World War II and is now part of customary international law.

There are several possible mechanisms for investigating and bringing to justice perpetrators of violations of international humanitarian law, in trials which must be fair and without the death penalty:

**(a) By the parties themselves**

Each party to the conflict must bring to justice any of their nationals suspected of being responsible for serious violations of international humanitarian law. Israel and Lebanon are under such an obligation.

**(b) By other states**

Other states should exercise their obligations to conduct criminal investigations of anyone suspected of grave breaches of international humanitarian law during the conflict. If there is sufficient admissible evidence and the suspect is within their jurisdiction, such states should prosecute or extradite the suspects to another state willing and able to try them.

In addition to being obliged to exercise universal jurisdiction for grave breaches of the Geneva Conventions and Protocol I, states are permitted to exercise universal jurisdiction for other serious violations of international humanitarian law. If there is sufficient admissible evidence and the suspect is within their jurisdiction, states should prosecute or extradite the suspects to another state willing and able to try them.

**(c) By the International Criminal Court**

Neither Israel nor Lebanon has ratified the Rome Statute of the International Criminal Court. However, Israel and Lebanon could recognize the Court's jurisdiction on their territories by making a declaration under Article 12(3) of the Rome Statute, or the situation in Israel and Lebanon could be specifically referred to the Court by the UN Security Council, in accordance with Article 13(b) of the Rome Statute.

**Reparations and state responsibility**

The principle that states are responsible before the international community for "internationally wrongful acts" has been incorporated into the 2001 International Law Commission's Articles of Responsibility of States for Internationally Wrongful Acts. These Articles codify the law on state responsibility and were commended to governments by the UN General Assembly in 2002.<sup>35</sup> Article 31 states:

*"The responsible State is under an obligation to make full reparation for the injury caused by the internationally wrongful act... Injury includes any damage, whether material or moral, caused by the internationally wrongful act of a State."*

Internationally wrongful acts include violations of a state's obligations under customary and conventional international law. For example, Article 91 of Protocol I makes clear that each party to the conflict "shall be responsible for all acts committed by persons forming part of its armed forces." Accordingly, "A Party to the conflict which violates the provisions of the Conventions or of this Protocol shall, if the case demands, be liable to pay compensation."

The right to reparation of individual victims is also well established in international human rights law as a key element of the right to a remedy contained in international and regional human rights treaties.<sup>36</sup> The Customary International Humanitarian Law<sup>37</sup> study by the ICRC concludes in Rule 150: "A state responsible for violations of international humanitarian law is required to make full reparations for the loss or injury caused." In addition, the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the UN General Assembly in 2005 (Resolution 60/147 of 16 December 2005) enshrines the duty of states to provide effective remedies, including reparation to victims. This instrument sets out the appropriate form of reparation, including, in

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<sup>35</sup> General Assembly Resolution, Responsibility of States for Internationally Wrongful Acts, UN Doc: A/Res/56/83 (28 January 2002), para. 3.

<sup>36</sup> See, for example, the ICCPR, Article 2(3), and the Arab Charter on Human Rights, Article 9.

<sup>37</sup> *Customary International Humanitarian Law*, ICRC, Volume I Rules.

principles 19-23, restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.

### **Armed groups and reparations**

Under the law of state responsibility, an armed group can only be required to provide reparations if it subsequently becomes the new government of a state, or succeeds in establishing a new state in part of the territory of a pre-existing state or in a territory under its administration.

International human rights law focuses primarily on the obligations of states and therefore does not create obligations in respect to armed groups, except the obligation of the state to exercise due diligence to prevent, punish, investigate or redress the harm caused by such actors. In this context, Lebanon would have such an obligation with regard to Hizbullah.

The ICRC notes that armed groups are themselves required to respect international humanitarian law. While the question as to whether armed groups are under an obligation to make full reparation for violations of international humanitarian law is unsettled,<sup>38</sup> practice indicates that such groups are required to provide a measure of appropriate reparation.<sup>39</sup>

### **Chapter 3: Israel's attacks and their rationale**

Israel has repeatedly maintained that it complied with international law throughout the conflict in launching its attacks on Lebanon, including by respecting the principle of distinction (distinguishing between civilian and military targets) and the requirements of proportionality (ensuring that attacks do not cause excessive civilian damage in relation to the concrete and direct military advantage anticipated). Israeli officials told Amnesty International that all targets were vetted prior to attack by international humanitarian law advisers, and that civilian deaths and the destruction in Lebanon were either legitimate collateral damage or the result of mistakes.

Ultimately, however, the Israeli authorities blame Hizbullah for starting the conflict and hold it responsible for the civilian casualties that resulted from attacks by Israeli forces. They allege that Hizbullah fighters deliberately used civilians as “human shields”, which made it particularly difficult for Israeli forces to avoid killing and injuring civilians in Lebanon. For example, in the immediate aftermath of the attack that killed at least 28 civilians in a house in Qana on 30 July (see below), Brigadier General Amir Eshel, Israel’s Air Force Chief of Staff, gave an overview of Israeli military operations:

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<sup>38</sup> *Customary International Humanitarian Law*, ICRC, Volume I, Rules, Rule 150.

<sup>39</sup> *Customary International Humanitarian Law*, ICRC, Volume I, Rules, Rule 139.

*“Operations are very complicated. We are talking about hundreds of launchers and a great number of missiles dispersed throughout Lebanon, with everything from short range to long range. We are trying to hit the elements of these capabilities wherever possible, to create an effect that ultimately results in a reduction in the number of launches and their accuracy. This is what we are concentrating on. The attack on the chain of the missile-launching activities is focused on the launchers, on the people operating them, on the logistics rear of the launchers, and on the command centers that operate these launcher forces. Here we are talking about highly organized military organizations that operate different types of weapons; in fact, I would say, almost a regular army. Additional elements that we are dealing with are disruption of their operational capacity by hitting the routes they use, and by firing into the launch zones to prevent or disrupt their smooth operation as much as possible.”<sup>40</sup>*

Amnesty International is aware that fighting a guerrilla group based among the civilian population poses specific challenges – for example, identifying and destroying weapons located in civilian houses while minimizing harm to civilians. However, the rules of international humanitarian law take such challenges into account. This means that the challenges of fighting irregular forces may never be used to justify indiscriminate or disproportionate attacks, the failure to adopt precautionary measures to protect civilians, or other serious violations.

The rules also set limits on the tactics that guerrilla groups may lawfully employ. Again, the challenges posed for armed groups when fighting more powerful, better equipped and organized state forces cannot excuse serious violations of international humanitarian law.

In a briefing with Amnesty International in September 2006, Israeli military officials stated that only two major mistakes were made by their forces during the campaign – an attack on a UN post near al-Khiam that killed four UN observers, and an attack on a building in Qana which killed 28 civilians. However, the explanations offered by the Israeli authorities in both cases, seemingly in response to concerns and interest at the international level, were inadequate, leaving key questions unanswered.

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<sup>40</sup> Israel Defense Forces (IDF) press conference following the Qana incident, 30 July 2006, <http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Terrorism+from+Lebanon-+Hizbullah/IDF+press+conference+following+the+Kafr+Qana+incident+30-Jul-2006.htm>.

**Attacks on a UN post near al-Khiam and a house in Qana**

A UN observation post near al-Khiam was destroyed on 25 July by a direct hit from the air by Israeli forces after a day of close artillery shelling. The UN said that its staff had repeatedly contacted Israeli officials over several hours, asking that Israeli forces cease shelling near the UN building. UNIFIL reported that there were 21 strikes within 300 metres of the base and 12 artillery rounds fell within 100 metres, four of which hit the base directly.<sup>41</sup>

The following day, the UN Security Council stated that it was “deeply shocked and distressed” by the attack and called on the Israeli government to conduct a comprehensive inquiry into it. Also on 26 July, the Israeli forces stated that they were operating in the area of al-Khiam “from which Hezbollah has been launching missile attacks against Israel.” They expressed regret for the incident and said that they were “launching a full investigation in close co-ordination with the UN.”<sup>42</sup> However, Israel refused to conduct a joint investigation with the UN and did not disclose what kind of inquiry it was conducting nor its outcome. Following the UN’s own Board of Inquiry investigation into the incident, the UN Secretary-General’s Office stated:

*“The Board of Inquiry notes that the Israeli authorities have accepted full responsibility for the incident and apologized to the United Nations for what they say was an ‘operational level’ mistake. 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>43</sup>

On 30 July an Israeli air attack on a three-storey house in Qana killed at least 28 civilians, most of them children, who were sheltering in it (see Chapter 4 for full details).

At first Israeli officials said that they were responding to the firing of Katyushas from the area of the village and that the collapse of the house may have

<sup>41</sup> Briefing by Assistant Secretary-General for Peacekeeping Operations Jane Holl Lute, 26 July 2006, during which she specified: “To our knowledge, unlike in the vicinity of some of our other Patrol Bases, Hezbollah firing was not taking place within the immediate vicinity of the Patrol Base.” <http://www.un.org/News/dh/infocus/jane.htm>.

<sup>42</sup> IDF website, “Regarding the UN post near al Khiam”, 26 July 2006, <http://www1.idf.il/DOVER/site/mainpage.asp?sl=EN&id=7&docid=55107&Pos=27&last=0&bScope=False>.

<sup>43</sup> UN Secretary-General, Department of Public Information, “Secretary-General receives report on attacks that killed observers at Khiam, Lebanon”, SG/SM/10666, <http://www.un.org/News/Press/docs/2006/sgsm10666.doc.htm>.

been caused by the explosion of Hizbullah's weapons stored there rather than by the Israeli attacks.<sup>44</sup>

Announcing the completion of an inquiry three days later, on 2 August, Israeli officials stated that "the building was targeted in accordance with the military's guidelines regarding the use of fire against suspicious structures inside villages whose residents have been warned to evacuate, and which were adjacent to areas from where rockets are fired towards Israel." They said that their information was that "the building was being used as a hiding place for terrorists" and that there were no civilians in it. The statement also announced that the IDF's Chief of Staff had "instructed that guidelines for opening fire against suspicious targets be evaluated and updated immediately."<sup>45</sup>

In both cases the Israeli authorities have not provided information on the methods and full findings of the inquiries they conducted, including the nature of the mistakes they consider were made or whether they have identified any responsibility for the mistakes. Also, the Israeli authorities have not indicated whether the review of the guidelines for opening fire announced on 2 August took place and, if so, what was the outcome.

In relation to other incidents, the Israeli authorities regularly expressed regret for civilian casualties resulting from attacks by Israeli forces and provided statements of general policy. However, in virtually all other cases, they have given no specific information relating to each incident, such as the intended target, considerations of proportionality and any precautionary measures taken. These are all essential elements for assessing the lawfulness of an attack, particularly where the evidence on the ground – as far as Amnesty International has been able to determine in the cases included in this report – does not point to any military activity by Hizbullah in the areas attacked at the time of the attack.

Particularly disturbing are Israeli officials' denials of knowing that civilians were present at locations under attack, given that the Israeli forces employed sophisticated surveillance systems, particularly pilotless drones which they used extensively over Lebanon during the conflict.

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<sup>44</sup> Brigadier General Amir Eshel, Air Force Chief of Staff, quoted in the Israeli news website *YNet*, 30 July 2006, <http://www.ynetnews.com/articles/0,7340,L-3283816,00.html>.

<sup>45</sup> "Completion of inquiry into July 30th incident in Qana", 2 August 2006, Israel Foreign Affairs Ministry website, <http://www.mfa.gov.il/MFA/Government/Communiques/2006/Completion+of+inquiry+into+July+30+incident+in+Qana+2-Aug-2006.htm>.

In the village of 'Ainata, the Wehbe family home was hit twice on 19 July, killing 85-year-old Mousa Wehbe and his elderly neighbour Hussein Samhat. Soon after, another house was hit, killing Mousa Darwish, his 17-year-old daughter Amal and his two nieces, Zainab, 17, and Salwa, 20; and the family's Ethiopian domestic worker, Alawiya Muzammal Awali. Mousa Darwish's son and daughter were seriously injured in the attack; 18-year-old Himyam was in a coma for 10 days and suffered memory loss, and her younger brother Mahmoud lost the use of his legs.

The house was outside the immediate centre of the village in a group of single-storey houses separated by orchards. Mousa Darwish's half brother, Samih, who lives next door to the destroyed house, told Amnesty International:

*"There was nothing here, we have no Resistance here. Only we from the family live here and the road ends here so there are not even passers-by. So we know what goes on and there was nothing happening here, no reason to bomb us."*

General explanations of policy and interpretation of international law which the Israeli authorities have published or discussed with Amnesty International also raise serious concerns.

For example, at the briefing by Israeli military officials in September 2006, Amnesty International was told that if Israeli soldiers saw a man fire a rocket and then enter a house, the soldiers would be allowed to attack the house without asking further questions. Amnesty International believes such a response would be disproportionate. The mere fact that a combatant enters a house does not automatically make lawful an attack on the house: attacking it in order to kill one combatant without trying to establish whether civilians are in the house violates the prohibition on disproportionate attacks.

Also of serious concern are several public statements from Israeli political and military leaders indicating that Israeli forces considered the civilians who did not flee south Lebanon as legitimate targets. On 27 July Israel's Justice Minister Haim Ramon said: "All those now in south Lebanon are terrorists who are related in some way to Hizbullah".<sup>46</sup> He also said: "A village like Bint Jbeil, whose residents were alerted to evacuate and had left the place, and in which only Hizbullah gunmen remained, should be pounded from the air and with artillery before ground troops enter."<sup>47</sup> The same day IDF Chief of Staff Dan Halutz said in a press conference: "Bint Jbeil was bombed from the air and by artillery to the extent that we calculated to be sufficient.

<sup>46</sup> [http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060725/Israel\\_lebanon\\_fighting\\_060727/20060727?hub=CTVNewsAt11](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060725/Israel_lebanon_fighting_060727/20060727?hub=CTVNewsAt11), and: <http://www.jpost.com/servlet/Satellite?cid=1153292014162&pagename=JPost%2FJPostArticle%2FShowFull>.

<sup>47</sup> Israeli daily *Yedioth* at: <http://www.ynetnews.com/articles/0,7340,L-3282314,00.html>.

This is not a humanitarian issue, as Bint Jbeil was empty of citizens and surrounded by terrorists both inside and out.”<sup>48</sup>

However, the village of Bint Jbeil was not “empty of citizens”. On 31 July and 1 August, when journalists and the ICRC were able to visit Bint Jbeil during a two-day suspension of air strikes by Israeli forces, the media showed bodies as well as survivors being pulled from the rubble of their houses. Three journalists told Amnesty International that they had come across a distressed woman digging with her bare hands and pleading with them to help her find her sister under the rubble. They helped her and eventually found two elderly women, one of them disabled and bedridden, and their elderly brother still alive. The three, all in their seventies, had been trapped under the rubble of their home in the centre of Bint Jbeil for over a week.

Similar concerns are raised by the content of leaflets that Israeli forces repeatedly dropped on south Lebanon, warning of forthcoming attacks and ordering the population to evacuate. Particularly disturbing is a leaflet of 7 August which announced that “any vehicle of any kind travelling south of the Litani river will be bombarded, on suspicion of transporting rockets, military equipment and terrorists”. This flagrantly breaches the principle of distinction and the presumption of civilian status: an attack carried out in implementation of this threat would have been an indiscriminate attack and may also have been a direct attack on civilians.

Other leaflets and patterns of attack suggest that Israeli forces were targeting certain types of vehicles such as trucks, vans and motorcycles on the presumption that they were being used by Hizbullah fighters. A leaflet of 25 July stated that “pick-up trucks” or “trucks” may be bombed on these grounds. Amnesty International has documented (see Chapter 4) two fatal air strikes on a baker’s van and on a man on a motorcycle, both of which took place on 6 August close to a UN humanitarian convoy travelling north of Tyre.

When asked by Amnesty International in September 2006 about these kind of attacks, Israeli officials said that in most cases there was intelligence that the targeted vehicles were “on a Hizbullah mission”. However, they also indicated that they considered trucks still on the road after the population had been warned, and in the main had left, to be a legitimate target, particularly on locations such as the main road linking Lebanon to Syria. Amnesty International believes that any attack which does not fully take into consideration the specific circumstances of each case violates the presumption of civilian status and would amount to an indiscriminate attack and possibly a direct attack on civilians.

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<sup>48</sup> <http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Terrorism+from+Lebanon-+Hizbullah/Chief+of+Staff+Halutz-+No+intention+of+hurting+Syria+or+citizens+of+Lebanon+27-Jul-2006.htm>.

At any rate, escaping was no guarantee of safety. Israeli forces attacked civilians who had left their villages and were travelling north in response to instructions from the Israeli military authorities, delivered through air-dropped leaflets and other means. Israel has provided no adequate explanation for specific instances of the killing of unarmed civilians in such circumstances.

#### **Attacked while fleeing**

*“The army told us to leave the village but those who did leave were bombarded and killed. Why? A car full of children!”*

This was how a member of the ‘Abdallah family who survived an Israeli attack on a convoy of families fleeing the village of Marwahin described his despair and bewilderment. The attack, on 15 July, left 23 civilians dead, most of them children. The residents of Marwahin had only evacuated their village after they were ordered to do so by Israeli soldiers using loudspeakers. The survivor said:

*“Israeli soldiers from near the border fence accused us of helping the Resistance and said we must leave, but we don’t have anything to do with the Resistance. There was only one Hizbullah fighter from the village and we made it clear to him that we oppose any attacks from near the village or any weapons in the village.”*

As the convoy reached the area between Shama’a and Bayada, it came under sustained assault apparently from an Israeli navy warship and helicopter missiles. The death toll from just this one incident makes grim reading:

Zahra Fares ‘Abdallah, aged 45, mother of 10, her son Hedi, 6, and her daughter Mirna, 12; Sana’ Muhammad ‘Abdallah, 30, and five of her children – ‘Ali, 15, Muhammad, 13, Hussein, 12, Hassan, 10, and Lama, 2; Muhammad Mousa Ghannam, 47, his 35-year-old wife Suha, and their six children – Qasem, 16, Mustapha, 15, Hussein, 11, Fatima, 14, Zainab, 10, and Do’a, 7; Mariam Brahim ‘Abdallah, 27; and ‘Ali Kamil ‘Abdallah, 55, his 17-year-old son Muhammad and his elderly mother Subha Hassan ‘Abdallah; and two elderly sisters, Latifa and Fawzia Abu Hadla.

Many others were seriously injured, including an elderly man, Mousa Touhan Seif, who lost both his legs.

Another area of serious concern is Israel’s interpretation of the concept of “military advantage” in considering proportionality. Israel maintains that the military

advantage "is not of that specific attack but of the military operation as a whole".<sup>49</sup> Israeli officials indicated to Amnesty International that the simple fact that certain objects, such as electricity and fuel installations, could offer a military advantage would in their view make them a legitimate target.

This interpretation is too wide. A legitimate military advantage cannot be one that is merely a potential or indeterminate advantage, otherwise this interpretation could be used effectively to justify any attack since just about all civilian objects can potentially have a military use, even food and water. Instead, a balance must always be struck between military advantage and anticipated harm to civilians, and military forces must refrain from an attack if the latter outweighs the former.

The pattern and scope of Israeli attacks on the infrastructure in Lebanon, coupled with statements by Israeli officials, reflected this overbroad interpretation of the concept of military advantage. These attacks seem to have been aimed at inflicting a form of collective punishment on Lebanon's people in order to induce the Lebanese government to turn against Hizbullah, as well as harming Hizbullah's military capability.<sup>50</sup> In this context, Israeli forces appear to have carried out direct attacks on civilian objects, such as the destruction of factories and of the small port of al-Ouza'i and its fishing boats (see Chapter 5).

The possible punitive nature of the attacks on the infrastructure was highlighted by official Israeli statements. Early in the conflict, after the capture by Hizbullah of the two Israeli soldiers, the IDF's Chief of Staff threatened: "If the soldiers are not returned, we will turn Lebanon's clock back 20 years."<sup>51</sup> According to the *Jerusalem Post* newspaper, a high-ranking IDF officer threatened that Israel would destroy Lebanese power plants if Hizbullah fighters fired long-range missiles at strategic installations in northern Israel.<sup>52</sup> On 24 July, at a briefing by a high-ranking Israeli Air Force officer, reporters were told that the Chief of Staff had ordered the military to destroy 10 buildings in Beirut for every Katyusha rocket strike on Haifa.<sup>53</sup> According to the *New York Times*, the Chief of Staff said the air strikes were aimed at keeping pressure on Lebanese officials, and delivering a message to the Lebanese government that it must take responsibility for Hizbullah's actions.<sup>54</sup>

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<sup>49</sup> Israel Ministry of Foreign Affairs, Responding to Hizbullah attacks from Lebanon: Issues of proportionality, 25 July 2006, <http://www.mfa.gov.il/MFA/Government/Law/Legal+Issues+and+Rulings/Responding+to+Hizbullah+attacks+from+Lebanon-Issues+of+proportionality+July+2006.htm>.

<sup>50</sup> See *Deliberate destruction or "collateral damage"? Israeli attacks against civilian infrastructure*, op. cit.

<sup>51</sup> <http://www.cnn.com/2006/WORLD/meast/07/12/mideast/>.

<sup>52</sup> *Jerusalem Post*, "IAF continues attack on Lebanon", 17 July 2006.

<sup>53</sup> *Jerusalem Post*, "High-ranking officer: Halutz ordered retaliation policy", 24 July 2006.

<sup>54</sup> *New York Times*, "Israel Vowing to Rout Hezbollah", 15 July 2006.

In any case, it appears that much of Israel's destruction of Lebanon's infrastructure mainly hindered civilians in flight and humanitarian convoys, rather than preventing Hizbullah fighters from moving fighters or equipment.

### **Jiyye – an environmental catastrophe**

The Israeli bombing of the Jiyye power station on 13 and 15 July had a devastating impact on the environment, as well as on the economy and the livelihoods of many.

Between 10,000 and 15,000 tons of fuel oil spilled into the sea. A further 55,000 tons burned, sending thick smoke and depositing droplets of oil across a large area.

The spill coated some 120km of the Mediterranean coast with oil to varying degrees, and large areas of the seabed were polluted. Damage was caused to the coastal and marine eco-systems, including to birds and fish.<sup>55</sup>

The power station's Director, 'Abd al-Razaq al-Eitani, told Amnesty International that the first tank, containing 10,000 tons of fuel, was hit in an air strike on 13 July. Two days later the 15,000-ton fuel tank was hit and caused a 25,000-ton fuel tank to catch fire. He said one person was slightly injured in the attacks, and that several people, including himself, had suffered from smoke inhalation.

The Lebanese government estimated it would take 10 years for the area to recover completely; the UN estimated the cost for the initial clean-up at US\$64 million.

As the power station and its fuel tanks are located right beside the sea, it was highly likely that targeting them would have a devastating immediate and long-lasting effect on the marine environment. Such risks clearly exceeded any anticipated military advantage. Amnesty International believes that the attacks on Jiyye power station were disproportionate. They also violated the prohibition on methods or means of warfare that may be expected to cause widespread, long-term and severe damage to the environment.

Among the Israeli attacks which appear to have been grossly disproportionate are those on the Dhahiyeh neighbourhood in south Beirut, where Hizbullah had its headquarters.

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<sup>55</sup> A report sponsored by the World Conservation Union's Commission on Environmental, Economic and Social Policy and Green Line (Beirut), written by Professor Richard Steiner, *Lebanon Oil Spill Rapid Assessment/Response Mission*, 11 September 2006.

Dhahiyeh was extensively and heavily bombarded from the sea and air, including long after most of the residents had fled. The bombardment caused massive damage – around 250 multi-storey buildings containing at least 4,000 apartments are reported to have been destroyed.<sup>56</sup> Between 30,000 and 60,000 people are estimated to have lost their homes.<sup>57</sup> While military command centres located in Hizbullah's headquarters would have been a legitimate target, the extent of the damage suggests that Israeli strikes were aimed at any building that may have housed any activity associated with Hizbullah, including non-military activities. As such they would have been direct attacks on civilian objects, and may also have been carried out as a form of collective punishment of Dhahiyeh's residents.

Throughout the war Israeli forces pounded south Lebanon, from the air, ground and sea, firing thousands of shells virtually every day. This bombardment killed civilians and destroyed or rendered unusable thousands of homes and other buildings. It may have been part of the tactic described by the IDF as "firing into the launch zones to prevent or disrupt their [Hizbullah's] smooth operation as much as possible".<sup>58</sup>

However, the artillery bombardment of south Lebanon was indiscriminate. "In the recent war in Lebanon we fired like madmen, without adhering to any safety ranges," an artillery officer is reported to have said.<sup>59</sup> One Israeli soldier told Amnesty International that his artillery unit was given target co-ordinates in early August commensurate with "flooding" – dense shelling – of a number of Lebanese villages, one of which he believed was Tayyabah (see Chapter 4).

In the overwhelming majority of destroyed or damaged buildings it examined, Amnesty International found no evidence to indicate that the buildings were being used by Hizbullah fighters as hide-outs or to store weapons. In most cases, the pattern of destruction suggested that the properties had been targeted to put them out of use rather than to kill individual fighters or destroy weapons stored there. The pattern of damage caused to buildings by this artillery barrage would not usually have impeded the retrieval by Hizbullah of weapons if they had been kept there. In the many buildings surveyed, Amnesty International delegates did not observe conflagrations

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<sup>56</sup> The Government of Lebanon, *Setting the stage for long term reconstruction: The national early recovery process, Stockholm Conference for Lebanon's Early Recovery*, 31 August 2006, p.10; and Amnesty International interview with Hizbullah's Jihad al-Bina. The UN Development Programme (UNDP) estimates that a total of 35,000 Lebanese homes and businesses were destroyed.

<sup>57</sup> *Report of four Special Rapporteurs on their mission to Lebanon and Israel*, 2 October 2006, footnote 68, which refers to the assessment made on the ground by Hizbullah's Jihad al-Bina.

<sup>58</sup> IDF press conference following the Qana incident, 30 July 2006, op. cit.

<sup>59</sup> The officer was commenting on an artillery barrage that killed 19 civilians in Beit Hanun, the Gaza Strip, on 8 November 2006. *Haaretz*, 9 November 2006.

that would have resulted if a munitions dump had been struck, even when fires had resulted from the use of incendiary projectiles or other factors.

In the last three days of the conflict, after the ceasefire had been agreed, Israeli air and artillery strikes intensified and included widespread use of cluster weapons across residential areas. Some four million bomblets, of which around a quarter did not explode, were scattered over south Lebanon, landing in villages, homes, fields, roads and orchards, as illustrated in Chapter 5.

Marwa and Sikne Me'ri, both aged 12, and 10-year-old Hassan Tehini, were injured when a cluster bomblet exploded near their home in the village of 'Ait al-Sha'b on 17 August 2006. Marwa told Amnesty International that she, Sikne and Hassan were playing on the rubble of a relative's home, which had been destroyed by Israeli forces, when she noticed a small object:

*"I picked up the bomb but I didn't know it was a bomb. Hassan said to throw it away and when I threw it, it exploded."*

All three children were injured. Hassan sustained serious stomach injuries. Marwa and Sikne had shrapnel injuries all over their bodies. The doctor who first saw Hassan said:

*"The boy's injuries were horrendous; his guts were hanging out and we were very worried that we may lose him. Luckily he survived."*

Marwa's mother told Amnesty International:

*"The day after the war started I took the children and we fled because the Israeli army was bombing the village. We spent a month away from home and only returned on 15 August, the day after the end of the war, but we found that our home had been destroyed and now we are staying with relatives. I thought that at least we would be safe now that the war is over but there are unexploded bombs everywhere. Now we don't even have a home and school will start later this year because the schools and everything has been destroyed in the village, so the children are out playing more and I am terrified every time the children are out of my sight."*

Cluster bombs constitute a grave threat to the civilian population. The bomblets they scatter are small and of different shapes – some like a tennis ball and others like a torch battery. This makes them attractive to children and much more difficult to detect than other unexploded ordnance.

The huge number of unexploded bomblets continue to kill and maim indiscriminately and can be expected to do so for years to come. Israel defended its use of cluster bombs, saying such weapons are legal under international law and that it

had made “strenuous efforts” to avoid civilian casualties. However, cluster weapons are subject to the rules of international humanitarian law in the same way as any other weapons, and in this respect their massive use over populated areas clearly amounted to an indiscriminate attack.

Amnesty International also noted a pattern of destruction by Israeli attacks that indicated that Israeli forces had targeted objects that are indispensable to the survival of the civilian population, including supermarkets and other food distribution points, petrol stations and water pumping stations. The effect of this pattern of destruction was compounded by the naval and air blockade Israel imposed from the beginning of the conflict until nearly four weeks after the ceasefire. Israel maintained that the blockade was necessary to cut off weapons and supplies to Hizbullah and, after the ceasefire, it delayed lifting the blockade on the basis that international peacekeeping forces should first be deployed to prevent the rearmament of Hizbullah from sea and air.

Although blockades are not prohibited by international humanitarian law, they must not prevent food and other essential supplies from reaching civilians. The Israeli blockades did prevent or hinder vital supplies and humanitarian assistance reaching people in need, and may have been imposed as a form of collective punishment as well as a means of hampering Hizbullah’s military operations.

It is vitally important that information pointing to violations of international humanitarian law – such as the evidence presented in this report – be properly investigated. Such an investigation is needed if those responsible for the violations, including war crimes, are to be brought to justice; full reparations provided to the victims; and new policies and other necessary measures implemented to prevent a repeat of such violations.

## **Chapter 4: Civilians under fire**

### **Trapped and terrorized**

*“It was dangerous to travel on the roads, but it was also dangerous to stay in our homes.”* A surviving member of the ‘Awada family, nine of whom were killed in their home by an Israeli missile on 17 July.

The intensity of the Israeli bombardment from the outset of the war meant that within a few days, most of south Lebanon’s half a million residents and tens of thousands of visitors had fled northwards. However, many were trapped for days and weeks, and up to 120,000 people remained in villages and towns in south Lebanon throughout the conflict, facing Israel’s bombardments.<sup>60</sup>

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<sup>60</sup> <http://www.reliefweb.int/rw/rwb.nsf/db900SID/SODA-6S42E2?OpenDocument>.

Some could not flee because of their age or infirmities. Some wanted to leave but feared it was too dangerous to travel or had no means to do so. Some did not want to abandon their homes.

People had started to leave their villages from the first days of the war. However, the Israeli attack on vehicles fleeing the village of Marwahin on 15 July (see Chapter 3), as well as the widespread attacks on roads and other infrastructure, appeared to deter many from leaving. On 30 July, Israel announced a 48-hour suspension of air strikes to start the following day. Many inhabitants of the southern villages who had not yet left took the opportunity to flee. By the end of the 48-hour period on 1 August, many villages in south Lebanon had been largely abandoned.

In the second week of the conflict Israeli forces dropped leaflets over south Lebanon instructing residents to leave. In general, the leaflets did not mention specific villages but rather ordered people to evacuate the entire area south of the Litani river.

By this point, however, it had become extremely difficult for residents to leave. Many roads were impassable and the targeting by Israeli forces of moving vehicles made travelling on roads that were still open increasingly dangerous.

There was also a fuel shortage caused by the blockade and the targeting by Israeli forces of fuel depots and petrol stations. Most of the petrol stations that had not run out of petrol or been destroyed were closed by their owners out of fear that they would be targeted. This meant that even those who had cars often could not find petrol.

For those without cars, the price of even short journeys increased dramatically because of the fuel shortage and dangers involved, putting the cost of flight beyond most people's means. Even those who could afford the journey often had no way of communicating with the cities to arrange for transport because by this time telephone and electricity networks had been put out of use by Israeli bombardments and people could not use landlines or charge their mobile telephones as they had no power.

The leaflets dropped by Israeli forces initially ordered everyone to leave the entire area south of the Litani river, home to some 500,000 people. Subsequent leaflets said that any vehicle of any kind in the area would be attacked. Civilians were thus put in an impossible situation, risking their lives whether they stayed or they left. Even leaving in convoys co-ordinated with the Israeli forces was no guarantee of safety, as shown by the attack on those who had fled Marjayoun on 11 August (see below).

***To residents of villages living south of the Litani River***

*Because of the terrorist operations which are executed against the state of Israel from your villages and homes the Israel Defense Forces are obliged to retaliate immediately against these acts even inside your villages.*

*For your safety!!!*

***You are asked to evacuate your villages immediately in the direction north of the Litani***<sup>61</sup>

***To the people of Lebanon***

*Pay attention to these instructions!!*

*The IDF [Israel Defense Forces] 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 travelling south of the Litani River will be suspected of transporting rockets and weapons and may be bombed.***

*You must know that anyone travelling in a pickup truck or truck is endangering his life.*

*The State of Israel*<sup>62</sup>

***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 travelling 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>63</sup>

<sup>61</sup> Leaflet dropped on 21 July – Amnesty International translation from Arabic.

<sup>62</sup> Leaflet of 25 July, Israel Ministry of Foreign Affairs – <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>.

<sup>63</sup> Leaflet of 7 August – also accompanied by radio broadcasts issuing the same warning. Ibid

Such leaflets did not reach all villages and there were areas where leaflets were only dropped after the places had already been bombed.<sup>64</sup> In the villages visited by Amnesty International many people said that they had not seen any. The leaflets were widely mentioned on Lebanese and international radio and television stations, but in many villages residents quickly lost access to the media and communication with the outside world because Israeli attacks destroyed electricity, broadcast and communication networks.

Others who had seen or heard about leaflets announcing that Israeli forces would bomb the areas from which rockets were being launched concluded that it was safer to remain at home if they knew that rockets were not being launched from nearby. They also thought that if they travelled they could inadvertently enter areas from which rockets were being launched or where there were confrontations on the ground between Israeli forces and Hizbullah fighters.

In some villages, such as 'Ainata, 'Aitaroun and Bint Jbeil, around which Israeli forces had been present since early in the conflict, residents had quickly become trapped by the fighting raging around their villages. In other villages, people were aware that Israeli troops had entered south Lebanon to fight Hizbullah on the ground, but did not know precisely the location of these forces, so were afraid to move.

### **Killed in their homes**

*"None of us had anything to do with the war. I don't understand why they bombed our house."* Fatima al-Akhras, who lost 12 members of her family when their house in 'Aitaroun village was hit in an Israeli attack on 16 July.

From the first day of the conflict, 12 July, there were reports of Israeli army artillery strikes on villages across south Lebanon. On the second day, air strikes hit houses in many villages, killing dozens of civilians.

In the cases highlighted in this chapter, Amnesty International found no evidence of Hizbullah military activity in or near the sites that were hit. Amnesty International has requested information from the Israeli authorities regarding most of these cases, particularly the reasons for the attacks in which civilians were killed and injured, and their justification under the laws of war. The Israeli authorities told Amnesty International that targets were assessed and approved after legal advice but did not provide further details. To date, they have not provided the additional information requested by Amnesty International which could indicate whether these attacks comply with international humanitarian law. Based on the available evidence, and in the absence of the specific information requested, Amnesty International

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<sup>64</sup> Israeli leaflets calling on people to evacuate the al-Shiyah, Hay Selloum and Bourj al-Barajneh areas of Beirut were only dropped days after the al-Shiyah area had been bombed.

considers that the civilian deaths and injuries were likely to have been the result of violations of international humanitarian law by Israeli forces.

### **Zibqin – 13 July**

Twelve members of the Bze'a family were killed and two others were seriously injured by an Israeli air strike on the home of 78-year-old Fatima Ahmad Bze'a in the centre of Zibqin on 13 July as they were having breakfast. Several members of the family who lived in houses elsewhere in the village were staying with the grandmother to keep her company or because they feared that their homes on the outskirts of the village, which had been shelled the previous day, would be more dangerous.

Those killed were: Fatima Ahmad Bze'a; her 60-year-old sister Thania; her 44-year-old daughter Amal and her three daughters, Khoulood, 18, Farah, 14, and 'Aziza, 12; her 45-year-old daughter-in-law Mariam al-Husseini Bze'a and her three sons, 17-year-old twins Malik and Mohammed, and 12-year-old Hussein; her daughter-in-law Sou'ad Nassour Bze'a, 40; and her 18-year-old grandson Na'im Wa'el Bze'a.

Fatima's two sons, 'Ali and Darwish Bze'a, told Amnesty International in Lebanon:

*"We were sitting on the veranda drinking coffee... It had been quiet for a few hours; we had heard some shelling around the village at about 5am but not after that. There had also been shelling the previous evening, at around 7pm, also around the village, not in the village itself. We had gone to our mother's house to be with her. The house was an old and sturdy house; a second floor had been added on to the old one-floor house... We don't know if the bomb came in from the roof or from the side. It felt like two explosions; we were thrown off, away from the house."*

Both 'Ali and Darwish were seriously injured. 'Ali, who lost his wife Mariam and his three children (Malik, Mohammed and Hussein) in the attack, suffered a head injury and his nose and right ankle were broken. Darwish, who lost his wife Sou'ad, suffered a head injury, severe burns, shrapnel injuries all over the right side of his body, and severed tendons in his left foot. He spent 27 days in hospital, four of them in intensive care.

Zahra Bandar, a neighbour of the Bze'a family, told Amnesty International:

*"I went over to my neighbour Fatima's house at around 8am to borrow some flour to make bread... They invited me to stay and have breakfast with them but I just stayed a few minutes and came back home to make breakfast. I had only been home a short while when their house was bombed. It was terrible, indescribable; some of the bodies were thrown outside the house, far away. The bodies of the five I left in the bedroom were found in the same place."*

*The body of Fatima was in pieces, the bodies of Farah and Na'im were thrown into the fields, and 'Ali was also thrown far; I could not believe that anyone survived. Mariam's body could not be found for days."*

Zahra Bandar explained the ordeal that she and her relatives endured in the weeks following the attack:

*"After Fatima's house was bombed things became very difficult in the village. People who lived in the outskirts of the village were scared. Many relatives came to my house, because it is less exposed. We were about 20. On Friday, in the early evening there was a lot of shelling and more relatives and others from the village came, we were 60 or 70 altogether, mostly women and children and old people. Doors were blown off by the blasts, it was very scary and we did not have enough food for everyone but it was too dangerous to go out to look for food. On Saturday we all moved to the garage of another house nearby which seemed to be in a more sheltered place but there was not even water.*

*"Some UNIFIL armoured vehicles also passed and we tried to stop them to ask them to evacuate us but they could not. Some of us moved again to another house; every time we moved to a place which seemed to be safer but then the bombardments came nearby. We again saw a UNIFIL patrol, this time with a vehicle of the Lebanese army, but again they could not evacuate us. We kept moving from house to house. Once after we left the house we were in and crossed the road to go to an empty house of a lady who had died some time before, a shell fell on the road just after we had crossed, in exactly the same place we crossed two minutes before. We felt that we were being targeted."*

### **Baflay, al-Dweir and Srifa – 13 July**

Also on 13 July pre-dawn Israeli aerial attacks killed at least 25 civilians, many of them children, in three other villages – Baflay, al-Dweir and Srifa.

- Nine members of the Zein family were killed in their home in Baflay – Mounir Zein, a farmer, his wife Najla and their five children; and their daughter's husband and his father.
- Twelve members of the Akash family were killed in their home in al-Dweir, some 15km north of Tyre: 'Adil Akash, a religious cleric, his wife Rabab and their 10 children, aged between two months and 18 years. The family's maid, a Sri Lankan national, was also killed. 'Adil Akash was reportedly linked to Hizbullah's political wing, but there is no indication that either he or anyone else in the house had been involved in military activities.
- An air strike at about 4am on a two-storey house in Srifa killed four members of the Mer'i family – 'Aqil Mer'i, his wife Ahlam, their nine-year-old son Hedi and their

six-year-old daughter Fatima. Hedi and Fatima were heard crying until 8am. All were Brazilian nationals who had gone to Lebanon on vacation to visit relatives. They were staying with their cousins, who were asleep in another part of the house and survived the attack unharmed. The victims' cousin told Amnesty International:

*“Our cousins were on vacation; they had been in Lebanon less than a month. They came all the way from Brazil to be killed in their sleep. The bomb or the missile, I don't know, I think it was a missile, hit the side of the house where they were sleeping, on the second floor, and killed them. The other cousins who were sleeping in the other side of the house almost died of shock... It was impossible to take the bodies out from under the rubble until much later in the day because there continued to be bombing.”*

The high civilian death toll in Lebanon within the first 24 hours of the conflict prompted concern at the international level. Speaking at the UN Security Council, Israel's ambassador stated on 14 July that Israel targeted “Hizbullah strongholds and infrastructure, not civilian targets”,<sup>65</sup> and Israeli officials indicated that the bombing campaign would continue as it had started.

In the following days, Israeli air strikes and civilian casualties continued to grow.

#### **‘Aitaroun and Tyre – 16 and 17 July**

More than 30 civilians – again many of them children – were killed and several others were injured in three aerial attacks on 16 and 17 July on ‘Aitaroun village and on Tyre, the largest town in the south.

Twelve members of the al-Akhras family were killed by an Israeli air strike on the family's two-storey house in the centre of ‘Aitaroun on 16 July. Those killed included several children and elderly people. The victims were: Ali Ahmad al-Akhras; his wife Amira Raslan and their four young children, Saja, 7, Zeinab, 5, Ahmad, 3, and Salam, 1 – all six of them Canadian nationals; Ali al-Akhras' aunts Fadda and Haniya, both in their sixties; his grandfather Hassan Mahmoud, 82, and his uncles Muhammad Mahmoud, 86, and Ali Hassan, 65; and Amira Raslan's sister, 16-year-old Manal Raslan. Ali al-Akhras' father, 65-year-old Ahmad Hassan, also a Canadian national, and his sister Fatima Hassan, were injured.

Fatima and Sikne al-Akhras, daughters of Muhammad Mahmoud al-Akhras, were in a different part of the house and survived unharmed. Fatima told Amnesty International:

*“I was in the house with the family, it was 17:45 on Sunday [16 July]; there had been one strike the previous day in an empty area of the village and*

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<sup>65</sup> UN Security Council, 14 July 2006, <http://www.un.org/News/Press/docs/2006/sc8776.doc.htm>.

*that day there had not been any strikes in the village. And then suddenly our house was bombed and everybody was killed. My father, who was 86 years old, was killed in front of me. My cousin Ali Ahmad had never even lived in Lebanon. He and his wife and children lived in Canada and came to visit for the summer holiday and they were caught up in the war. None of us had anything to do with the war. I don't understand why they bombed our house.*

*"When the bomb hit the house Sikne and I were across the courtyard and everyone else was in the kitchen except for Amira and two of the children, Saja and Salam, who were outside near the well. Their bodies remained in the well for 35 days because a bulldozer was needed to dig for the bodies and it was impossible for a bulldozer to come; it was dangerous, any such vehicle would be bombed. Eventually we were able to take their bodies out after we came back, after the ceasefire.*

*"We stayed in the village in terror for two days after the massacre of our family and then we fled to Rmeish [a nearby village] and stayed there for 12 days; there were tens of thousands of refugees from many villages and there was hardly any food and it was very overcrowded. Eventually we were able to leave in a convoy of hundreds of cars and went to Sidon."*

The following day, another house full of civilians was hit by Israel's air force in the same village, killing nine members of the 'Awada family, including six children under 12 years old, and injuring three other children and their mother. Those killed were: Musa Naif 'Awada; his wife Jamila and their five children, 'Ali, 12, 'Abir, 11, Hassan, 7, Mariam, 6, and Muhammad, 5; and Hassan Mahmoud 'Awada and his 18-month-old son Hussein. Hassan Mahmoud 'Awada's wife, Mayada Mansour, and three of their children (Katia, 13, Jana, 8, and 'Ali, 4) were injured in the attack.

Twelve other family members were in an adjacent house and survived the attack. One of them told Amnesty International:

*"This was the second air strike on 'Aitaroun; the one before was the previous day on the home of the al-Akhras family. There had been some shelling, mostly around the village. We were scared, and that is why we stayed in the inside rooms of the houses, on the ground floor to be away from the outer walls and the roof. The bombardment was at 11.45pm. Some of the bodies were thrown more than 20 metres away. After the massacre all of us who survived fled and our neighbours also fled, even though it was dangerous to travel on the roads, but it was also dangerous to stay in our homes."*

Nabil Baidoun told Amnesty International that his wife had been visiting her family (the 'Awada family) in 'Aitaroun with their two young children when the war broke out on 12 July and she had been trapped there. She only found the courage to flee after the attack which killed her relatives.

*“For days I did not know if my wife and my children were alive or dead. Once we were reunited I found my wife deeply traumatized by the ordeal she lived through. She was in the next door house when the massacre happened and she lost so many of her family. And she and the children could have died too. It was lucky that they survived but she cannot forget what happened. She is still in a terrible condition; she mostly does not speak and cannot function.”*

In the afternoon of 16 July, Israel’s air force struck a 13-storey building in Tyre, where tens of thousands of villagers from the south had sought refuge. The building also housed the offices of the Lebanese Civil Defence. After the building was hit, the top six floors collapsed, killing those inside and sending debris cascading down onto those in a café below. At least 11 civilians were killed. Residents told Amnesty International that Hizbullah was not active in the area and the organization found no indication that the building had been used for military purposes.

Within the first week of the conflict, more than 200 civilians were killed and more than 500 injured by Israeli air strikes. Concerns were again raised by the international community.<sup>66</sup> Israeli officials continued to repeat that their forces were only attacking military targets, but offered no explanation for the specific attacks that had resulted in civilian deaths.

As the conflict went on, more and more homes in other areas of Lebanon felt the full force of Israeli missiles, including the capital Beirut.

#### **‘Ainata – 28 July**

Seventy-five-year-old Zeinab Khanafer lived alone in the centre of ‘Ainata. She was in poor health and had mobility difficulties. Her close relatives in Beirut felt it was too dangerous for them to try to go to ‘Ainata to take her out of the village, and lost contact with her when telephones stopped working in the village. When Amnesty International delegates tried to enter ‘Ainata on 1 August they had to do so on foot as all the roads into the village had been rendered impassable by Israeli strikes. When they reached Zeinab’s house they found that it had been destroyed by an air strike. There were no remains of spent munitions or other evidence that there had been any military activity in or around the house.

Two weeks later, the body of Zeinab was found under the rubble of the nearby house of a distant relative, which had been bombed on 28 July. In that attack, on a family home in the centre of ‘Ainata next to the mosque, 15 members of the Khanafer and Fadlallah families were killed, 12 of them women and children. They were

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<sup>66</sup> UN: Security Council must adopt urgent measures to protect civilians in Israel-Lebanon, Amnesty International (AI Index: IOR 41/012/2006), 18 July 2006; and UN agencies express “serious concern” over civilian casualties in Lebanon and Israel, UN News Centre, 19 July 2006, <http://www.un.org/apps/news/story.asp?NewsID=19243&Cr=Leban&Cr1>.

Almaza Fadlallah, 68; Mariam Shbiti Fadlallah, 60; Zahra Fadlallah; Zeinab Khanafer, 75; Kamila Khanafer, 70; Fayez Khanafer, 33, and his wife Rima Samhat and their four children, Ali, 8, Abdallah, 6, Muhammad, 3, and Dumu'a, 1; Um Khader Fadlallah, 28, and her son Khader Amir, 3; 'Afif Fayes Khanafer, 47; and Muhammad Ali Wehbe, 75.

There were reports that two injured men who had arrived at the house looking for help shortly before the strike were also killed. The two men, who were not from the village, were said to have been unarmed and in civilian clothes. Amnesty International delegates found no evidence that there had been any military activity or any weapons stored in or near the house.

### **Qana – 30 July**

On 30 July an Israeli air strike killed at least 28 civilians, most of them children, in the village of Qana – already known for the killing in April 1996 of 102 civilians in Israeli artillery strikes a UNIFIL compound where they had been sheltering.<sup>67</sup>

At about 1am on 30 July Israeli forces launched an air strike on a three-storey house in the Khraibe district of Qana where some 60 members of the Shalhoub and Hashem families were sheltering in the basement. The description of the survivors and fragments found at the scene indicate that a laser-guided precision bomb was used, penetrating the building and exploding in the lowest level, the only part of the house that was occupied.

Among those killed were Khadija 'Ali Younes, her five children: Haura', 11, Ali, 10, Yahia, 8, Qasem, 6, and Zahra, 2; and her 70-year-old mother-in-law, Hasna Hazme. Her husband, Mohamed Qasem Shalhoub, was injured but survived. He told Amnesty International from his hospital bed:

*“Those near me all died except me and another one. I felt as if the ground beneath me was lifted and as if I was spinning; then I heard people screaming, as if for an instant I had gone deaf before that; then I took a boy out, I think it was Hassan Mohammad Shalhoub, aged 5, but I am not sure; it was the first child I could grab; and I put him by a tree about 50 metres outside the house and I went back to the house and as I was approaching to enter there was a second explosion and I was thrown and I started to shout to*

<sup>67</sup> Israel maintained at the time that the artillery shelling of the UNIFIL compound was a mistake made while trying to rescue Israeli soldiers who had come under Hizbullah mortar fire from the vicinity of the compound – but again no other findings or details of the methods used to establish them were disclosed. A UN investigation concluded that “While the possibility cannot be ruled out completely, it is unlikely that the shelling of the United Nations compound was the result of gross technical and/or procedural errors.” On the basis of all the information available, Amnesty International concluded that the IDF intentionally attacked the UNIFIL compound, although the motives for doing so remain unclear. See Israel/Lebanon, Unlawful killings during Operation "Grapes of Wrath" (AI Index: MDE 15/042/1996), July 1996.

*the people in the other house for help and ran toward the other house. When I reached there I collapsed.”*

Other people killed included Maryam Brahim Hashem, 60, several children of the Shalhoub family – Samih, 8, Husan, 10, Brahim, 6, ‘Ali 2, Jaafar, 11, Zainab, 6, her aunt Nabila Shalhoub, aged about 40, and her uncle (Nabila’s brother), Taysir Ali Shalhoub, 38; Ahmad Mahmoud Shalhoub, 50, his wife Afaf Zabat, aged in her forties, their daughter Ola, 25, and their son ‘Ali, 17.

At a press conference on 30 July, Israeli senior military officials said that 150 missiles had been fired from Qana and its surroundings since the beginning of the war, and that the Israeli forces were trying to disrupt the “chain of the missile-launching activities”. The Israeli authorities suggested that the house may have collapsed as a result of an explosion of weapons stored in it rather than because of the strike, and again accused Hizbullah fighters of using civilians as “human shields” and thus being responsible for any harm suffered by them.<sup>68</sup>

On 2 August the Israeli authorities announced that, according to an inquiry they had conducted, the house was attacked from the air at 12.52am with two missiles. The first exploded, the second was apparently a dud. They said that the house “was targeted in accordance with the military’s guidelines regarding the use of fire against suspicious structures inside villages whose residents have been warned to evacuate, and which were adjacent to areas from where rockets are fired towards Israel.” They added that their information was that the building “was being used as a hiding place for terrorists” and that “[h]ad the information indicated that civilians were present in the building the attack would not have been carried out.”<sup>69</sup> They did not repeat the suggestion that the house may have been destroyed by the explosion of weapons stored there.

Air surveillance footage provided by the Israeli authorities shows rockets being launched from an area apparently some distance from the house. The footage is not dated. The existence of surveillance images of the area and testimonies of survivors and of relatives who were sheltering in a house nearby indicate that Israeli forces should have known that there was a high concentration of civilians in the targeted house and in houses next to it. The victims and their relatives, more than 100 people, had been sheltering in these houses for between 10 and 18 days, during which Israeli surveillance drones (unmanned aircraft) had been constantly present.

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<sup>68</sup> IDF press conference following the Qana incident, 30 July 2006, op cit.

<sup>69</sup> “Completion of inquiry into July 30th incident in Qana”, 2 August 2006, Israel Foreign Affairs Ministry,  
<http://www.mfa.gov.il/MFA/Government/Communiques/2006/Completion+of+inquiry+into+July+30+incident+in+Qana+2-Aug-2006.htm>.

Najwa Shalhoub, who was seriously injured in the attack, told Amnesty International:

*“There were surveillance planes hovering overhead every day. We were outside a lot during the day, giving showers to the children and the children were playing outside; just the normal daily chores. It is impossible that the planes would not have seen that the place was full of women and children.”*

In a briefing to Amnesty International in September, a senior Israeli commander said that the building where the civilians died had been hit by mistake, and that the Israeli Air Force had hit empty buildings and a rocket launcher nearby. He again cast doubt on Israel’s responsibility and alleged that Hizbullah fighters had closed the area for a few days, only allowing media in to see what they wanted to show.

This does not tally with Amnesty International’s findings on the ground. The organization’s delegates were in and near Qana on 30 and 31 July. They did not encounter Hizbullah fighters and nobody imposed any restrictions on their movements in and around the bombed house or anywhere else in the area. Scores of journalists were also on the ground filming, taking photographs and interviewing survivors. No evidence was found of rockets, rocket launchers or other weapons in or around the bombed house or in nearby houses.

The ICRC spoke out about the incident, describing it as “emblematic for others”. ICRC spokesperson Roland Huegenin said:

*“The fact that it was practically exclusively women and children who were killed in a residential building, which was actually an unfinished building where they had taken shelter, was so obviously the wrong target. There were no fighters, there were no weapons available. Only women and children...”*<sup>70</sup>

By early November the Israeli authorities had not provided information on the method and full findings of the inquiry they conducted, nor have they disclosed whether they have identified any responsibility for the mistakes they consider were made in this fatal attack.

### **Al-Shiyah neighbourhood, Beirut – 7 August**

At least 39 people, including 11 children, were killed by an Israeli air attack on a six-storey apartment building and a nearby house in the densely populated al-Shiyah neighbourhood of Beirut, near a school and shopping centre, at around 7pm on 7 August. Israeli forces had not issued any warning that they intended to attack the area.

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<sup>70</sup> “Roland Huegenin ICRC Interview”, Four Corners, *Australian Broadcasting Corporation*, 18 September 2006.

Leaflets calling on residents to leave al-Shiyah, Hay Selloum and Bourj al-Barajneh suburbs were dropped by Israeli aircraft over Beirut only on 10 August.

Until the bombardment, al-Shiyah was considered a safe neighbourhood and many people who had been forced to flee the Dhahiyeh suburb of Beirut and villages in south Lebanon were staying there. Some of those who died were displaced people.

Huda Rmeiti, her husband and her son were all injured in the bombing. She told Amnesty International:

*“Life in the neighbourhood was almost normal; no leaflets had been dropped telling us to leave and during the day nobody was particularly worried. At night we used to go down to sleep in one of the rooms that was more protected than others on the ground floor. At the time of the shelling we were sitting in the evening on the balcony. We heard the Israeli surveillance airplanes then suddenly the house was bombarded.”*

### **Ma’roub – 7 August**

On 7 August, 34-year-old Najma Hassan Moussa was killed with her three children, Zahra, 16, Hyder, 14, and Ousra, 3, by an Israeli air strike on the basement of a school in Ma’roub where the family had been sheltering.

Najma’s husband, 40-year-old Abu Ali Ahmed Moussa, had been the caretaker of the School for Orphans in Ma’roub for 12 years and the family had been living on the premises, in the caretaker’s house at the main entrance of the school, some 50m from the school building. When the war started, the family took shelter in the concrete basement of the school, where they had enough food and water. Some 10 other members of the family had joined them and virtually no one left the basement until the 48-hour suspension of air strikes on 31 July.

At that time, relatives offered the Moussa family the chance to go with them to Tyre. However, there was not enough room in the van for five more people, so the family decided to stay.

On 7 August at 11.30am, Abu Ali left the basement to go to the family home, near the school main entrance, to wash, change clothes and pray. He had just left the school building when four Israeli planes and a surveillance drone suddenly appeared in the sky and launched eight missiles on the school. Two additional missiles reportedly did not explode. Abu Ali watched in horror as the school where his wife and children were sheltering collapsed. He tried to call for help on the main road but there was nobody. The next day an ambulance took him to Tyre but he could not go back to Ma’roub until 11 August because of continuous air strikes. He looked in the rubble for the bodies of his wife and children but did not have any equipment to dig, so went back to Tyre. He eventually returned to Ma’roub after the ceasefire and only then could the bodies of his family be retrieved.

**Al-Ghazieh – 7-8 August**

At least 20 civilians were killed in al-Ghazieh, outside Sidon, in two days of Israeli attacks in the area. Eight members of the Badran family, four women and four children, were killed at around 8am on 7 August when Israeli forces bombed a four-storey building in the Hay Badran area in the centre of al-Ghazieh. When Amnesty International delegates arrived at the scene a few hours later, the bodies of the victims were being dug from under the rubble by rescue workers. Ahmed Badran lost his four children – Hanin, 16, Manal, 14, ‘Ali, 12, and Hassan, 11 – his mother Ruqaya Nasser, 67; his sisters Zeinab, 44, and Leila, 46, and her daughter Mariam, 28. His wife, Basima Nasser was gravely injured. She remained in intensive care for over a month. Ahmed Badran told Amnesty International:

*“When the bombardment happened I was outside. I was shocked by the bombing. Why our house? We are just ordinary civilians, we have nothing to do with the party [Hizbullah] or with anything. Why my family? I have lost all my children, my mother, my sisters. My wife is in a very serious condition, I don’t know if she will ever recover; how can she recover? How do you tell a mother that she has lost all her children?”*

Neighbours told Amnesty International that the strike on the house surprised everyone because it was the first air strike on a house in al-Ghazieh (previously bridges were bombed around al-Ghazieh) and because the family has no links to Hizbullah.

The following day at about 2.30pm, an air strike on a house in the Hay Bashroun area of al-Ghazieh killed seven members of the Khalife family: Mahmoud Khalife, a 32-year-old chemist, his wife Ibtisam, 30, and their three children: Hussein, 10, Fatima, 6, and Ahmad, 2; and his wife’s mother and father. When the house was bombed Mahmoud Khalife had just returned home from work and the whole family was having lunch. No one survived.

His brother, Ahmad Khalife, and his wife Ibtisam, were killed in a separate air strike launched the same day on their house and neighbouring houses, including the house of a third brother who is reportedly linked to Hizbullah but who was not at home.

Later on 8 August Israeli forces launched air strikes on the cemetery in the Hay Ruwais district of al-Ghazieh during the funeral of the members of the Khalife family. A two-year-old girl who lived next to the cemetery, Malak al-Jbeili, was killed and another young girl who also lived in the area was seriously injured.

**Attacked in flight**

In the first few days of the conflict Israeli orders to evacuate were directed at residents of some border villages. Residents of ‘Ait al-Sha’b, for example, told Amnesty International that in the afternoon of 14 July Israeli forces used a loudspeaker to order

them to leave the village. Many fled to nearby Rmeish, a village inhabited by Christians and therefore thought to be safer.

However, some villagers who heeded the order to leave were attacked by Israeli forces on the road. The killing of people in the convoy fleeing Marwahin on 15 July (see Chapter 3) received wide media coverage. Another similar incident happened on 11 August.

That day, residents of Marjayoun, having remained in their homes throughout the war despite severe hardship, decided to leave after Israeli troops entered the town and took over the local headquarters of the Lebanese army and several civilian houses. A large convoy of vehicles, accompanied by Lebanese forces and a UNIFIL patrol, was given permission to leave by the Israeli authorities.<sup>71</sup> Negotiations to obtain Israeli clearance and an agreed route out of Marjayoun were lengthy and the convoy only left Marjayoun at around 4pm. The convoy travelled extremely slowly also because of the condition of the roads (some had been bombed by Israeli forces and were only partially usable) and the circuitous route agreed by the Israeli army. The UNIFIL escort could only accompany the convoy for a few kilometres, until it reached the limit of UNIFIL's area of operation.<sup>72</sup>

Several hours later, when the convoy reached an area between the villages of Joub Jenine and Kefraya, Israeli aircraft -- reportedly unmanned drones -- launched several missiles at the vehicles. Seven people were killed, including Colette Rashid, Ely Salame, Khaled Abdallah, Kamil Tahtah and Red Cross volunteer Mikhail Jabaili who was killed while assisting one of the wounded.<sup>73</sup> Thirty-two others were injured. One of the injured, 28-year-old 'Abir Abla, told Amnesty International:

*“On 10 August, Marjayoun was shelled by Israeli army tanks, which were stationed in the town. Our house was damaged but nobody was wounded. People had been wounded and brought to the hospital. Many decided to leave the town, even though the Israeli army had not told the population to leave the area. There were no telephone lines anymore and no communication with the outside was possible. The hospital was closed and the wounded people were taken out of town with the convoy.”*

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<sup>71</sup> UNIFIL said that it approached the IDF at the request of the Lebanese government to facilitate the withdrawal of Lebanese forces from Marjayoun and that “Israeli forces informed UNIFIL that they agree to such a request”. UNIFIL press release, 12 August 2006, <http://www.un.org/Depts/dpko/missions/unifil/pr027.pdf>.

<sup>72</sup> The convoy was reported to include around 465 civilian vehicles and nearly 100 vehicles of Lebanese forces. UNIFIL press release, 12 August 2006, op cit.

<sup>73</sup> “Lebanon – Israel: ICRC deplores increasing number of civilian casualties and lack of respect for medical mission”, ICRC press release, 12 August 2006, <http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/lebanon-news-120806?opendocument>.

*“On 11 August, some 1,000 cars were ready to leave Marjayoun, filled with residents fleeing the Israeli army presence in the town. The cars were following Lebanese Red Cross and Lebanese army vehicles. Negotiations between the Israeli army and Lebanese army had been going on from the morning and the cars had waited from 8am until 4pm before they could start moving.*

*“I was in one car with my aunt and my mother in the middle of the convoy and I was driving the car. The cars were moving very slowly and the convoy could not take the normal road as the Israeli Army had instructed us to take a different, slower road. Around 10pm, we were reaching the town of Kefraya on the way to Beirut when Israeli planes launched seven missiles against the convoy. Fifteen minutes later, the Lebanese Red Cross from Kefraya came to the rescue and when they arrived they were also targeted and one missile killed a Red Cross volunteer. I was wounded in the hand, face and chest and had a lot of shrapnel in my chest.”*

The following day the Israeli authorities said that Israeli forces “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.” The Israeli authorities denied that the convoy had been authorized and recalled that “a curfew has been placed on any non-authorized vehicular movement south of the Litani river several days ago”.<sup>74</sup> The village of Kefraya is north-west of the river.

### **Medical vehicles and humanitarian convoys**

The intensity of the conflict created significant difficulties for humanitarian operations. Ambulances were attacked in Israeli strikes and humanitarian organizations frequently had to abandon attempts to rescue people or deliver humanitarian assistance even after receiving clearance from the Israeli authorities.

On 23 July, for example, two Red Cross ambulances in Qana were struck by missiles launched by Israeli aircraft just after 11pm. Six Red Cross ambulance workers and three patients were wounded. The vehicles were hit on the roof, which in both cases was clearly marked by a large red cross and illuminated by a spotlight. At the time of the air strike, the crews of the ambulances were transferring three patients, all of them civilians, from one ambulance to the other. The three patients, one of them a child, had been injured in earlier attacks and suffered additional wounds.

Following this attack, the ICRC Delegate-General for the Middle East and North Africa, Balthasar Staehelin, said:

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<sup>74</sup> “IDF response on convoy hit in south Lebanon”, 12 August 2006, <http://www.mfa.gov.il/MFA/Government/Communiques/2006/IDF+response+on+convoy+hit+in+south+Lebanon+12-Aug-2006.htm>.

*“The ICRC is gravely concerned about the safety of medical staff... We have raised this issue with the Israeli authorities and urged them to take the measures needed to avoid such incidents in the future.”*

Another ICRC spokesperson, Roland Huegenin, in response to a general question on such attacks, said:

*“Destroying an ambulance and killing the people inside whether it’s a casualty or whether it is a driver or whatever is never going to achieve any military aim, so why should it happen at all?”<sup>75</sup>*

Civil Defence and Lebanese Red Cross volunteers reported air strikes, probably from drones, very close to their clearly marked vehicles when there were no signs of Hizbullah activity nearby and sometimes no other vehicles on the road or even any buildings. They believe that such strikes were aimed at intimidating them.

For example, on 22 July, after the ICRC had notified the Israeli authorities, a convoy of four Lebanese Red Cross ambulances was evacuating eight people using an improvised crossing of the Litani river some 9km north of Tyre. Just beyond, the road separated into two before converging again. The convoy took the less used but more passable road. Amnesty International was told that shortly afterwards a rocket fired from a drone landed in fields some 200m from the convoy. There were no buildings or other vehicles in sight nor was there any sign of Hizbullah activity. There was a steep drop by the narrow road and the ambulances were fortunate to stay on the road.

In another incident, during the afternoon of 3 August, a Lebanese Red Cross minibus was evacuating nine people from the Salah Ghandour hospital in Bint Jbeil. Elias Diab, a volunteer who was in the minibus, told Amnesty International that as they approached Tibnin, a drone that had been overhead disappeared. Shortly after, bombs started landing in the fields some 500m from the vehicle. Again, there were no buildings or other vehicles in sight nor was there any sign of Hizbullah activity.

One humanitarian convoy organized by the World Food Programme found itself close to vehicles that were targeted by Israeli forces on 6 August. The convoy was moving from Beirut to Tyre using eight trucks from the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), plus lead and rear escort vehicles. The convoy had Israeli military clearance. Some 15km north of Tyre, the convoy neared a baker’s van, which was hit by a missile believed to have been fired from an Israeli drone. The van careered towards the lead vehicle of the convoy, just missing it, before crashing into a wall. Two people in the van were killed. On the convoy’s return journey, a motorcyclist who had just overtaken the convoy was hit and killed by a missile, also believed to have been fired from an Israeli drone. The

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<sup>75</sup> “Roland Huegenin ICRC Interview”, Four Corners, *Australian Broadcasting Corporation*, 18 September 2006.

convoy team leader and four drivers resigned on return to Beirut. In any event, the Israeli authorities reportedly did not clear UN convoys to Tyre in the following days.

Four UN Special Rapporteurs who visited Lebanon and Israel concluded that the bombardment of roads and other infrastructure “had a particularly debilitating effect on the... provision of humanitarian assistance and access to medical care”.<sup>76</sup>

UNIFIL told Amnesty International that UNIFIL had been required by the Israeli army to seek clearance for humanitarian and other movements, and that it had encountered difficulties in obtaining such clearance. For example, on 17 July UNIFIL reported that a response to a request to transport humanitarian assistance from Tyre to two border villages had been pending since 14 July.<sup>77</sup> On 9 August UNIFIL reported that a humanitarian convoy to distribute food had been delayed for four days “due to the denial of consent by the IDF”.<sup>78</sup> Such consent was not received before the cessation of hostilities on 14 August. The report said that sometimes only late and partial clearances were given, forcing UNIFIL to cancel convoys.

### **Destruction of homes**

Thousands of civilian homes were destroyed and even more were damaged. Most were in villages and towns south of the Litani river, but many were in the Dhahiyeh suburb of Beirut (see Chapter 3), and Ba'albek and its environs. Around a million people had to seek shelter, many ending up in overcrowded and often rank shelters that lacked basic services such as water and electricity.

Amnesty International delegates visited some of the worst hit residential areas and spoke to some of the survivors.

The town of Bint Jbeil, for example, in the far south of the country, was largely destroyed. In many areas, virtually every building had been flattened or was damaged, many beyond repair.

Huseyn Sa'id Bazzi, aged 72, showed Amnesty International delegates the pile of stones that had been his two-storey house about 100 metres from the centre of Bint Jbeil. “It was my parents' house and my grandparents' house. My father was born here and died here”, he said. All the buildings in the vicinity were badly damaged or destroyed.

In southern Lebanon, some 7,500 homes were destroyed and 20,000 damaged. Some 400 homes were also reportedly destroyed and 5,000 damaged in Ba'albek and the Beqa'a Valley. Other houses were destroyed and damaged in the north.

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<sup>76</sup> *Report of four Special Rapporteurs on their mission to Lebanon and Israel*, op cit, para 49.

<sup>77</sup> UNIFIL press release, 17 July 2006 (<http://www.un.org/Depts/dpko/missions/unifil/pr01.pdf>).

<sup>78</sup> UNIFIL press release, 9 August 2006 (<http://www.un.org/Depts/dpko/missions/unifil/pr024.pdf>).

According to UNIFIL assessments, 80 per cent of the civilian houses were destroyed in Tayyabah and al-Ghanduriyah villages, 60 per cent in Zibqin, 50 per cent in al-Markaba, al-Qantarah, Jabal al-Butm and Bayada, 30 per cent in Meis al-Jebel and Beit Leif, 25 per cent in Kafra, 20 per cent in Hula, and 15 per cent in Talusha.<sup>79</sup>

Sidiqin and Srifa suffered extremely high levels of damage from both artillery shelling and Israeli air force bombings. The targeting of Zibqin and Sidiqin was particularly severe in the 60 hours before the ceasefire.

In many of these cases, it is not clear what, if any, was the anticipated concrete and direct military advantage of the attack.

After the ceasefire, people quickly returned to the dusty sites that used to be their homes. When Amnesty International visited, many were sifting through the rubble or were waiting, as the bulldozers cleared the heavy debris, for an opportunity to salvage some of their belongings.

Mariam al-Shuqeiri and her husband Muhammad Akram al-Shuqeiri, a Palestinian writer and poet, were two of those watching the clearing up process in Dhahiyeh when Amnesty International delegates arrived. Muhammad al-Shuqeiri said it was the third time he had lost his home since 1948. He had salvaged a few of his poems and his ID card. At night the couple stayed with their daughter's family north of Sidon.

The home of Mustafa Wazni, an information technology merchant, his wife and seven children was badly damaged when blocks of flats opposite in 'Obayni Street, Dhahiyeh, were destroyed in an Israeli attack on or around 10 August. The front of his building was ripped off and the flats within were wrecked by the blasts. At the time of the attack, the inhabitants were not there – the Waznis, for example, had fled to Tripoli in the north. When Amnesty International visited, Mustafa Wazni was back in his apartment, which still had no front, with his two sons Hasan, 12, and Rida', 10, trying to clear up. "There were no guns, no rifles, nothing [in the area]", said Mustafa Wazni.

## **Chapter 5: Impact on civilians**

The war had a profound impact on virtually everyone in Lebanon. The air and sea blockade deprived the country of vital supplies and stopped all commercial imports and exports. The destruction of infrastructure and the bombardment of key industrial sites and agricultural areas devastated the economy. Humanitarian assistance could not reach people desperate for help. Damage to hospitals, combined with the disruption of power and water supplies, severely restricted access to health care. Schools were destroyed or closed. A million or more unexploded cluster bomblets

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<sup>79</sup> <http://www.un.org/Depts/dpko/missions/unifil/pr030.pdf> and <http://www.un.org/Depts/dpko/missions/unifil/pr031.pdf>.

fired by Israeli forces in effect created a vast minefield in south Lebanon, as a result of which civilians there are still being killed and maimed, and many will not be able to return to their homes, fields or orchards for months or even years to come.

### **The blockade**

*“Our aid operation is like a patient starved of oxygen facing paralysis, verging on death.”* Zlatan Milisic, the UN’s World Food Programme emergency co-ordinator for Lebanon, 10 August 2006<sup>80</sup>

From the moment the war started, Israeli forces disabled Beirut’s international airport by bombing its runways, sealed off Lebanon with a sea and air blockade, and bombed roads and bridges leading in and out of the country. The declared aim was to hamper Hizbullah’s operations, including by preventing weapons from reaching Hizbullah fighters. With air, sea and land routes blocked or severely disrupted, supply channels were few and far between. The economy plunged into crisis.

Badly needed food and emergency assistance was often delayed. Damaged roads and bridges meant vehicles had to take lengthy detours along minor roads or dirt tracks, some of which were too narrow for lorries.

For at least a week in early August neither the ICRC nor any other humanitarian or relief organization could reach villages in south Lebanon under siege. The UN Food and Agriculture Organization (FAO) warned that damage to roads and bridges had interrupted the food supply chain, risking a “major food crisis”. On 4 August Israeli jets severed Lebanon’s last major road link to Syria. This blocked a convoy carrying 150 tons of relief and cut what the UN called its “umbilical cord” for aid supplies. The blockade and bombardment caused disruption in the north of Lebanon too.

When the ceasefire came into effect on 14 August, Israel refused to lift the blockade arguing that sufficient UNIFIL forces should be deployed first to prevent the rearmament of Hizbullah from sea and air. UN Secretary-General Kofi Annan warned that this risked being seen as “collective punishment” of the Lebanese people.<sup>81</sup> The continuation of the air and sea blockades until 7 and 8 September respectively severely hampered Lebanon’s reconstruction and recovery efforts.

Amnesty International met many people in Lebanon who had been badly affected by the blockade, including representatives of the fishing, construction, agricultural and medical sectors.

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<sup>80</sup> “UN attacks Lebanon aid ‘disgrace’, *BBC News*, [http://news.bbc.co.uk/1/hi/world/middle\\_east/4778591.stm](http://news.bbc.co.uk/1/hi/world/middle_east/4778591.stm).

<sup>81</sup> “Annan says Israeli blockade must not be a ‘collective punishment’,” UN News Centre, <http://www.un.org/apps/news/story.asp?NewsID=19688&Cr=Leban&Cr1=>.

Among the worst hit were the country's fishermen. Unable to fish since the start of the war, the boats of some 8,000 fishermen remained idle and many of the men and their families had become destitute. In addition, an Israeli air force attack on 4 August destroyed the fishermen's port at al-Ouza'i in south-west Beirut. Fishermen told Amnesty International that between 300 and 400 boats, each worth between US\$5,000 and US\$50,000, were badly damaged or destroyed in repeated air raids. The fishermen's Co-op offices, the cafe, the steel repair garage, carpentry workshop, net repair workshop and market – as well as a three-storey Lebanese army building – were also all destroyed. Jamal 'Allama, Head of the Co-op, said that Hizbullah combatants could not have been using the port given the sensitive and well-monitored location – just metres from the perimeter fence of Beirut's international airport and with an army checkpoint to pass through to enter the port.

The fishermen also explained the hardships caused by the blockade, which had already stopped them earning anything for six weeks. Khalil Taha, head of the Fishermen's Syndicate for the South, said there were about 1,300 fish workers in the south – 620 fishermen in Tyre, 100 fishermen in al-Naqoura and around 600 in al-Sarafand – as well as many retired fishermen who make the nets, ropes and iron weights, and the market traders. He said that all these people work on the basis of a daily income and few have savings. "Even our nets came apart by having been left out of water in the sun for so long. Some boats' engines cannot restart after being idle for so long."

One of the fishermen from Tyre, 50-year-old Rida Qassaab, had used up all his savings up. He has four children. "We eat bread, cheese and drink tea. Little else. Yesterday I ate a tin of tuna for one of the first times in my life – it should be fresh fish we eat."

Even after the sea blockade was lifted, the fishermen's lives did not return to normal because of the oil spill caused by the Israeli bombing in mid-July of the coastal Jiyee power station (see Chapter 3).

Other areas of Lebanon's economy were also particularly hard hit by the blockade because they rely heavily on the free movement of goods and people. The Lebanese authorities estimate that the blockade cost the country US\$30-50 million a day in trade.<sup>82</sup>

### **Economic devastation**

*"Twenty-five years' hard work was destroyed in 10 minutes... there was no military, nothing military here, nothing at all. Not even the guards had pistols."* George Hanna, General Manager of Dalal Steel Industries in Ta'nayel, Beqa'a, which was destroyed in Israeli air strikes on 23 July.

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<sup>82</sup> Israel ends blockade of Lebanon, BBC, [http://news.bbc.co.uk/1/hi/world/middle\\_east/5327244.stm](http://news.bbc.co.uk/1/hi/world/middle_east/5327244.stm).

The 34-day bombardment of Lebanon caused extensive damage to the country's infrastructure and devastated large parts of its commercial and agricultural sectors.

The destruction had a direct and indirect impact on the economy. Some 900 commercial enterprises were damaged and more than 30,000 residential properties, offices and shops were completely destroyed.<sup>83</sup> Lebanon's trade, heavily dependent on importing and exporting goods, collapsed for the month of the conflict. Many families lost their only source of income when their small businesses were destroyed. Thousands of companies could barely function because the destruction of infrastructure left them without power and without any way of importing supplies or selling their produce. Hotels and other tourism-related businesses were devastated as tourists fled the country or cancelled trips, largely wiping out the whole season's income.<sup>84</sup>

The air strikes also targeted communications networks, including telephone and television centres. For example, aerial attacks on 22 July hit the *LBC TV* station installation in Satqa, east Beirut, killing technician Sliman Shidiac. The same day television transmission antennae in Terbel, in the north of the country, including that of *Avenir* and *al-Manar*, were struck in aerial attacks.

In a report published in August 2006, Amnesty International summarized its initial findings on the Israeli attacks on Lebanon's infrastructure.<sup>85</sup> Amnesty International delegates subsequently visited commercial and agricultural sites that had been attacked, finding no evidence that they had been used by Hizbullah fighters or had any other military purposes. Nor has any information been made available by the Israeli authorities explaining why any of them was attacked.

### **Commercial properties**

At least 30 factories were completely or partially destroyed in Israeli attacks during the conflict,<sup>86</sup> knocking out around 5 per cent of Lebanon's industrial sector.<sup>87</sup> More

<sup>83</sup> Figures of the Engineers Syndicate, released in Lebanese media 17 August 2006.

<sup>84</sup> Most hotels lost almost their whole summer season because of the conflict. Having been on the verge of being full and remaining so for the rest of the summer when the conflict started on 12 July, the conflict escalated and the hotels quickly emptied. One hotelier told Amnesty International that his hotel was typical in having been over 80 per cent full on 11 July and expecting to be 100 per cent full within a few days. Instead, the hotel had less than 5 per cent occupancy and a decision was taken that all staff would have to take unpaid holiday for the foreseeable future. The catering and hospitality sectors were similarly affected.

<sup>85</sup> *Israel/Lebanon: Deliberate destruction or "collateral damage"?* op cit. The government said that 31 "vital points" (such as airports, ports, water and sewage treatment plants and electrical facilities) were completely or partially destroyed, as were at least 70 bridges and 94 roads.

<sup>86</sup> *The Government of Lebanon, Setting the stage for long-term reconstruction: The national early recovery process*, Stockholm Conference for Lebanon's early recovery, 31 August 2006.

<sup>87</sup> Nabil Itani, head of the Investment Development Authority of Lebanon, quoted in *Reuters* article, "Lebanon sees investment boom if truce holds", published in *Daily Star*, 24 August 2006.

than 700 industrial enterprises reportedly suffered extensive damage.<sup>88</sup> Productive capabilities of companies in key industrial sectors that were damaged or destroyed include those of Liban Lait in Ba'albek, the country's largest dairy farm; the Maliban glass works in Ta'nayel, Beqa'a; the Safieddin plant in Bazouriyeh, south Lebanon, that manufactured medical supplies; the Fine tissue paper mill in Kafr Jara, near Sidon; Musawi Building Supplies near Ba'albek; and the Dalal Steel Industries factory in Ta'nayel, Beqa'a, that made prefabricated houses.

Amnesty International visited the Liban Lait milk and derivatives factory, which was destroyed in an air strike at about 3am on 17 July. The control room, processing plant and canning and cheese-making sections were all left in ruins. Liban Lait had produced over 90 per cent of Lebanon's long-life pasteurized milk, as well as fresh milk, yoghurt, cheese and lebneh. Its chief engineer, Hisham Oraybi, told Amnesty International at the end of August that the company had employed 160 workers at the factory, of whom only 18 now had work. The destruction of Liban Lait disrupted the provision of fresh milk to schoolchildren that was co-ordinated by non-governmental and intergovernmental organizations.<sup>89</sup> Hisham Oraybi said the attack had cost the company an estimated US\$20 million in damage alone and that "while we paid the staff for the first half of the war we don't know when we'll next be able to do so."

The Maliban factory that produced glass bottles and jars and its warehouse were destroyed in an air strike at around 12.30pm on 19 July. One worker, Devesh Kumar Swain, was killed and a number of others were injured, including one whose neck was broken and another who was in a coma for 15 days. The factory, owned by a British citizen of Indian origin, was reportedly the largest in the Beqa'a valley and produced 190 tons of bottles and jars every day, exporting them to the Middle East and Europe. Roy Chowdhury, the manager, said that the factory was beyond repair: "It has to be rebuilt, although whether we are able to do so depends on the shareholders. We estimate it will require US\$60-70 million to rebuild, and more for the clean up." He said that the company had not paid its 350 workers beyond 19 July and that the 400 suppliers would be similarly affected.

The factory and warehouse of Dalal Steel Industries in Ta'nayel were attacked and destroyed on 23 July. Heavy machinery including steel hangers and overhead cranes were left in ruins. General Manager George Hanna said Dalal, which employed 650 workers, had suffered losses of US\$25 million.

On 4 August, the Elektra Company, which made electrical goods, and the adjacent café, in al-Ouza'i, Beirut, were completely destroyed when the site was hit by about nine missiles at around 5am on 4 August. Three workers sleeping at the site

<sup>88</sup> *The Government of Lebanon, Setting the stage for long-term reconstruction*, op cit.

<sup>89</sup> *Report of the Special Rapporteur on the right to food, Jean Ziegler, on his mission to Lebanon*. 29 September 2006.

were injured: ‘Abd al-Karim Khalaf, an Iraqi national, was injured in the leg by shrapnel and has lost hearing in one ear; Musa al-‘Abud al-‘Attiyeh, a Syrian national, had his arm broken; and Haytham ‘Abd al-Rasul Marhum Muhammad, a Sudanese national, was buried under the rubble and spent five days in intensive care with a head wound. The three men said that 35 families had depended on the work provided by the site and that they themselves were in limbo – they could neither earn money nor afford to return home to their families.

In addition to the factories, many hundreds of small- and medium-sized commercial properties were damaged or destroyed across Lebanon.

Among the sites inspected by Amnesty International delegates was a one-storey building containing Samar Pharmacy, a fruit and vegetable market and al-Kawthar car wash, on the main road about 1km south of al-Nabatiyeh, which was seriously damaged in an air strike at around 3.30am on 26 July. There were no casualties. The market had been closed since 17 July and local residents had vacated the area.

In south Beirut, the nine-storey Kazma Mu’awadh building in Mar Mikhail was completely destroyed in an Israeli air strike at about 4pm on 6 August. The building housed shops, offices, a gold and diamond workshop, and a furniture storage area. “This building was our life, our future”, Fadia Kazma told Amnesty International. “All our family lives from the income it generates.” The family estimate that the attack cost them US\$3 million. “We’ve no idea why they wanted to destroy the building. Of course there was nothing [military] there, and we have no political affiliations.”

Amnesty International also visited 15 of the 25 petrol stations that were reportedly destroyed or severely damaged by Israeli air strikes, most of them in south Lebanon and in the Ba’albek area. The Dagher petrol station, for example, as well as the adjacent tyre repair shop and a small house, just north of Sidon, were destroyed and one person was killed in a missile attack, reportedly at around 5am on 18 July. Hani ‘Omar al-Habash, a 28-year-old Syrian who worked at the tyre repair shop, told Amnesty International: “One missile hit the station itself, one of the petrol tanks, and Abu ‘Ali Ibrahim was killed.”

### **Agricultural sector**

People whose livelihoods depend on Lebanon’s agricultural sector were deeply affected by Israel’s strikes. The attacks killed dozens of farm workers; caused thousands of others to flee or stop working, leaving crops untended; and damaged or destroyed greenhouses, farm buildings, reservoir pumps, vehicles and other equipment vital for agriculture.

Lebanon's agriculture is concentrated in south Lebanon and the Beqa'a valley, two of the three areas (in addition to south Beirut) targeted most by Israeli forces during the conflict.

Among the farm workers killed were at least five members of the Syrian Shibli family in the Beqa'a village of al-Jamaliye on 2 August. Two days later at least 23 Syrian Kurdish workers were killed in an air strike on a fruit-packing warehouse in the north-eastern village of al-Qa'a, near the Syrian border.

A priest who witnessed the attack told Amnesty International:

*"At 2pm there was the first bombardment. I saw it from the roof of my church compound. The sky was black with smoke. I quickly got ready to go over to see if I could help. As I was leaving, within about seven minutes, there was a second air strike. I left immediately and got to the site of the bombardment a few minutes later. It was a terrible scene. I counted 23 bodies, five of them women, horribly burned. There were also several injured. It was absolute panic as we feared that there could be more bombardments. The victims were having lunch when the bombardment happened, so they were all grouped together and that is why so many were hit. They were sitting in the open with just a tin roof; they had no protection. These were poor vulnerable people; labourers, who came to work for a small wage to feed their families and they died for this."*

The air strikes caused thousands of Syrian workers to flee Lebanon and prevented other workers, including Lebanese nationals, from tending to crops.

According to UNIFIL's veterinary officer, around 60 per cent of the country's farm animals died during the conflict.<sup>90</sup> Jihad Bakir, director of eight Tenmiye Chicken Farms in the Beqa'a valley, told Amnesty International that their chickens had steadily starved and dehydrated, and that farm workers had been forced to cull those that had not died. A total of 72,000 had died or were culled after weeks of Israeli attacks on vehicles in the area -- including on a company truck -- had made it impossible to bring feed to the chickens. "We have nothing now. We can't pay our workers. We've had to dismiss them without pay," he said. Of 400 employees before the conflict, only 20 were in work afterwards.

Seba' Tahtuh, a goat herder, told Amnesty International that four of his 21 goats had died during the Israeli attacks because he could not get them to water. Since the ceasefire, he said, he had faced continuing problems trying to feed them as their normal pasture was littered with unexploded cluster bomblets.

Hajj 'Adnan 'Abd al-Satr, a 70-year-old farmer, along with his family and around 10 other people, work collectively in fields in Aya'at, near Ba'albek. They

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<sup>90</sup> Reuters, "Indian U.N. vet treats animal victims of Lebanon war", 25 October 2006.

grow tobacco, watermelons and cucumbers. "All are wasted," he told Amnesty International, waving at the dry and yellowed crops around him. "What can I do? Everything is ruined." These crops are harvested once a year, so nearly the whole year's harvest was lost.

Fatima and Sikne al-Akhras, who lost 12 members of their family in an Israeli air strike on their home in 'Aitaroun (see Chapter 4), told Amnesty International about the losses suffered by the family tobacco business they ran:

*"We have lost more than two-thirds of the harvest. July and August are crucial months for the tobacco cultivation. A lot of it had to be harvested just at the time of the war and it went to waste in the fields, and the leaves which had been picked could not be processed and were also spoiled. And now whatever is left in the fields is also going to waste because it is not safe to go to the fields, as there are unexploded Israeli bombs everywhere, mostly cluster bombs but also large ones."*

Among those also affected by the Israeli attacks on the agricultural sector were people working in markets, shops and stores selling the produce. In Tyre's fruit and vegetable market a number of stall holders told Amnesty International that the market had been closed during the bombings, with the exception of one or two stalls, and consequently no income was received for over a month. Farmers were also unable to sell by the side of the road what little produce they did gather, since the roads had been almost deserted through the vital summer period.

### **Access to health care**

Access to health care services was seriously undermined by Israel's bombing of hospitals and other health care facilities, the destruction of other infrastructure, and shortages of fuel, power and water supplies. The dramatic reduction in health care provision came at precisely the time when more people needed health care services because of the war.

The Lebanese Ministry of Public Health estimated that around 60 per cent of the country's hospitals had ceased to function by 12 August due to fuel shortages. According to a report by the Lebanese Ministry of Health and the World Health Organization, 12 health facilities were destroyed in Israeli attacks and a further 38 severely damaged.<sup>91</sup>

Amnesty International visited a number of the affected sites. The Bahman Hospital in Beirut's Dhahiyeh neighbourhood, for example, suffered widespread external damage and destruction of much of its equipment during a succession of Israeli air attacks between 15 July and 13 August. Among the losses were six of the

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<sup>91</sup> [http://www.who.int/hac/crises/international/middle\\_east/Lebanon\\_2Sept2006/en/index.html](http://www.who.int/hac/crises/international/middle_east/Lebanon_2Sept2006/en/index.html).

hospital's 10 baby incubators and 5,000 litres of oxygen. The hospital's director, 'Ali Krayem, estimated that the damage was worth some US\$1 million.<sup>92</sup>

The Dar al-Hawra health facility in Dhahiyeh, which mainly served women and children, was severely damaged by Israeli shelling. Its laboratory and X-ray room, as well as its gynaecology, paediatrics, dentistry and administrative departments, were destroyed.

In the village of Tibnin in south Lebanon, only hours before the ceasefire on 14 August, Israeli forces fired cluster bombs all around the government hospital, where hundreds of civilians were sheltering.

The report of the four UN Special Rapporteurs stated that the Israeli attacks had "a major impact on service delivery throughout the districts affected". It said that following the conflict, only one in four health care facilities could provide pre-natal care; only one in 10 could support proper delivery and emergency obstetric care; only one in three could store vaccines; and only one in eight could provide some mental health services.<sup>93</sup>

Israeli attacks on water and electricity facilities dramatically reduced people's access to water.<sup>94</sup> Human waste and other refuse disposal systems were also damaged and disrupted. This coincided with an increased need for such services, given the levels of dirt, dust, injuries and heightened risks of infection.

In south Lebanon "the water infrastructure was destroyed", according to UNICEF in August.<sup>95</sup> The same month the ICRC expressed concern:

*"Villagers have no access to water. The large pumping station in the mountains has been destroyed beyond repair. People are having to rely on wells, but to pump the water from the wells they need electricity and the electricity stations have been destroyed."*<sup>96</sup>

Most people met by Amnesty International delegates in August across south Lebanon and in south Beirut were having to buy bottles of water for their daily needs.

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<sup>92</sup> He described the hospital as "a non-profit making hospital that does not belong to any religious group or political party".

<sup>93</sup> *Report of four Special Rapporteurs on their mission to Lebanon and Israel*, op cit, footnote 42.

<sup>94</sup> For further information, see *The Government of Lebanon, Setting the stage for long-term reconstruction: The national early recovery process*, 31 August 2006; <http://www.reliefweb.int/library/documents/2006/govlbn-lbn-31aug.pdf>, and Israel/Lebanon: Deliberate destruction or "collateral damage"? op cit.

<sup>95</sup> "UNICEF and UN partners step up humanitarian aid in southern Lebanon", UNICEF, 28 August 2006, [http://www.unicef.org/emerg/index\\_35455.html](http://www.unicef.org/emerg/index_35455.html).

<sup>96</sup> "Red Cross courage in Lebanon", British Red Cross, August 2006, <http://www.redcross.org.uk/news.asp?id=58445>.

Doctors at the hospital in Meis al-Jebel told Amnesty International that the lack of water supplies, as well as lack of fuel and electricity, had contributed to their decision to close the newly opened hospital a fortnight into the conflict. The water tower around 100m from the hospital was hit and rendered useless by a single missile on or shortly before 27 July, when the hospital was closed. The water tower is near no other building and there were no signs of military activity in the area.<sup>97</sup>

### **Access to education**

Up to 50 schools in south Lebanon were reported to have been completely destroyed in Israeli attacks and some 300 suffered major damage.<sup>98</sup> As a result, hundreds of thousands of schoolchildren missed their first few weeks of the new academic year – delayed from mid-September until 16 October. Many schoolchildren have had to find places in other schools.

Amnesty International delegates visited several of the destroyed and badly damaged schools in south Lebanon, southern Beirut and Ba'albek. In Ma'roub, the school was flattened. In north-western Bint Jbeil, 'Oweyna girls school was severely damaged – its desks and chairs were visible from the street as one of the main walls had been ripped off. Kawnin's government school on the main road to Tibnin suffered severe external and internal damage, including partial destruction of walls – there was little or no sign of destruction in the surrounding area, indicating that the school was the target. Three of al-Khiam's five schools were severely damaged. In Beirut's Dhahiyeh neighbourhood, al-Mustaqbal school was completely destroyed, and Ashbel Sahel primary and secondary school was badly damaged.

### **Lethal legacy of cluster bombs**

*"In Lebanon, we covered entire villages with cluster bombs... What we did there was crazy and monstrous."* Israeli commander quoted in *Haaretz* newspaper<sup>99</sup>

Six-year-old 'Abbas Yousef Shibli was playing with three friends in the southern village of Blida on 26 August when they spotted what they thought was a

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<sup>97</sup> In the briefing, *Deliberate destruction or "collateral damage"? Israeli attacks against civilian infrastructure*, Amnesty International reported that the state hospitals in Bint Jbeil and Meis al-Jebel were "completely destroyed", citing as its source the Council for Development and Reconstruction. This was incorrect. Amnesty International delegates visited the hospitals in August and found that they had not been destroyed but rather could not function because of the attacks. There was unexploded ordnance visible around the Bint Jbeil hospital grounds, and a private hospital nearby had received extensive damage.

<sup>98</sup> UNICEF press statement, "The long road back to school for children in southern Lebanon", 7 September 2006.

<sup>99</sup> "When rockets and phosphorous cluster" by Meron Rapaport, *Haaretz* newspaper, 14 September 2006, <http://www.haaretz.com/hasen/spages/761910.html>.

perfume bottle. One of them went to pick it up and it exploded, leaving ‘Abbas with devastating injuries – a ruptured colon and gall bladder, a perforated lung and a torn medial nerve. When ‘Abbas spoke to Amnesty International delegates from his bed in Najde hospital in al-Nabatiyeh a few days later, he wailed over and over again, “Take the bombs away from my village.”

His three friends – eight-year-old Ahmed Shibli, 11-year-old ‘Ali Hasan and his nine-year-old sister Sahar – were also injured. ‘Ali suffered a broken leg and both he and Sahar sustained shrapnel injuries. Sahar told Amnesty International:

*“Ali’s leg has to stay in a cast for one and a half months and he can’t go to play outside. And now it’s better to play in the house because of the bombs. I told other children not to touch anything outside, not even a stone, and even under a leaf there could be a bomb.”*

In the last three days of the conflict, Israel showered cluster bombs over large areas of south Lebanon, depositing bomblets over residential areas, roads, orchards and fields. Many of the bomblets failed to explode. As a result, for hundreds of thousands of people in Lebanon, the war did not end with the ceasefire. In the first fortnight after the ceasefire, an average of one person a day was killed and five were injured by bomblets.<sup>100</sup> By 2 November, 22 people had been killed and 134 wounded in civilian areas, according to the UN Office for the Coordination of Humanitarian Affairs.<sup>101</sup>

An Israeli commander of a Multiple Launch Rocket System unit told the Israeli daily newspaper *Haaretz* that the army had fired 1,800 cluster bombs during the war, each containing hundreds of bomblets. “In Lebanon, we covered entire villages with cluster bombs,” he said. “What we did there was crazy and monstrous.”<sup>102</sup> The same newspaper reported that Israeli forces had also used 155mm artillery cannons to fire cluster shells.

UN Mine Action Coordination Center (UNMACC) estimated in September that around a million unexploded cluster bomblets remained scattered across Lebanon. Each has the potential to destroy lives, particularly those of curious children. It also estimated that it would take at least a year to clear the unexploded munitions.<sup>103</sup>

UNMACC’s spokesperson said that many of the cluster bomblets it had found were “in civilian areas, on farmland and in people’s homes... We’re finding a lot at

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<sup>100</sup> *Lebanon: Cluster-bombs threaten civilian lives* (AI Index: MDE 02/024/2006).

<sup>101</sup> “See: <http://www.macsl.org/War%202006.htm>.

<sup>102</sup> “When rockets and phosphorous cluster” by Meron Rapoport, *Haaretz* newspaper, 14 September 2006, <http://www.haaretz.com/hasen/spages/761910.html>.

<sup>103</sup> <http://www.macsl.org/reports/Leb%20UXO%20Fact%20Sheet%204%20November,%202006.pdf>  
There are also an estimated 15,000 unexploded ordnance of various kinds, mostly 155m tank shells but also grenades and air-delivered bombs.

the entrances to houses, on balconies and roofs... Sometimes windows are broken and they get inside the houses.”<sup>104</sup> Amnesty International’s delegates in Lebanon made similar findings, coming across many unexploded cluster bomblets in villages and inside homes.

In early November, UNMACC said it had cleared some 58,000 cluster bomblets and other pieces of unexploded ordnance.<sup>105</sup> Earlier it had said that around 200,000 people still could not return to their homes due to the level of destruction and contamination by cluster bomblets and other unexploded ordnance.<sup>106</sup>

Jan Egeland, UN Under-Secretary-General for Humanitarian Affairs, condemned Israel’s use of cluster bombs in residential areas in Lebanon as “completely immoral”. He added: “Every day, people are maimed, wounded and killed by these weapons. It shouldn’t have happened.”<sup>107</sup>

Israeli forces used cluster bombs made in the USA and Israel, and fired them from the air and by artillery. They included the 58B CBU (Cluster Bomb Unit) containing around 650 BLU 63 bomblets (shaped like tennis balls), many of them produced in the Viet Nam war era. This old stock was apparently used overwhelmingly in the three days before the ceasefire.<sup>108</sup>

Amnesty International delegates in Lebanon talked to dozens of children and adults recovering from injuries inflicted by cluster bombs, and to relatives of those killed or wounded by such weapons.

On 14 August several members of the Hattab family were eating breakfast in front of their house in Habboush, near al-Nabatiyeh. A cat walking on the other side of the road detonated an explosive device and three consecutive explosions took place. Two people were killed – Hadi Mohammed al Hattab, who died instantly, and Moussa Hussein al Hattab, 34, who died three days later in hospital. Five people were injured.

The following day, Ali Turkiye, 20, was with a group of young men in a field in Zawtar al-Gharbiyeh on 15 August. He stretched up to pick some grapes from a vine above his head, disturbing a cluster bomb stuck in the leaves. It exploded, killing him instantly. Mahmoud Darwish, 24, was wounded in the knee and foot.

Hussein Qaduh, a 19-year-old accountancy student at the Beirut Islamic Technical Institute, was walking on a path beside a football field in the southern village of al-Sultaniyeh on 28 August, two weeks after the ceasefire. What should have been a peaceful day was shattered by an explosion that ripped through his body.

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<sup>104</sup> US probes Israel cluster bomb use, [http://news.bbc.co.uk/1/hi/world/middle\\_east/5286352.stm](http://news.bbc.co.uk/1/hi/world/middle_east/5286352.stm).

<sup>105</sup> <http://www.maccsl.org/reports/Leb%20UXO%20Fact%20Sheet%204%20November,%202006.pdf>.

<sup>106</sup> UN News Centre, 29 September 2006.

<sup>107</sup> UN denounces Israel cluster bombs, 30 August 2006, [http://news.bbc.co.uk/1/hi/world/middle\\_east/5299938.stm](http://news.bbc.co.uk/1/hi/world/middle_east/5299938.stm).

<sup>108</sup> Interview with Andrew Gleeson of the Mines Advisory Group.

He was rushed to hospital in the nearby village of Tibnin and later transferred to hospital in Tyre as his injuries were so severe. Amnesty International delegates saw him there the following day after he had undergone extensive surgery and was still in a critical condition. The delegates then visited the area where he had been injured and found it was littered with unexploded cluster munitions, some of them just centimetres from the path he had been walking on. Blood was still visible on the ground.

Children have featured disproportionately in the long list of casualties. For example, Hassan Hussein Hamadi, aged 13, picked up a canister-type cluster bomb on 27 August while playing with his brothers and sisters in the front yard of his home in Deir Qanoun village, south of Tyre. It exploded, blowing off four fingers of his right hand and causing him major shoulder and abdominal injuries.

Jean Ziegler, UN Special Rapporteur on the right to food, said that he feared the long-term effects of unexploded ordnance on the livelihoods of hundreds of thousands of people would be severe as it will prevent irrigation, harvesting and planting.<sup>109</sup> In parts of Lebanon there is barely an orchard, olive grove, tobacco field or pasture that is not littered with cluster bomblets waiting to explode. As a result, the country's shepherds and farmers face a deadly dilemma -- whether to let their animals starve and their harvests rot, or do they risk life and limb by entering areas infested with bomblets.

Unexploded bomblets have affected many other commercial concerns by disrupting repairs to blocked water supplies and broken power lines, as well as to destroyed buildings, roads and other infrastructure.

Wafiq Kishan, a 45-year-old school teacher from Sammaaiye village in the Ras al-'Ein district south of Tyre, told Amnesty International that the banana and orange trees in the groves around the family home were withering and damaged, partly because they were littered with cluster bomblets so the family could not water or prune the trees as required. He said that even if the unexploded bomblets were cleared quickly from the groves, it would be too late for the crops this year.

Khalil Badawi, 64, was injured on 24 August by a cluster bomb as he worked in an orchard in Sammaaiye village in the Ras al-'Ein district. He said that the bomb exploded when the hoe he was using touched it. He said he had no choice but to go into the field before it was de-mined: "We have to feed our families. Every morning we say goodbye to our families because we know we may not return... We try to be as careful as we can."

When the Heriz family returned home on 14 August, they saw that their animals lay dead in a nearby field. Ali Heriz, 26, went to try and move one of the

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<sup>109</sup> [http://www.un.org/apps/news/story/asp?NewsID=19900&Cr=leban&Cr1=.](http://www.un.org/apps/news/story/asp?NewsID=19900&Cr=leban&Cr1=)

cows and apparently triggered a cluster bomb. His chest and stomach bore the brunt of the blast, although his face was also injured. The family said that many of their fields could not be worked because of the cluster bomblets. The family did not know how it would survive.

‘Abd al-Mohsen Heriz, a relative of ‘Ali Heriz, told Amnesty International:

*“I’ve never seen anything like this. The presence of these cluster bombs force us now to fight another war. They are even more dangerous than the war itself, and this war may last for 20 years.”*

The bombing of Lebanon did not just kill and wound people. It also left deep scars on the mental and psychological well-being of civilians, especially in the south and in the southern suburbs of Beirut. Médecins Sans Frontières reported during the conflict that up to a third of its work was related to mental health problems.<sup>110</sup>

The long-term impact on the children of Lebanon is likely to be severe and health professionals fear for their future. A recognized way to help children overcome trauma is through play. However, in many parts of south Lebanon, playgrounds and other areas where children used to go are littered with cluster bomblets. As a result, outdoor play is a dangerous activity.<sup>111</sup>

## **Chapter 6: ‘Human shields’**

The protection of civilians on either side of a conflict is a shared responsibility of the parties at war. All parties to a conflict are obliged to take precautions to ensure that civilians under their control are not harmed by the dangers of military operations. They also have an obligation not to use the civilian population as a cover for their military activities – a war crime often referred to as using “human shields”.

The Israeli authorities argue that Hizbullah must be held responsible for the harm caused to civilians by Israeli attacks, accusing Hizbullah fighters of intentionally using the civilian population as a cover for their military activities by having bases in tunnels and other facilities within towns and villages; storing Katyusha rockets, their launchers and other weapons in populated areas; firing Katyusha rockets from close proximity to civilian houses and often seeking cover in such houses after firing; and preventing civilians from fleeing their villages. Hizbullah denies any policy of endangering civilians. Hizbullah officials openly acknowledge that their fighters and military facilities are present in towns and villages in south Lebanon and elsewhere, but argue that the role of their fighters is to defend their communities against Israeli attacks. However, it denies that its fighters stored

<sup>110</sup> Médecins Sans Frontières, “Humanitarian corridor into South Lebanon is a delusion”, 1 August 2006.

<sup>111</sup> *Daily Star*, “Good clean fun helps the youngest victims overcome stresses of war”, 26 September 2006.

Katyusha rockets in populated areas or that they fired them from such areas. Hizbullah also denies that it prevented civilians from fleeing.

### **Military facilities in civilian areas**

As a political party, a social organization and an armed group, Hizbullah is based among the Shi'a Muslim population in Lebanon, particularly in the south. Hizbullah does not dispute that it built a network of tunnels and other military hide-outs in the vicinity of and inside towns and villages in south Lebanon, and used them to ambush Israeli troops once they entered Lebanon.<sup>112</sup> Hizbullah points out that Israeli forces invaded Lebanese territory, moving with tanks and troops into villages in south Lebanon, occupying civilian homes and launching attacks from these homes. It maintains that the armed confrontations that took place in or near certain villages were aimed at resisting Israeli ground attacks, and that its fighters were themselves from these villages.

In the course of its field research, Amnesty International found remains of short-range weapons, such as PK-type machine guns and anti-tank missiles, in the rubble of two buildings that had been destroyed by Israeli forces, in an uninhabited house on the edge of Marwahin and in a building on the outskirts of Bint Jbeil known to local residents as belonging to Hizbullah. In Marwahin, villagers confirmed to Amnesty International that a van parked next to a mosque – and seen in footage provided by the Israeli army to contain anti-tank missiles – had been used by Hizbullah during the conflict. In the village of Rmeish, Amnesty International delegates were shown two seemingly unused launchers for anti-tank missiles, which villagers said had been left by Hizbullah fighters near an unfinished building on a hill on the outskirts of the village.

As confirmed by Israeli infantry soldiers interviewed by Amnesty International, both Israeli troops and Hizbullah combatants fought each other with similar tactics, often in house-to-house fighting in villages that were largely abandoned by civilians. Amnesty International found evidence of the presence of Israeli troops in homes in several villages, including 'Aitaroun, 'Ait al-Sha'b, 'Ainata and Mheibib. Food wrappers and other items with Hebrew writing, as well as large numbers of spent cartridges and used rocket launchers with Hebrew markings, littered such houses. Israeli soldiers had also vandalized these houses, including with insulting graffiti.

The close proximity of the military to civilian areas is also not unusual in Israel. According to reports, military installations are located in Kiryat Shimona and Metulla, and military border posts are near or within a number of other northern Israeli towns and villages. During the war there were more Israeli military positions

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<sup>112</sup> See, for example, "Hiwar maftuh" ("Open Dialogue"), *al-Jazeera* programme about the Islamic Resistance fighting the Israeli army in Lebanon, broadcast on 19 August 2006.

and activities close to and within civilian areas in north Israel than usual. The Israeli army is reported to have installed bases near Arab towns and villages, including Fassuta, 'Arab al-'Aramshe and Tarshiha – in this last village three residents were killed by a Hizbullah rocket attack. The Israeli army also reportedly carried out training exercises inside Israeli Arab villages because their landscape resembled that of villages in south Lebanon.<sup>113</sup>

Following the killing of 12 Israeli soldiers “outside the entrance” to the kibbutz of Kfar Giladi, where their battalion had been stationed for a week, it was reported that “during the war hundreds of soldiers were on the kibbutz, including a medical company, special units and artillery troops”.<sup>114</sup> A number of other northern towns and villages with large Arab populations reportedly have munitions factories near to them.<sup>115</sup> Finally, while Hizbullah’s headquarters are indeed in an area of Beirut that was heavily bombed by Israeli forces, Israel’s Ministry of Defense is itself located in the heart of Tel Aviv.

While the presence of Hizbullah’s fighters and short-range weapons within civilian areas is not contested, this in itself is not conclusive evidence of intent to use civilians as “human shields”, any more than the presence of Israeli soldiers in a kibbutz is in itself evidence of the same war crime. Such conduct may, however, amount to a violation of the obligation of each party to the conflict to take the necessary precautions to protect civilians under its control from the dangers of military operations “to the maximum extent feasible”, and in particular “avoiding locating military objectives within or near densely populated areas”.

In any case, by placing combatants and a variety of weapons within towns and villages, Hizbullah and Israel remain responsible for rendering such locations lawful targets and therefore exposing civilians who may have been present to risk. Israeli forces and Hizbullah fighters, however, were obliged at all times to apply the principle of distinction and proportionality, and take the precautions required by international humanitarian law, when launching attacks.

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<sup>113</sup> Arab Association for Human Rights (AAHR), *Weekly Review*, No.286, 4-11 August 2006, <http://www.arabhra.org/publications/wrap/wraphome2006.htm>. Majd al-Krum residents told UN Special Rapporteurs that artillery was located near their town during the conflict, <http://www.ohchr.org/english/bodies/hrcouncil/docs/2session/A.HRC.2.7.pdf>.

<sup>114</sup> According to *Haaretz* newspaper, “The rocket hit an area where logistics and headquarters officials from the reserve paratroopers battalion... were stationed”. Also, “Three military trucks filled with ammunition were parked” at the site. “Reservists failed to take cover after siren”, *Haaretz*, 7 August 2006, <http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=747042>; “During war, troops needed permission to enter communities”, *Haaretz*, 20 September 2006.

<sup>115</sup> Jonathan Cook, *The Human Shields of Nazareth*, 19 July 2006, <http://www.jkcook.net/Articles2/0261.htm#Top>.

### **Storing and firing Katyushas**

Israel accuses Hizbullah of storing Katyushas and other missiles and their launchers in civilian areas, specifically homes but also schools and mosques. An Israeli infantry officer told Amnesty International that his platoon found 15 Katyushas – without their launchers – in the lower floor of a two-storey house in the village of ‘Ait al-Sha’b in August. Photographic evidence produced by the IDF shows what appears to be a damaged Katyusha-type rocket in the courtyard of a mosque in Marwahin, next to the van with anti-tank missiles referred to earlier. Hizbullah told Amnesty International that it does not store Katyushas in towns and villages, but in woods or other natural areas providing cover.

Israel published or provided Amnesty International with a few samples of air surveillance footage showing the firing of Katyusha-type rockets and short-range anti-tank missiles from near civilian houses. One such incident was recorded on 7 August, the footage showing rockets taking off from between two houses in the village of Sidiqin.<sup>116</sup> However, in most of the other footage, crucial co-ordinates, such as date, time and location, are not provided and the few incidents that are dated, such as the one above, took place long after much of the civilian population had left some of the villages. Other footage shows what appear to be trucks with mounted Katyusha launchers taking refuge inside buildings.

The Israeli senior commander who briefed Amnesty International in September also said that Hizbullah forces fired rockets from places only 30-40 metres from UNIFIL bases, seeking to avoid Israeli counter-fire, and that on occasion Hizbullah fighters had sought refuge in UNIFIL bases.

UNIFIL reported more than 20 instances of rockets being fired by Hizbullah “from the vicinity” (up to 500m) of UN positions in south Lebanon, as well as a number of cases of Hizbullah small arms and mortar fire from “close to” (up to 100m) UNIFIL positions and several cases of UN positions and vehicles being hit by Hizbullah mortars, small arms fire or rockets. UNIFIL maintains that Hizbullah fighters were never allowed into any of its bases.<sup>117</sup>

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<sup>116</sup> See *Hizbullah's exploitation of Lebanese population centers and civilians: Photographic evidence*, [http://www.mfa.gov.il/MFA/MFAArchive/2000\\_2009/2006/Operation+Change+of+Direction+Video+Clips.htm](http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2006/Operation+Change+of+Direction+Video+Clips.htm).

<sup>117</sup> See UNIFIL press releases during the conflict at <http://www.un.org/depts/dpko/missions/unifil/unifilpress.htm> and conversation with Milos Strugar, UNIFIL Senior Advisor, 6 November 2006. According to UNIFIL, Israeli forces often fired tank and artillery shells, aerial bombs and machine-gun fire into UN positions or in their “immediate vicinity”. For example, during the last 24 hours before the cessation of hostilities on 14 August, a total of 85

Hizbullah denies using civilian areas to launch Katyushas, stating that such attacks were launched from woods, plantations, riverbeds and other places outside villages, far from populated areas.

In 'Ein Ebel and Rmeish, villagers told Amnesty International that on some occasions, mostly at the beginning of the war, Hizbullah fighters did fire rockets from villages, though not from inside or near their homes. They did not know whether the attacks were aimed at Israeli troops near the villages or at Israeli territory. They said that after villagers complained to Hizbullah, such practices generally stopped. In 'Ein Ebel, a resident who remained in the village throughout the war told Amnesty International that Israeli forces bombarded the village, including the church, at times when there was no Hizbullah presence or activity anywhere in the village.

It is not clear from the handful of examples made available by the Israeli authorities whether any civilians were present in buildings from which, or close to which, rockets were launched. If civilians were not present, Hizbullah fighters launching rockets in those circumstances would not have violated the prohibition on using "human shields". However, buildings used as launching bases for Katyushas would have been a legitimate target for Israeli forces, and buildings close to launching areas would have been exposed to possible incidental damage. Again, Israeli forces would still have needed to apply the principles of distinction and proportionality and take the precautions required by international humanitarian law.

In conclusion, had Hizbullah fighters stored Katyushas or launched them from close proximity to civilians in the hope of deterring Israeli attacks, this would have amounted to the crime of using civilians as "human shields". The available evidence suggests that in at least some cases Katyushas were stored within villages and fired from civilian areas, but it is not apparent that civilians were present and used as "human shields". With almost 4,000 rockets fired on Israel and very little undisputed information about where they were actually stored and fired from, the extent of such conduct and its qualification in terms of international humanitarian law remains unclear.

### **Preventing civilians from fleeing?**

Israeli officials alleged that Hizbullah prevented civilians from leaving certain areas by blocking roads or even firing over their heads, in order that the civilians would shield the fighters. However, the Israeli authorities provided no evidence of this, beyond suggesting that Amnesty International investigate one such alleged incident in Marwahin. Amnesty International did so and found no evidence to substantiate the allegations. Villagers in Marwahin – including those known for political affiliations rival to Hizbullah – denied that any such event happened. Indeed, many of the

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artillery shells impacted inside UNIFIL positions, 35 of them inside the headquarters of the Ghanaian battalion in the Tibnin area. A further 10 impacted within 70m of the base.

villagers fled at the beginning of the hostilities, only for their convoy to be attacked by Israeli forces (see Chapter 3).

None of the people interviewed by Amnesty International in towns and villages in south Lebanon and elsewhere in the country alleged that Hizbullah prevented or tried to prevent them from leaving their town or village, or reported cases where others had been so impeded. Some stated that Hizbullah had warned residents of the likelihood of Israeli attacks in their areas. In some cases, notably during the 48-hour suspension of air strikes by Israel on 31 July and 1 August, Hizbullah activists in certain areas are said to have encouraged or assisted people who had been unable to leave their villages in south Lebanon to do so. Civilians resident in the Beirut neighbourhood of Dhahiyeh, where Hizbullah had its headquarters as well as other offices relating to its media, social, medical and educational activities, were also evacuated before Israeli attacks began. Hizbullah reportedly led the evacuation efforts.

In conclusion, the evidence available to Amnesty International does not substantiate the allegations that Hizbullah prevented civilians from fleeing, and in several cases points to the contrary.

## **Chapter 7: Conclusions and recommendations**

The 34-day war between Hizbullah and Israel in July and August 2006 caused death and devastation on a large scale, with civilians on both sides bearing the brunt of military operations.

Based on its research and analysis, including a review of Israeli interpretation of the laws of war, Amnesty International has concluded that Israeli forces committed serious violations of international human rights and humanitarian law, including war crimes. In particular, Amnesty International has found that Israeli forces carried out indiscriminate and disproportionate attacks on a large scale. These include the sustained artillery bombardment of south Lebanon and, in particular, the widespread use of cluster bombs in civilian areas in the last days of the war.

As shown in an initial briefing published in August<sup>118</sup> and illustrated further in this report, such attacks also included those on civilian infrastructure -- for example, the bombing of the Jiyee power station which also caused massive environmental damage. In this context Israeli forces also appear to have carried out direct attacks on civilian objects, such as the destruction of factories and of the small port of al-Ouza'i and its fishing boats.

The attacks on the infrastructure, on objects indispensable to the survival of the population, as well as the air and sea blockade imposed throughout the war and

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<sup>118</sup> See *Deliberate destruction or "collateral damage"? Israeli attacks against civilian infrastructure*, op cit.

beyond, seem to have been intended to inflict a form of collective punishment on Lebanon's people, in order to induce them and the Lebanese government to turn against Hizbullah, as well as to cause harm to Hizbullah's military capability.

Finally, based on the available evidence and in the absence of an adequate or any explanation from the Israeli authorities for so many attacks by their forces causing civilian deaths and destruction, when no evidence of Hizbullah military activities was apparent, it seems clear that Israeli forces consistently failed to adopt necessary precautionary measures. As seen in threats expressed in public statements by senior political and military leaders and in leaflets dropped into Lebanon, Israeli forces effectively considered any civilian travelling in south Lebanon as a military target, in flagrant violation of the principle of distinction. Any attack carried out in this context would have been an indiscriminate attack if not a direct attack against civilians.

In a briefing published in September 2006, Amnesty International looked into Hizbullah's rocket bombardment of northern Israel and concluded that Hizbullah also committed serious violations of international humanitarian law, including war crimes. In particular, the scale of Hizbullah's rocket attacks on towns and villages in northern Israel, the indiscriminate nature of the weapons used, together with statements by Hizbullah's leader, showed that Hizbullah carried out direct attacks on civilians as well as indiscriminate attacks and attacks on the civilian population as reprisal.

Hizbullah fighters also appear not to have taken necessary precautions to protect civilians in Lebanon from the effects of Israeli attacks. The evidence suggests that, in at least some cases, Katyusha rockets were stored within villages and fired from civilian areas, although the extent of such conduct is not clear. It is also not clear from the handful of examples made available by the Israeli authorities and other evidence whether civilians were present in buildings close to the firing areas. If Hizbullah fighters stored Katyushas in, or fired them from, close proximity to civilians in the hope of deterring Israeli attacks, this would amount to the war crime of using civilians as "human shields". The evidence available to Amnesty International does not substantiate the allegations that Hizbullah prevented civilians from fleeing, and in several cases points to the contrary.

The scale and nature of the violations committed by both Israeli forces and Hizbullah fighters in their latest war calls for accountability and remedial action. Over the many years of conflict between Hizbullah and Israel, both sides have repeatedly committed serious violations of international humanitarian law without any accountability.<sup>119</sup>

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<sup>119</sup> See *Israel/Lebanon: Attacks on Lebanese civilians in south Lebanon by Israeli forces*, June 2000 (AI Index: MDE 02/006/2000), and *Israel/Lebanon: Unlawful killings during Operation - "Grapes of Wrath"*, op cit.

Prompt, independent, impartial and thorough investigations in accordance with international standards for such investigations and bringing to justice perpetrators of serious violations are essential to build respect for international humanitarian law.

The Israeli authorities maintain that they carry out investigations into incidents, but these investigations fail to conform to international standards, including the obligation of transparency. For example, they have never disclosed the methods of such investigations – whether in fact they differ, for example, from routine battlefield debriefings which in no way can amount to a proper investigation – and to which incidents they relate.

As in previous conflicts relating to Lebanon, the Israeli authorities have in general provided no specific explanation for attacks that led to civilian deaths. In the few such cases where the authorities have offered some explanations, these were inadequate. When they indicated that civilian deaths and injuries were the result of mistakes, they provided no indication that anyone had been or would be held accountable for the mistakes.

No investigation into violations of international humanitarian law by Hizbullah is known to have been conducted by Hizbullah commanders or by the Lebanese authorities.

At the international level, two inquiries have been conducted. In early September, four UN independent experts of the UN Human Rights Council examined the impact of the conflict on the right to life, health and housing, and the situation of the internally displaced.<sup>120</sup> In August 2006 a Commission of Inquiry was set up by the Human Rights Council, comprising three independent experts. However, these inquiries were limited in scope to the specific mandates of the UN experts, and in the case of the Commission of Inquiry by a mandate which related only to violations by Israel, not Hizbullah. In addition, both inquiries operated under significant restrictions in terms of time and resources.

Amnesty International has been calling for a comprehensive and impartial inquiry by independent experts into the conduct of both sides to be set up by the UN Secretary-General, the outcome of which should be made public and include recommendations aimed at ending and preventing further violations. Such an inquiry should look at all the available evidence, including Amnesty International's findings in this and previous reports. It should also be empowered to decide on the form of reparation for the victims of violations, including financial compensation.

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<sup>120</sup> *Report of four Special Rapporteurs on their mission to Lebanon and Israel*, 2 October 2006.

In addition, while international investigations play a crucial role in establishing facts and responsibilities, and thus seek to implement the right to truth of the victims and the public, the parties to the conflict and the international community have the primary responsibility to ensure the right to justice, with judicial determinations of guilt or innocence and reparations.

**Amnesty International calls on the Israeli government to:**

- Investigate promptly, independently, impartially and thoroughly, in accordance with international standards, the evidence indicating that its forces committed serious violations of international human rights and humanitarian law during the conflict, including war crimes.
- Wherever there is sufficient admissible evidence, prosecute anyone suspected of serious violations in proceedings that fully respect international fair trial standards.
- Revise its interpretation of the rules and principles relating to the concepts of military objective, military advantage and proportionality, to ensure that these concepts are fully consistent with international humanitarian law.
- Ensure that the Israeli military complies fully with the duty to take precautionary measures when carrying out attacks, as well as in defence, and does not carry out attacks as a form of collective punishment.
- Announce a moratorium on the use of all cluster weapons and, in any event, declare that it would not, under any circumstances, use such weapons to target military objectives in civilian areas.
- Provide without delay detailed maps of the areas of Lebanon into which cluster bombs were fired, to facilitate clearance and prevent further civilian casualties.
- Provide without delay maps of the minefields established in southern Lebanon during previous conflicts.
- Announce that it will not use white phosphorous weapons in civilian areas.
- Provide full reparations for the consequences of its unlawful acts and omissions.
- Co-operate fully with an international commission empowered to investigate such acts and omissions by all the parties to the conflict, and decide on the form of reparation, including financial compensation. It should provide such a commission with information on any investigations undertaken, as required under international standards.
- Ratify Protocol I of the Geneva Conventions without reservations and make a declaration under Article 90 accepting the competence of the International Humanitarian Fact-Finding Commission.
- Ratify the Rome Statute of the International Criminal Court, without making a declaration under Article 124 – which would exclude for seven years the

jurisdiction of the Court over war crimes – and making a declaration pursuant to Article 12(3) that its jurisdiction encompasses the 2006 war.

**Amnesty International calls on Hizbullah to:**

- Publicly renounce its unlawful policy of reprisal rocket attacks against the civilian population of Israel.
- Carry out an investigation into any violations of international humanitarian law by its own forces, and hand over to the Lebanese authorities anyone suspected of such abuses for further investigation and prosecution if appropriate.
- Ensure that Hizbullah's fighters comply fully with the need to take precautionary measures in attacks and in defence, including the need to distinguish themselves from non-combatants to the maximum extent possible.
- Provide full reparations for the consequences of its unlawful acts and omissions.
- Co-operate fully with an international commission empowered to investigate such acts and omissions by all the parties to the conflict, and decide on the form of reparation, including financial compensation.

**Amnesty International calls on the Lebanese government to:**

- Investigate promptly, independently, impartially and thoroughly, in accordance with international investigation standards, the evidence indicating that Hizbullah forces committed serious violations of international humanitarian law during the conflict, including war crimes.
- Wherever there is sufficient admissible evidence, prosecute anyone suspected of serious violations in proceedings that fully respect international fair trial standards and do not lead to the imposition of the death penalty.
- Ensure that no armed group operating within its territory carries out abuses of international human rights and humanitarian law.
- Provide full reparations for the consequences of unlawful acts or omissions by Lebanese officials and by Hizbullah.
- Co-operate fully with an international commission empowered to investigate such acts or omissions by all the parties to the conflict, and decide on the form of reparation, including financial compensation.
- Ratify the Rome Statute of the International Criminal Court, without making a declaration under Article 124 – which would exclude for seven years the jurisdiction of the Court over war crimes – and making a declaration pursuant to Article 12(3) that its jurisdiction encompasses the 2006 war.

**Amnesty International calls on the international community to:**

- Ensure that the UN sets up an international commission empowered to investigate the evidence of violations of international human rights, humanitarian and criminal law by all the parties to the conflict; make recommendations for addressing impunity for violations committed and preventing future violations; and make recommendations on the form of reparation, including financial compensation. All states and the parties to the conflict must co-operate with such an inquiry.
- Exert pressure on all those involved in the conflict to co-operate with such a commission and implement its recommendations.
- Ensure that UNIFIL includes a component that would monitor any violations of international human rights and humanitarian law.
- Declare and enforce an arms embargo on both Israel and Hizbullah until effective mechanisms are in place to ensure that weapons will not be used to commit serious violations of international humanitarian law. This must include ensuring that a thorough investigation of violations in this conflict takes place and anyone found responsible is brought to justice in fair trials. The USA, Lebanon, Iran, Syria and other states should ensure that no weapons that may be used to commit violations are sent by them to any of the parties or transits through their territory.
- Announce an immediate moratorium on the use of all cluster weapons, end the transfer of such weapons to other states, and support initiatives by the UN and the ICRC to develop a new international humanitarian law agreement which will effectively address the threat that cluster weapons pose to civilians.
- Ensure that states exercise jurisdiction including, where necessary, universal jurisdiction, over suspects of crimes under international law, including war crimes.