

Civilians in Danger



The Location of Temporary and Permanent Military Installations Close to Arab Communities during the Second Lebanon War



נסאנל אל مؤسسه ال عربيه ل حقوق ا
الاعوذا العربيه ل زكوىة ال اءم

Arab Association for Human Rights

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Cover photo: Israeli army convoys in the Makam of Sheikh Mujahid in the Arab village of Tarshiha in the north (Arab Association for Human Rights ©)

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The Arab Association for Human Rights (HRA) was founded in 1988 by a group of lawyers and community activists to promote and protect the civil and political, economic, social and cultural rights of the Palestinian Arab minority in Israel from an international human-rights perspective. In 2003, the HRA expanded its activities to include a human-rights monitoring program, whose methodology relies on field research and interviews and legal analysis of the domestic and international human-rights standards. The idea of establishing a Research and Reporting program was first developed by the HRA in the wake of the events of October 2000, when 13 Palestinian Arabs (twelve citizens of Israel and one from the Occupied Palestinian Territories) were killed by state police forces. Since that time, a steady trickle of serious and often physical

human-rights abuses against minority citizens means that the need for human-rights documentation and reporting of these abuses is more vital than ever.

Introduction

During the war between Israel and Hizbullah in the summer of 2006, a total of 1,191 Lebanese civilians were killed and over 4,400 were wounded. On the Israeli side, 44 Israeli civilians were killed and 4,262 were injured. The high number of casualties and injuries raised concerns that both the Israelis and the Lebanese had failed to respect international humanitarian law during the war. A fundamental principle of international humanitarian law is that civilians must be afforded maximum protection. Concern was voiced that the violation of international humanitarian law may explain the particularly high number of civilian fatalities and injuries.

During and after the war, international organizations such as the United Nations, Human Rights Watch, and Amnesty International undertook detailed investigations regarding the extent to which each of the parties to the conflict observed the provisions and rules of international humanitarian law, particularly those intended to provide protection for civilians.¹ These investigations focused on a number of claims. One claim was that Hizbullah fired rockets at northern Israel without distinguishing between civilian and military targets. The second claim was that Israel attacked southern Lebanon, through aerial sorties and intensive artillery fire, again without distinguishing between civilians and combatants. A third claim is that Hizbullah itself bears responsibility for the large number of Lebanese civilians who were killed and injured, since it acted against Israel from within the civilian population, seeking to use the population as a human shield against Israeli attacks. All the report relating to the war established unequivocally that both sides violated international humanitarian law.

However, one question relating to the extent to which Israel observed the provisions of international humanitarian law has not been the subject of detailed attention. It has been alleged that Israel deployed temporary and permanent military facilities in the north of Israel at locations close to (and sometimes within) civilian locales. The argument is that this also increased the danger to the civilian population. For its part, Hizbullah claimed several times that its rockets were aimed mainly at military targets in Israel. However, the only organization that examined this claim in depth was Human Rights Watch.² This report mentioned the proximity of military installations to civilian locales inside Israel, but the main focus of the report was on the claim that Hizbullah targeted its rockets indiscriminately; the question of the proximity of the

military facilities to Israeli civilian locales was only discussed in brief. This same claim was also raised during the war, particularly by Arab public figures in Israel.³

This report focuses on this claim – that military installations were positioned in proximity to Arab civilian locales. On the basis of the investigation undertaken by the Arab Association for Human Rights (HRA), it emerges that temporary military installations from which missiles were fired into Lebanon during the war were indeed positioned in very close proximity to the Arab locales that suffered the gravest attacks during the war. This is in addition to permanent military installations in existence prior to the war. In some cases, the military installations were established inside the Arab locales. It is reasonable to assume that these installations were targets for Hizbullah rocket attacks; that their placement in the locale exposed Arab civilians to a grave risk that rockets would strike their locales; and that this risk indeed materialized in practice. Equally, the investigation found that Arab locales that were not surrounded by military installations were not damaged during the war, or were damaged to a lesser extent, despite their proximity to the Israeli-Lebanese border.

This report focuses exclusively on the Arab locales, for several reasons. Firstly, the HRA is an organization that acts on behalf of the Palestinian Arab minority in Israel; as such, its duty was to document events that occurred during the war and which influenced the situation of the Arab population. During the documentation process, the HRA discovered the scope of the discrimination faced by the Arab population during the war in terms of protection and the provision of bomb shelters in the Arab locales. As the documentation work continued, however, Arab citizens interviewed by HRA repeatedly claimed that military installations had been established close to their locales, and suggested that this was the reason for the rocket attacks they faced. Accordingly, the HRA decided to examine these claims and undertook an investigation of the subject.

The second reason is that given the prevailing political reality in the Middle East, attacks by Hizbullah – an Arab and Islamic organization – against Arab towns and villages in Israel is a relatively surprising development. Against the background of the protracted struggle between Hizbullah and Israel, it was only to be expected that Hizbullah would attack Jewish areas (although this is considered a violation of international humanitarian law), but this does not apply to Arab areas. This assumption was reinforced when Hizbullah Secretary-General Hassan Nasrallah apologized to the Taluzi family after two of its children, Rabia and Mahmud, were killed on 19 July 2006 after rockets fell on the Arab city of Nazareth. Nasrallah referred to the children as “shahids” or martyrs. On 9 August 2006, Nasrallah urged Arab residents of Haifa to leave the city, hinting that the organization intended to attack it. These developments clearly suggest that Hizbullah did not intend to attack Arab towns and villages; if this is the case, why were these areas nevertheless hit by rockets?

The third reason is the interpretation of the events of the war as offered by the international media, particularly regarding rocket attacks on Arab areas. An example of this is the BBC. When the two children from the Taluzi family were killed by a rocket fired by Hizbullah, as mentioned above, the BBC's Middle East correspondent, Mathew Price, told viewers that this was the first time the Hizbullah had "**targeted**" the Arab city of Nazareth. He also claimed that Nazareth is a Christian city with a Christian majority, suggesting that Hizbullah, as an Islamic organization, **deliberately** intended to harm Christians, even though they are Arabs.⁴ Price's report included two factual errors. Firstly, the majority of the residents of Nazareth are actually Muslims. Secondly, he failed to report that around Nazareth, and even within the city limits, a number of permanent military installations are situated. It is at least possible that Hizbullah intended to hit these installations, and accidentally hit the city of Nazareth instead.

These reasons led the HRA to publish the present report, in order to draw the attention of the local and international communities to a gross violation of international humanitarian law committed by the State of Israel – a violation that has been largely overlooked by the Israeli and international media.

The HRA is aware that Jewish locales were also surrounded with military installations. On 6 August 2006, twelve Israeli soldiers were killed after they were struck directly by a rocket. The soldiers were part of a battalion that was being hosted in Kibbutz Kfar Giladi for a week. Reports stated that hundreds of soldiers were stationed at the kibbutz during the war, including medical companies, artillery units, and special units.⁵ Artillery units and permanent military bases were also stationed in or near to other Jewish locales.

Moreover, some of the military installations documented by the HRA indeed surrounded Arab locales, but were also extremely close to neighboring Jewish locales. In the north of Israel, almost every Arab locale neighbors a Jewish locale.⁶ By publishing this report, the HRA does not seek to create a distinction between Jewish and Arab citizens. It cannot be ignored, however, that the risk that Arab locales would be attacked at all during the war, and certainly that they would suffer such serious attacks, was relatively low. Conversely, the risk that the Jewish locales would be attacked was relatively high.

In closing this section, a number of significant points should be noted. Firstly, this report does not seek either to corroborate or to refute the claim by Hizbullah that it target its rockets solely at military targets in Israel. The purpose of the report is to highlight the reasonable possibility that the Arab locales were attacked during the war because of the adjacent military installations. The findings in this report do not free Hizbullah of its obligation to distinguish between military targets and civilian objects, and to attack solely the former.

Secondly, this report does not seek to argue that the Israeli army intended to use the Arab locales and their Arab civilian residents as a human shield. The HRA does not have the necessary tools to examine whether the Israeli army and government deliberately intended to use the Arab locales as a human shield in order to deter Hizbullah from firing rockets at the military installations surrounding these locales. However, this report, which is based on primary sources, clearly shows that the temporary and permanent military installations were positioned in close proximity to the Arab locales attacked during the war; this fact, in itself, endangers the Arab citizens living in these locales.

Thirdly, the HRA considered at great length whether or not to publish this report and, if so, in what format. The prevarications were due to the fact that the report examines a highly sensitive issue. There was concern that the HRA might be accused of revealing classified military information. Such concern is well-founded, since in recent years there has been an intensification in the political persecution of the Palestinian Arab minority in Israel, particularly in the case of public figures⁷ and activists in Arab organizations.⁸ The HRA eventually decided that it must publish the report in view of the important findings. However, in light of the concerns summarized above, it was decided that the report will include only the conclusions of the investigation, without details and without specifying the military installations situated close to the Arab locales. This inevitably impairs the comprehensive nature of the report, but the HRA has been forced to apply self-censorship due to the prevailing circumstances in Israel, where any deviation from the Israeli Jewish consensus regarding the justification for the war and the responsibility for injury to civilians leads to allegations of disloyalty and treason. The HRA has undertaken the role of exposing human rights violations affecting the Palestinian Arab minority in Israel, and its loyalty to this task requires the publication of the report, albeit in a truncated and restricted format.

Fourthly, the HRA has refrained from stating the names of the interviewees in this report, due mainly to the concerns noted above. In addition, we seek to protect residents who provided the HRA with information under the expectation and trust that their names would not be made public.

The Second Lebanon War: **Background**

On 12 July 2006, Hizbullah⁹ kidnapped two Israeli reserve soldiers from the northern border with the declared motive of securing the release of Palestinian and Lebanese prisoners held in Israel. During the kidnapping operation eight Israeli soldiers were killed. Israel regarded this operation as a declaration of war, and on 13 July 2006 the Israeli army launched a military offensive against Hizbullah. The situation soon deteriorated into a war that lasted for approximately one month.¹⁰ During the war Israel attacked targets throughout Lebanon by means of aerial sorties and intensive artillery bombardments. Hizbullah fired rockets into the entire northern region of Israel on a massive scale.

The war caused serious damage to property and life on both sides of the border. Lebanese infrastructures were severely damaged. A large number of homes were destroyed,¹¹ in some cases burying their occupants. Bridges¹² and roads¹³ were also demolished. Hariri International Airport in Beirut was damaged several times. Entire neighborhoods were destroyed. The bombing of oil refineries close to the sea caused serious ecological damage along the Lebanese and Syrian coast. The total cost of the damages sustained by Lebanon as the result of the war is estimated at over two billion dollars.¹⁴

On the Israeli side, buildings hit by rockets were badly damaged, although most of the rockets landed in open spaces.¹⁵ The rockets that landed in open spaces caused fires and destroyed hundreds of acres of natural woods and planted forests. Hundreds of thousands of trees were burnt.¹⁶ Hizbullah rockets struck villages and urban areas, hospitals, schools, and commercial centers, destroying some 6,000 homes.¹⁷ During the war it was estimated that the daily cost to the Israeli economy was \$ 110 million,¹⁸ and on 12 August 2006 a report stated the total cost of the war through that date was approximately NIS 23 billion, including costs of the security forces, direct and indirect damage in the north, lost product, and the transfer of emergency aid to local authorities in the north and to other bodies.¹⁹

According to information provided by Israel, 117 soldiers were killed during the war. Israel also announced that it is in possession of a list of 500 Hizbullah activists killed (although these names have not to date been published). Hizbullah, however, stated that only 74 of its operatives were killed; a small number of activists from other organizations that fought Israel were also killed. In addition, four members of the Lebanese internal security forces and 40

soldiers from the Lebanese Army were killed during the war, although the official Lebanese army was not a party to the fighting.²⁰

The Israeli military strategy during the war may be divided into two phases. The first phase included intensive bombing from the air, land, and sea; the second also included ground incursions into Lebanese territory.²¹ During the initial phase of the war, the main activities were bombardments by the Israel Air Force, which destroyed thousands of targets.²² In addition to the aerial bombardments, the Israeli Artillery Corps operated throughout the war from inside Israel, bombarding targets in southern Lebanon through the use of ground artillery.²³ Missile boats of the Israel Navy also operated during the war, imposing a maritime siege on Lebanon and firing some 2,500 mortars at the coast.²⁴ Only at the beginning of August, after the Israeli army realized that the bombardments were not preventing Hizbullah from launching hundreds of rockets into Israel each day, was it decided to engage in an extensive ground operation on Lebanese territory.

After the end of the war, it emerged that the Israeli army had also employed cluster,²⁵ potassium,²⁶ and uranium²⁷ bombs. The commander of one of the Israeli army rocket units testified that the Israeli Artillery Corps, with the approval of the command echelon and the Office of the Chief of Staff, fired some 1,800 cluster bombs in Lebanon, containing over 1.2 million bombs.²⁸ Soldiers also reported that potassium mortars were fired in order to cause fires in Lebanon. Moreover, the United Nations has investigated claims that the Israeli arm used uranium, and a British laboratory has confirmed that remnants of uranium have been found in locations bombed by Israel.²⁹ Most of the ammunition was fired during the last ten days of the war.³⁰

The military strategy of Hizbullah was based on massive rocket attacks striking inside Israel. Rocket attacks by Hizbullah began on 12 August 2006, gradually intensified,³¹ and continued on a daily basis throughout the war. Over the course of the war Hizbullah fired 3,790 rockets at targets in northern Israel. The average number of rockets fired each day was 100, and during the height of the war over 250 rockets a day were fired.

The Impact on the Civilian Population

Both sides suffered extensive damage and losses during the war; in both cases, however, the civilian population bore the brunt of the suffering. During the 34-day conflict, civilians on both sides of the border sustained violations to a range of human rights, in complete contravention of international humanitarian law and international human rights law. Many civilians were killed, while others lost their homes and livelihood and were forced to leave their home communities. The number of those physically injured was high, but even greater numbers suffered acute distress, amounting some cases to post-traumatic disorder.³²

The actions of the Israeli army in Lebanon, and particularly the aerial and artillery bombardments, almost completely paralyzed the normal course of life in southern Lebanon, and disturbed the routine of life to a lesser extent in other areas of the country. A total of 1,191 Lebanese civilians were killed,³³ approximately one-third of whom were children,³⁴ and over 4,400 were injured. Approximately one million Lebanese civilians (around one-fourth of the total population) left their homes due to the intensive attacks; half this number found refuge in Beirut.³⁵ In addition, factories were bombed while the workforce was inside, and agricultural trucks and even ambulances also came under fire.

On the Israeli side, 44 civilians were killed by rockets and 4,262 were injured.³⁶ It was estimated that over 300,000 residents of the north of the country (out of a total population of 1,500,000) left their homes and moved to the center and south of Israel.³⁷ These civilians found refuge in various areas, renting rooms in hotels and guest houses, or staying with relatives and friends.³⁸

Since the end of the war, the question as to why the civilian population on both sides suffered so badly has been the subject of intense debate. Israel has been accused of indiscriminate and disproportionate attacks against civilian objects in Lebanon in the expectation that civilian suffering would put pressure on Hizbullah to halt its operations against Israel.³⁹ Thus Israel is alleged to have deliberately targeted the civilian population in Lebanon, violating the principle of distinction as established in international humanitarian law, the violation of which constitutes a war crime.⁴⁰ Israel considers itself committed to international humanitarian law;⁴¹ this is apparent, among other sources, from the comments made by Israeli public figures, who hinted that many of the Israel attacks were reprisal operations following Hizbullah attacks on the Israeli home front.⁴² Further corroboration of this conclusion may be found in the nature of Israel's attacks against southern Lebanon: "(...) the pattern and scope of the attacks, as well as the number of civilian casualties and the amount of damage

sustained (...) strongly suggests that the extensive destruction of public works, power systems, civilian homes and industry was deliberate and an integral part of the military strategy...⁴³

In response to this claim, Israel stated that its attacks were intended to strike military targets only. However, since Hizbullah operated during the war from inside civilian installations, and concealed and fired weapons from within civilian locales, these locations became legitimate military targets, and the civilian population sustained collateral damage. Israel thus claimed that Hizbullah endangered the Lebanese civilian population by operating among civilians and using them as human shields – actions that are prohibited under international humanitarian law.⁴⁴ Moreover, it was alleged that Hizbullah prevented Lebanese civilians from fleeing from their homes in order to deter Israel from attacking these areas.⁴⁵

The response to Israel's allegations was that even if Hizbullah indeed operated from within the civilian population, this did not exempt Israel from its obligation to refrain from bombing such heavily populated civilian areas.⁴⁶ Moreover, Human Rights Watch undertook an in-depth study of this aspect.⁴⁷ They found that: "Since the start of the conflict, Israeli forces have consistently launched artillery and air attacks with limited or dubious military gain but excessive civilian cost. In dozens of attacks, Israeli forces struck an area with no apparent military target. In some cases, the timing and intensity of the attack, the absence of a military target, as well as return strikes on rescuers, suggest that Israeli forces deliberately targeted civilians [...] Human Rights Watch found no cases in which Hezbollah deliberately used civilians as shields to protect them from retaliatory IDF attack [...] By consistently failing to distinguish between combatants and civilians, Israel has violated one of the most fundamental tenets of the laws of war: the duty to carry out attacks on only military targets. The pattern of attacks during the Israeli offensive in Lebanon suggests that the failures cannot be explained or dismissed as mere accidents; the extent of the pattern and the seriousness of the consequences indicate the commission of war crimes."

The organization's final conclusion was that: "During site visits conducted in Qana, Srifa, and Tyre, Human Rights Watch saw no evidence that there had been Hezbollah military activity around the areas targeted by the IDF during or just prior to the attack: no spent ammunition, abandoned weapons or military equipment, trenches, or dead or wounded fighters."

As for Hizbullah, Amnesty International found that the organization had violated the principle of distinction by firing rockets with the intention of causing deliberate and indiscriminate damage in civilian locales in the north of Israel, in revenge for Israel's attacks in southern Lebanon: "The scale of the rocket attacks on cities, towns and villages in northern Israel, the indiscriminate nature of the weapons used, together with official statements, specifically those of Hizbullah's leader, show that Hizbullah has committed

serious violations of international humanitarian law. These include deliberately attacking civilians and civilian objects, and indiscriminate attacks, both of which are war crimes, as well as attacking the civilian population as reprisal"⁴⁸

The report also notes that: "The fact that Israel in its attacks in Lebanon also committed violations of international humanitarian law amounting to war crimes, including indiscriminate and disproportionate attacks, is not an acceptable justification for Hizbullah violating the rules of war, whether as a deterrent or as a means of retaliation or retribution."⁴⁹

The Impact on Arab Citizens and Communities

The Arab citizens of Israel were profoundly affected by the war. Of the 44 Israeli civilians who were killed, 21 (48 percent) were Arab citizens.⁵⁰ A large number of rockets fell in Arab towns and villages.⁵¹ Of the Arab citizens who were killed, 14 (66 percent of all the Arabs killed and 30 percent of total Israeli civilian fatalities) were killed in Arab towns and villages, while the remaining seven were killed while they were in Jewish areas. Most of the Arab citizens experienced constant anxiety during the war,⁵² both because of the rocket attacks on the Arab communities and because the means of protection provided by the state were meager and limited, at best.⁵³

To an outside observer, it might not seem surprising that Arab citizens and communities came under attack during the war. After all, both Israel and international human rights organizations claim that Hizbullah intended to attack civilian objects inside Israel – a definition that includes the Arab citizens. Why should Arab citizens enjoy “immunity” when Jewish citizens do not? Moreover, Arabs constitute 60 percent of the total population of 1.5 million that lives in the north of the country (excluding the city of Haifa).⁵⁴ Accordingly, as the majority population in the region, it might be expected that the Arab citizens would be attacked during the war, even if this was not intentional.

However, a more profound examination of the situation during the war raises questions regarding the reasons for the attacks on Arab communities, apart from the fact that they constitute the majority population in the north.⁵⁵

Firstly, the Arab citizens rejected the view of the Jewish public regarding the justification for the war. Professor Sami Samuha, a sociologist and a leading expert on the subject of Arab-Jewish relations, commented on this aspect: The Arabs reject the Jewish position that argues that the war was justified, and that it was right in moral and practical terms to launch the war following the provocation by Hizbullah. They believe that Israel should have accepted the proposal by Hizbullah to negotiate for the release of the captives and prisoners. They totally reject the bombardments that led to extensive destruction and to the uprooting of three-fourths of a million Lebanese citizens from their homes. They identify with the resilience and impressive military skills shown by Hizbullah, and they do not believe that Hizbullah had any intention to harm them. They see Hizbullah, like Hamas or Islamic Jihad, as a “resistance” movement, not a terrorist group. Resistance to Israel is justified, in their

opinion, since it is intended to block Israeli militarism and lead to a just conclusion to the conflict with the Palestinians. This explains why the Arabs rejected Israel's demands that they condemn the Hizbullah terror attacks and justify Israel's response.⁵⁶

Moreover, a survey conducted in September 2006 among Arab citizens found that 75 percent believed that Israel's actions in southern Lebanon constitute a war crime; 16 percent blamed Hizbullah for the outbreak of the war; 32 percent blamed both sides; and 42 percent believed that the capture of the two Israeli soldiers was not the real reason for the war, which was planned before this incident.⁵⁷

This impression is further supported by the comments of Arab public figures and Members of Knesset during the war. On 20 July 2006, for example, MK Taleb A-Sana, the head of the United Arab List–National Arab Movement faction in the Knesset, contacted Prime Minister Ehud Olmert and warned him of the consequences of the war, and of the danger that the hostilities would extend to include Syria. He urged the prime minister “to stop this crazy war before it is too late; to stop the killing of civilians and the destruction of infrastructure; to stop the continuing destruction and oppression in Palestine and in Lebanon.”⁵⁸ On 9 August 2006, following the decision by the security cabinet to expand the ground operations in southern Lebanon, A-Sana commented that “this is the decision of a leadership that does not lead the people but is led by the people; this is to fall into the Iranian trap and it will be regretted for generations to come.”⁵⁹ On 26 July 2006, during a speech to the Knesset, MK Jamal Zahalka of the Democratic National Assembly (Balad) stated that: “Those responsible for the slaughter are war criminals and should be tried in the Hague. The criminal has returned to the scene of the crime. This is a war for war's sake, a slaughter for the sake of slaughter, murder for the sake of murder. Israel is building its deterrent capability on the bodies of children.” Zahalka added that Prime Minister Ehud Olmert, Minister of Defense at the time Amir Peretz, and Chief-of-Staff at the time Dan Halutz were “heroes at the expense of children, attempting to secure political advantages by killing innocent civilians. This is state terror, and it takes place under an American umbrella and with international silence.” Zahalka called for those responsible for the slaughter to be tried in The Hague, adding, “The world must act quickly to stop this crazed war machine and reach a ceasefire agreement today, not tomorrow.”⁶⁰ MK Mohammed Barak, leader of the Democratic Front for Peace and Equality faction in the Knesset, stated on 30 July 2006 that “every government has its massacre. As it starts out on its path, this present government has already decided to commit several massacres in Gaza and in Lebanon, under American sponsorship.”⁶¹

Secondly, the Arab citizens not merely disagreed with the position of the Jewish public regarding the justification for the war, but also refrained from blaming Hizbullah for firing rockets at the north of Israel. They held Israel responsible for the situation, since it had decided to go to war because of two

kidnapped soldiers rather than negotiating for their release. An example of this position is a comment by a resident of the Arab village of Fureidis south of Haifa, who commented: “You don’t go to war over two kidnapped soldiers; that’s something for negotiations.”⁶² A more forceful manifestation of this position can be found in the comments by the father of the two children from Nazareth killed on 10 July 2006 after rockets hit the city, as detailed above. The children’s father blamed the Israeli government, not Hizbullah, for their death; accordingly, the children were declared “martyrs of Palestine, Lebanon, the [Arab] nation, and the resistance.”⁶³ He added that those who should apologize were Prime Minister Ehud Olmert and Defense Minister at the time Amir Peretz, rather than Hassan Nasrallah.⁶⁴

Thirdly, the Arab citizens did not see themselves as a potential target for attacks by Hizbullah. They were physically and psychologically unprepared for the war and did not take vital steps to protect themselves. Even during the war, life continued almost as usual in the Arab towns and villages. Most of the residents did not leave for central or southern Israel, even in villages close to the Lebanese border. Their assumption that they would not be attacked was based on past experience – during all the wars between Israel and the Arab countries, the number of casualties among the Arab population has been significantly lower than among the Jewish population of Israel or the population of the Arab nations. In each war Israel has managed to move the war onto the territory of the Arab countries, thus substantially limiting the injury to the Israeli home front. The Second Lebanon War was the first war in which the Arab civilians paid a heavy price in terms of fatalities and were exposed to attacks on a similar scale to the Jewish citizens.⁶⁵ The unprecedented nature of this situation may explain why the residents of the Arab towns and villages believed that the rocket attacks on their communities were accidental and not a deliberate act.⁶⁶

Further evidence of this approach was found in the comments of most of the Arab citizens interviewed during the preparation of this report. Almost all the interviewees claimed that at first they “did not take the war seriously;” their attitude changed only after rockets began to fall in Arab areas. A. from Majd al-Krum, for example, told the HRA that “this is the first time that we Arab citizens have felt the war, just a few meters from our own homes.”⁶⁷ B., also a resident of Majd al-Krum, recalled that “in Majd al-Krum, the war period can be divided into two stages. The first stage was before the boys from our village were killed and the second was after their death. At first we didn’t expect Katyusha rockets to fall on the village, so we didn’t care about the war. We didn’t follow the instructions of the Home Front Command or even the army. The second period was after the two boys died in the village. Then the whole village became agitated, including myself. Things we had seen earlier, such as people going out to watch rockets falling or going up on to the roofs when they heard the sound of rockets disappeared from the village. Everyone suddenly listened much more carefully to the local officials and the Home Front Command.”⁶⁸ C. from Sulem recalled that “At first, we didn’t feel that there was a war going on, because no missiles fell in our area. In the middle of the

war, when a Katyusha rocket fell just 700 meters from the village, we began to feel that the war was drawing closer to us. People whose homes happen to have bomb shelters started to use them during this period. I guess you could say that it was only after the Katyusha rockets fell in Nazareth that we began to feel that the danger was moving closer to us.”⁶⁹

An incident that can further illuminate this pattern is the case of the Arab village of Al-Buqei’a in the Galilee. The village is also known by its Hebrew name – Peki’in. Each time rockets hit the village, the Israeli media used the Hebrew rather than the Arabic name. The residents objected to this, claiming that Hizbullah might be attacking the village on the assumption that it was Jewish rather than Arab. A resident of the village expressed this position, claiming “Our village is Arab and its name is Al-Buqei’a, not Peki’in. This fact should be emphasized so that Hizbullah will know this, and then maybe they will stop firing missiles at us.”⁷⁰

Fourthly, various comments by Hassan Nasrallah, the Secretary-General of Hizbullah, imply that the organization did not intend to harm the Arab population.⁷¹ After the two children from the Taluzi family in Nazareth were killed by rockets on 10 July 2006, Nasrallah apologized to the family and referred to the children as “martyrs.” On 9 August 2006, Nasrallah urged Arab residents of Haifa to leave the city, thus hinting that the organization intended to attack the area. In an interview on Al-Manar television channel, Nasrallah stated that he was sorry for the deaths and injuries that had occurred among the Arab population of Haifa: “I am asking you to leave the city; I hope you will do so. Until now we have hesitated to attack Haifa because of your presence there, despite the attacks on Beirut and the Lebanese heartland. Please save us this hesitation. Save your blood, which is also our blood,” he called.⁷²

In general, the Arab citizens of Israel experienced an ongoing sense of confusion during the war, and felt that they were between the hammer and the anvil.⁷³ On the one hand, they form part of the Arab nation (*Ummah*) and naturally tended to identify with the victims on the Lebanese side of the border. On the other hand, they are citizens of Israel, which also suffered rocket attacks; moreover, they themselves paid a heavy price. A further complication is that thousands of Palestinian refugees expelled from their homes and their country in 1948 live in the towns and villages of southern Lebanon, as do tens of thousands of their descendants. In Ein Hilwa refugee camp, for example, there are hundreds of residents who come from families expelled from the village of Safuriyah (close to Nazareth, and now the site of the Jewish community of Tzippori). These residents of Lebanon are relatives of the Taluzi family in Nazareth, two of whose children were killed after being hit directly by a rocket. The attacks on both sides of the border created an extremely difficult situation for the Arab citizens. They felt torn between their feelings for their relatives and fellow Arabs and the fact that they lived in a country that was subjected to rocket attacks, and that they were among the victims of these attacks.⁷⁴

Despite the fact that Arab citizens were injured during the war and paid a heavy price in human life, as did Jewish citizens, the Jewish public nevertheless accused them of a lack of loyalty. An opinion poll by the Dahaf Institute commissioned by the Knesset television channel in August 2006 revealed that 40 percent of Jewish citizens believed that **most** of the Arab citizens supported Nasrallah; 15 percent believed that **all** the Arab citizens held this position. Only 18 percent of Arab citizens stated that they indeed supported Hizbullah.⁷⁵ The deadly attacks sustained by the Arab communities did not change the attitude and perceptions of the Jewish population toward the Arab citizens.⁷⁶

Accordingly, the circumstances prevailing at the time show that if Hizbullah indeed aimed its missiles at the civilian population in Israel, it did not deliberately aim to harm the Arab population.⁷⁷ Accordingly, two questions present themselves; to date, neither of these questions has received an adequate reply. Firstly, why did so many rockets fall in the Arab towns and villages? And why were 30 percent of the total number of Israeli citizens killed in the war Arab citizens killed while present within the Arab towns and villages?

One possible reason for the high number of Arab fatalities is discrimination against the Arab population in terms of civil defense. There can be virtually no doubt that the Arab population indeed faced discrimination by comparison to Jewish citizens in this respect. Government ministries and the Home Front Command neglected Arab citizens and communities during the war and failed to prepare the necessary infrastructures required to ensure their wellbeing. Although hundreds of rockets fell in Arab areas during the war, the response to the distress faced by the residents was inadequate. The provision of bomb shelters and protected spaces was inadequate, and the older neighborhoods of the Arab villages, where houses are many decades old, were particularly vulnerable to the impact of attacks.⁷⁸

This discrimination may explain the high proportion of Arabs among the total number of those killed and injured. Had the state taken the necessary steps to protect the Arab citizens, the number of those killed would have been significantly smaller.⁷⁹ This explanation is inadequate, however. The government, as the body responsible for the discrimination, indeed neglected its duty and failed to provide means that could have reduced the level of fatalities and injuries (for example, by developing civil defense facilities such as bomb shelters). However, the discrimination does not explain why the rockets fell within the Arab towns and villages.

Most of the reports examining the attacks on the civilian population during the war have focused on three main claims. Firstly, that Hizbullah deliberately and indiscriminately aimed its rockets at the Israeli civilian population. Secondly, that Israel indiscriminately bombed southern Lebanon. Thirdly, that Hizbullah acted from within the civilian population, thus endangering it. However, the reports have paid almost no attention to the argument that Israel also endangered its own citizens and violated international humanitarian law by

positioning permanent and temporary military installations inside, or in close proximity to civilian centers, including Arab towns and villages.⁸⁰ The positioning of the installations close to the civilian centers indirectly drew rocket attacks to these areas.⁸¹ Moreover, media reports and the testimonies of Arab residents show that during the war (and, indeed, before and after it), the Israeli army undertook military exercises in several Arab communities, since their landscape and topography are similar to those of the villages in southern Lebanon.⁸²

International Humanitarian Law

The Rules of International Humanitarian Law

The conflict between Israel and Hizbullah was covered by the provisions of international humanitarian law,⁸³ which defines a series of “red lines” countries or warring parties may not cross during a war or armed conflict. This legal structure is based on the perception even during a war or armed conflict not everything is permissible. The rules of international humanitarian law impose certain restrictions on the parties to the war or conflict with the goal of protecting specific populations, including prisoners, injured persons, civilians, and so forth.

International humanitarian law may be divided into two types – treaty-based international humanitarian law and customary international humanitarian law.⁸⁴ Treaty-based humanitarian law comprises a system of rules and obligations imposed on countries on the basis of treaties they have signed. The rules and obligations are imposed on the country on the basis that it is a party to the relevant international agreement; those not party to the agreement are not bound by its rules. Conversely, customary international humanitarian law includes principles of behavior that bind all countries, including those that are not party to the agreements in this sphere. The broad application of customary international humanitarian law is due to the fact that it reflects common legal policy on matters of principle shared by most of the nations of the world regarding what are considered permissible and prohibited actions.

The system of rules comprising international humanitarian law (both treaty-based and customary) is detailed in the Hague Convention of 1907 and in the attached regulations,⁸⁵ and in the four Geneva Conventions of 1947⁸⁶ and the additional protocols from 1977.⁸⁷

The Hague Convention and its annexed regulations define the rights and obligations of combatants and restrict the means that may be used in harming the enemy. The provisions of the convention establish, inter alia, that an occupying state must “ensure public order and security” in the occupied territory and may not use collective punishment against a civilian population. The convention is considered to form part of customary international humanitarian law and, accordingly, its provisions are binding on Israel, although it is not a signatory to the convention (like many countries established after the Second World War).

The four Geneva Conventions for the protection of the victims of war from 1949, and their Ancillary Protocols from 1977, address proper behavior during war or armed conflict. These documents constitute the major part of the humanitarian law applying in situations of war and occupation. The First Geneva Convention addressed the situation of wounded and sick persons, medical crews, and chaplains; the Second Geneva Convention discusses matters relating to combat at sea; the Third Geneva Convention addresses prisoners of war; and the Fourth Geneva Convention defines the protection to be afforded to civilian populations in conditions of war or occupation.

The two Ancillary Protocols to the Geneva Conventions (Protocol I and Protocol II) established detailed and more updated provisions regarding the management of armed conflicts. Protocol I⁸⁸ relates to international armed conflicts, while Protocol II⁸⁹ addresses non-international conflicts.

The two fundamental principles of international humanitarian law (both treaty-based and customary) are the principle of civilian immunity and the principle of distinction. These two principles, which effectively constitute the converse sides of the same coin, impose on the parties to the war or armed conflict an obligation to distinguish between combatants and civilians,⁹⁰ and between military targets and civilian objects, and to direct their bellicose actions solely at the former category in each case. Article 48 of Protocol I states: “In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives. This principle is based on a clear logic: Bellicose action should be directed solely at enemy combatants and military targets, i.e. against elements that can protect themselves. Civilians and civilian objects, by contrast, are unprotected and, accordingly, any direct attack against them is considered grossly immoral, even during wartime.”

International humanitarian law specifies rules relating to the principle of distinction.⁹¹ The civilian population as such, as well as individual civilians, shall not be a target for attack.⁹² Indiscriminate attacks are prohibited;⁹³ indiscriminate attacks are ones that: (A) Are not directed at a specific military objective;⁹⁴ (B) employ a method or means of combat which cannot be directed at a specific military objective;⁹⁵ employ a method or means of combat the effects of which cannot be limited as required by the Protocol.⁹⁶ Civilian objects shall not be the object of attack;⁹⁷ such objects are all objects that are not military objectives.⁹⁸ Attacks shall be limited strictly to military objectives,⁹⁹ i.e. ones “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.”¹⁰⁰

In the conduct of military operations, constant care shall be taken to spare the civilian population, civilians and civilian objects.¹⁰¹ Among other steps, those planning or deciding on an attack should: (A) do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects;¹⁰² (B) 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 or civilian life, injury to civilians and damage to civilian objects;¹⁰³ and (C) 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.¹⁰⁴

The rules detailed above relate to the obligations imposed on a party in a war or conflict that is planning or deciding on an attack against the other party. In addition, however, international humanitarian law also imposes obligations on a party to a war or conflict regarding the civilian population under its control. Article 58 of Protocol I, entitled “Precautions against the effects of attacks,” establishes a system of rules imposed on countries with regard to this population:

“The Parties to the conflict shall, to the maximum extent feasible:

- (a) Without prejudice to Article 49 of the Fourth Convention, endeavour to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives;
- (b) Avoid locating military objectives within or near densely populated areas;
- (c) Take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.”

According to Article 58, the locating of military targets in or near densely populated areas constitutes a violation of international humanitarian law. From the standpoint of this law, it is immaterial whether or not the civilian population was actually injured, and whether or not this population was injured **because** of its proximity to the military targets. In other words, international humanitarian law is violated by the mere location of military targets in proximity to civilian objects; there is no need to prove a causal relationship between the proximity of the military targets to the civilian population and the fact that the population was injured during the war or conflict (if it was injured).

A distinction should be made here between Article 58 of Protocol I and Article 51(7), which establishes that “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.” Whereas Article 51(7) relates to the **deliberate** use of a civilian presence in order to render certain points or areas immune from military operations (a “human shield,”) Article 58 establishes the requirement that all parties to a war or conflict shall take care at all times to protect citizens during the pursuit of bellicose operations, including by means of taking all feasible precautions to avoid the location of military targets in densely-populated areas. In other words, while Article 51(7) relates to the **intention** of a party to the conflict to use the civilian population under its control as a human shield against attack, Article 58 relates solely to the **fact** of the location of military targets within or close to densely populated areas, regardless of whether or not that party **intended** to use the civilian population as a human shield.

The Applicability of International Humanitarian Law to Israel

According to Article 2 of the Geneva Conventions (the article appears in all four conventions),¹⁰⁵ the Geneva Conventions shall apply fully in the case of an armed conflict between parties to the Convention, or in the case of the partial or full occupation of the country of one of the parties to the Convention. Experts in the field of international humanitarian law agree that the conflict between Israel and Hizbullah constitutes an international armed conflict.¹⁰⁶ The first reason is that the conflict included armed hostilities between the State of Israel and Lebanon; the second is that Lebanese territory was subject to Israeli control during the conflict.¹⁰⁷ The State of Israel is a signatory the four Geneva Conventions and, accordingly, was obliged to act in accordance with the provisions established therein during the war with Hizbullah.

Israel has not, however, signed the two Additional Protocols to the Geneva Conventions (though Lebanon has). Accordingly, the provisions of these two protocols do not apply directly to Israel. Despite this, many countries, including Israel, have recognized that many of the provisions contained in the Additional Protocols reflect customary international humanitarian law,¹⁰⁸ in part due to the fact that the two protocols adopt rules established in the Hague Regulations and considered to constitute part of this law.¹⁰⁹ Accordingly, the rules in the Additional Protocols effectively bind all countries, including Israel, even if they have not signed the protocols.

Article 49(2) of Protocol I establishes that “The provisions of this Protocol with respect to attacks apply to all attacks in whatever territory conducted, including the national territory belonging to a Party to the conflict but under the control of an adverse Party.” Where as Article 49(3) of Protocol I establishes that “The

provisions of this Section apply to any land, air or sea warfare which may affect the civilian population, individual civilians or civilian objects on land. They further apply to all attacks from the sea or from the air against objectives on land but do not otherwise affect the rules of international law applicable in armed conflict at sea or in the air.”

Moreover, Israel has effectively adopted some of the rules originating in international humanitarian law, both treaty-based and customary. Thus, for example, an Israeli army booklet entitled “The Rules of War on the Battlefield” notes that “military targets must not be combined with civilian objects, as in the example of an army force stationed in a village or a unit that flees into a civilian building.”¹¹⁰ The text subsequently notes that “the civilian population is to be distanced from military targets.”¹¹¹

Military Installations Close to Arab Communities

“Instead of the tanks protecting the residents, the residents protected the tanks!”¹¹²

The location of permanent military installations in or close to civilian centers is not an unusual phenomenon in Israel. Indeed, the main military installations in the country are situated in or close to the civilian population. Moreover, extensive areas within the State of Israel, including areas close to civilian populations, are defined as “military zones” and entry is prohibited.

As if the permanent installations were not enough, during the war additional temporary installations were located close to civilian centers, and particularly close to Arab towns and villages. Over the past year, the HRA has undertaken a study of 20 Arab communities that were hit by an estimated total of some 660 rockets, killing 14 civilians directly. The study was based on the testimonies of 80 Arab residents interviewed by the HRA; on information gathered from the media during the war; and on the findings of the international human rights organizations that have addressed this aspect in their reports.

The study found that the Arab towns and villages that suffered the most intensive attacks during the war were ones that were surrounded by military installations, either on a permanent basis or temporarily during the course of the war. These installations are located at a distance of just 0.5 – 2 kilometers by air from the civilian community; in some cases, the installations are located inside the town or village. Such short distances are within the margin of error of the rockets fired by Hizbullah. During the war, artillery fire was launched at Lebanon from many of these installations, and particularly from the temporary installations.

As stated in the introduction to this report, however, the HRA is aware of the various considerations relating to the disclosure of military information, and of the sensitivity of the issue examined in this report. Accordingly, the report will not detail the findings of the study or disclose which military installations were located close to Arab communities. Given the prevailing security and political circumstances, the HRA will confine itself to presenting the conclusions drawn from the above-mentioned study.

Israel located military installations close to civilian centers. These installations constituted a legitimate target for attack by Hizbullah. Accordingly, the

location of these installations endangered the Arab civilian population and exposed it to the danger that rockets would hit these communities due to their proximity to the said installations. In so doing, Israel violated the specific obligation imposed by international humanitarian law to refrain from locating military installations within or close to civilian centers. This violation applies even if there was no intention to use the civilian centers as human shields.

During the war, Hizbullah declared on several occasions that it was targeting its rockets primarily at military installations inside Israel.¹¹³ Given the findings of the study undertaken by the HRA, there is no reason to doubt that the Arab towns and villages were hit due to their proximity to the adjacent military installations. At the very least, it may be assumed that the fact that Israel located certain military installations in or close to Arab civilian centers significantly increased the danger to which the residents of these communities were exposed; in some cases, this danger may have been realized in practice.

This assumption is reinforced by the fact that Arab communities that were not surrounded by military installations, including villages close to Israel's northern border, were not hit by rockets, or suffered a lesser degree of damage. Conversely, communities that were surrounded by military installations were hit by rockets, even when these communities were further removed from the Israeli-Lebanese border. In order to avoid disclosing military information, however, the HRA cannot provide more detailed information on this aspect.

According to the findings of international human rights organizations, Hizbullah's rocket attacks on Israel did not distinguish between military targets and civilian objects.¹¹⁴ Even if this is true, this does not exempt Israel from its obligation to protect its citizens, inter alia by refraining from locating military installation in or close to Arab civilian centers. The converse principle also applies: Even if Israel violated its obligation under international humanitarian law by locating military installations alongside or in densely-populated civilian areas, this does not exempt Hizbullah of its obligation to distinguish between military targets and civilian objects, and to confine its attacks to the former.¹¹⁵ This principle is reflected in Article 51(8) of Protocol I, which notes that "Any violation of these prohibitions shall not release the Parties to the conflict from their legal obligations with respect to the civilian population and civilians, including the obligation to take the precautionary measures provided for in Article 57."

By locating military installations in or close to civilian centers, Israel violated both international humanitarian law and the undertakings it has made regarding its ongoing conflict with Lebanon. On 26 April 1996, Israel and Lebanon signed the Memorandum of Understanding to End the "Grapes of Wrath" Campaign,¹¹⁶ agreeing as follows:

"The United States understands that after discussions with the governments of Israel and Lebanon, and in consultation with Syria, Lebanon and Israel will ensure the following:

[...]

3. Beyond this, the two parties [Israel and Lebanon] commit to ensuring that under no circumstances will civilians be the target of attack and that **civilian populated areas and industrial and electrical installations will not be used as launching grounds for attacks.**” [Emphases added]

Military Exercises in Arab Communities

A further phenomenon revealed after the war was the execution of military exercises by the Israeli army within Arab communities, presumably because the landscape and topography of these communities are similar to those of the villages in southern Lebanon. It has been found that such exercises took place before, during, and after the war.

According to information received by the HRA, the exercises generally took place in the older neighborhoods of the Arab villages, from late night through the early morning. During the course of the exercises, the army executed firing practice using live ammunition, as well as explosions. Heavy equipment was used during the exercises.

On 4 November 2006, the press reported that Brigadier-General Gal Hirsch, the former commander of the Galilee Formation and one of the Israeli officers who participated in the battle in Bint Jabail in southern Lebanon, stated that the army had engaged in exercises ahead of the war some eighteen months before it began, and that exercises had taken place in the city of Nazareth.¹¹⁷ Ephraim Sneh, deputy defense minister at the time, admitted this fact, though he added that exercises took place in Jewish communities (such as Carmiel) as well as Arab areas; no corroboration could be found in the media, however, that military exercises were also held in Jewish areas. The logic behind the exercises is that the army seeks to exercise in areas that are similar to the combat arena, including populated areas, and thus needs to undertake exercises in different communities.¹¹⁸ On 1 February 2007, the media reported that the army had cancelled planned military exercises in the city of Taybeh after residents expressed strong objections.¹¹⁹ On 9 February 2007, the website *Al-Arab* published a report stating that the army had begun to hold exercises in the village of Fureidis, which has a hilly topography similar to that of southern Lebanon, despite fierce opposition from the members of the local council.¹²⁰ On 6 March 2007, it was reported that the residents of the village of Tur'an in the Lower Galilee had seen large numbers of soldiers in the village, and a number of army jeeps traveling around the village, particularly in the older neighborhoods. The soldiers refused to answer questions from residents who asked them about their actions.¹²¹

These claims are corroborated by testimonies gathered by the HRA. C. from Sulem, for example, stated that during the six months preceding the war the army attempted to hold exercises in the village four times. They generally

entered the village after two a.m. in the morning. The residents of the village were angered by the entry of the army. Some residents attempted to convince the soldiers politely to leave, but in some cases fierce arguments developed between the soldiers and the residents.¹²² D., an official in the local council of the village of Fasuta, stated that over the past two years the army has held military exercises inside the village late at night, due to its strong resemblance to the Lebanese villages.¹²³ E. from Majd al-Krum reported that the army held exercises at night on land belonging to the village both before and during the war.¹²⁴

Protecting the Safety of the Arab Citizens

Article 58 of Protocol I to the Geneva Conventions states in sub-section (a), that the parties to a conflict “Without prejudice to Article 49 of the Fourth Convention, endeavour to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives.” In sub-section (c) the article states that the parties to a conflict “Take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.”

The obligation established in international humanitarian law to take all possible precautions to protect the adjacent population implies that the state must prepare a proper plan for the protection of populations living in the vicinity of military targets or, alternatively, the state must remove the military targets and distance them from densely-populated areas.

According to the testimonies collected by the HRA, and on the basis of information gathered regarding the steps taken by the government to protect citizens, it emerges that the government failed abjectly in all aspects relating to the protection of civilians during the war and failed to take important and substantive precautionary steps to limit the damage to the civilian population. This failure was particularly acute in the case of the Arab communities, which have suffered ongoing and gross neglect with regard to all civilian infrastructures.

The state failed to meet the basic obligations it bears in accordance with international humanitarian law relating to the protection of the civilian population. It did not evacuate the residents under its control from endangered areas and it failed to protect civilian communities exposed to rocket attacks. The obligation to ensure the safety of civilians is particularly pronounced in the case of the Arab citizens and communities, since the army located temporary and permanent military installations close to these communities, thus endangering through its own actions the residents in these areas.

The Evacuation of the Arab Residents

“There wasn’t a single resident who didn’t think about leaving the village. But in the end only the rich – those who could afford it – and those with contacts left.”¹²⁵

If circumstances so require, residents are to be evacuated from their homes and communities in order to ensure their protection. During the war, hundreds of rockets were fired at the north of Israel every day, hitting civilian communities. In these circumstances, the government bears an obligation to evacuate the residents and to ensure, through pro-active steps and with appropriate planning, that all citizens in dangerous areas are evacuated as quickly as possible and housed in less dangerous areas.

Many Israeli citizens, both Arabs and Jews, left their homes and communities during the war. It has been estimated that over 300,000 people out of the total population of 1,500,000 in the north of Israel left their homes and moved to central and southern Israel.¹²⁶ The evacuees found shelter in various parts of Israel, renting rooms in hotels and guesthouses or staying with relatives and friends.¹²⁷

However, the evacuation of residents was not initiated by the government on the basis of appropriate and preplanned programs. The evacuation programs were localized, lasted just a few days, and were launched on the private initiative of the evacuees and with the means available to them. In many Jewish areas, the local authorities took the decision to evacuate the residents on an organized basis.¹²⁸ In addition, several non-government organizations organized a campaign to evacuate 45,000 residents and house them with host families around Israel.¹²⁹ However, all these initiatives were made on a private or localized basis by local authorities or non-government organizations, rather than as a government initiative. A report published in February 2007 by Shatil (Empowerment and Training Center for Social Change Organizations, Founded by the New Israel Fund) stated that: “The state failed to provide the citizens of the north with uniform and appropriate solutions for evacuation. Given the state of protection, many residents wished to be evacuated from the areas of danger. However, the evacuation arrangements were inconsistent and, for the most part, localized, for an extremely limited period of time, and demanding a separation between residents forced to remain on the front line and those evacuated further away. Residents with economic resources attended to their own needs on an individual basis or in groups, leaving behind the weaker population groups. Many residents left behind came to expect that they would be evacuated given the municipal officials who left the city, families that evacuated themselves, and the state of the protective means.”¹³⁰

A report prepared by the state comptroller includes a detailed discussion of the question of the evacuation of civilians during the war. The state comptroller’s findings show that the government did not discuss or make any decision

relating to the evacuation of the population during the war, even though it was aware that the home guard was insufficiently protected, would suffer considerably during the war, and that the war would be protracted. Moreover, the government failed to discuss the possibility of evacuating the population even after government ministers had commented several times on the lack of appropriate protection and demanded that the subject of evacuation be discussed. At a meeting in the offices of the minister of defense at that time to assess the situation on 9 August 2006, for example, the commander of the Home Front Command, General Yitzhak (“Jerry”) Gershon stated that the government should take a decision regarding the evacuation of some 90,000 civilians from the communities along the front line. The minister of defense issued an instruction that a recommendation be prepared providing for the evacuation to be presented to the government on 13 August 2006; despite this, he did not in fact forward any proposed decision to the government on this matter.¹³¹

The cumulative effect of the rocket attacks on the civilian population led to public anger and pressure on the government to take responsibility for evacuating residents to safer areas. Colonel (ret.) Amram Mitzna, the former mayor of Haifa, proposed that a military camp be adapted to absorb the evacuees.¹³² However, the government refrained to respond to such proposals, doing almost nothing to evacuate the residents of the north. Most of the solutions provided were localized, one-time, and arbitrary in nature; they did not form part of an overall plan for protecting civilians.

Arab citizens in some areas also decided to leave their homes on their own initiative and by their own means. Many traveled to Sinai or visited the Palestinian Occupied Territories;¹³³ others stayed with families in Arab towns and villages that were not exposed to danger.¹³⁴ In some Arab communities, however, the subject of evacuation was not even discussed.

Although some residents left of their own accord, most of the Arab citizens in the Arab towns and villages did not leave their homes, or only managed to do so for very brief periods. Of all the Arab citizens in the north (60 percent of the population of the region), a very small fraction was able to afford to leave their homes.¹³⁵ F. of Fasuta, who holds a security-related post in the village, told the HRA that only 300 residents of the village (approximately 10 percent of the total population) left their homes during the war.¹³⁶ Although the village of Tarshiha was hit by a large number of rockets, its residents did not leave their homes, although many residents of the neighboring Jewish city of Ma’alot (which forms a single municipality along with Tarshiha), which was also hit by a large number of rockets, left the area during the war.¹³⁷

The main reason that most of the Arab residents of the north did not leave their homes was that they did not have the means to stay elsewhere, such as financial means to finance stays in hotels. G. from Buqei’a, a village where a very large number of rockets fell, made the following comment in testimony collected by

the HRA: “Some people in the village left and went to relatives in villages further south in the Galilee. I went to Tel Aviv for a few days, then I came back, and later I went to Jericho. It went on like that – every four days I left the village, but then I came back because I couldn’t afford to stay away any more. I stayed in the village until the end of the war.”¹³⁸ A. from Majd al-Krum told the HRA: “One of the missiles fell just a few meters from my home, six meters away in an open area near our house. Suddenly I thought of leaving and going to Jerusalem. I was financially able to leave, unlike most of the residents of Majd al-Krum who could not do so. So I went to Jerusalem.”¹³⁹

Some Arab villages decided to organize the orderly evacuation of residents. However, this entailed decisions as to who would leave; in most cases, it emerged that only residents with close ties to the officials in the local authority managed to get on the evacuation lists. A. from Majd al-Krum told the HRA: “The local community center in the village organized outings to the south for children and families, particularly from our neighborhood, the eastern area (which bore the brunt of the missile attacks). But the people who benefited from these outings were relatives of the officials and directors in the municipality, some of whom had no connection with the neighborhood and some of whom don’t even live in the village! In other words they did not choose the participants according to objective criteria but on the basis of personal considerations.”¹⁴⁰

H. of Al-Buqei`a told the HRA that although the village is the same distance from the border as Kiryat Shemona, the government evacuated residents of Kiryat Shemona to the center of Israel but did not do so in the case of his village. The only residents who left Al-Buqei`a were rich families or those with connections with the local authority. H. added that “there wasn’t a single person who did not think about leaving, but in the end only the rich people who could afford it, or the people with connections, managed to leave.”¹⁴¹

Some of the Arab citizens could not leave their homes due to family or health reasons. B. from Majd al-Krum told the HRA: “Some residents left home and went to Jerusalem or the south, or went on vacation in Eilat. There was no way I could leave home. My wife was in hospital and I had to go and visit her every day. I moved my son to the village of Al-Makr, which was relatively safe because there isn’t an army base in the area and it is not next to Jewish towns.”¹⁴²

The question arises as to whether the government asked or required the Arab citizens to leave their homes, and whether the local authorities were asked to evacuate the residents. It emerges that not only did the government not present any such request or demand to the residents or the local authorities, but it actually asked them to remain in their homes despite the numerous rockets that fell in these communities. I. of Tarshiha, who holds a position in the local council, told the HRA that no demand was received from the government to evacuate the residents from their homes. In fact, the government warned them

“not to leave their homes.”¹⁴³ Similarly, F. of Fasuta stated that during the entire war the village council did not receive any recommendation or demand from the government to help residents leave the village.¹⁴⁴

Bomb Shelters and Civil Defense

“We are a large family. During rocket attacks we all sat together in one room without any real protection against the Katyushas. All we could do was rely on fate.”¹⁴⁵

The second protective measure the government should have taken during the war was to provide civilian residents with means of civil defense, such as bomb shelters, protected spaces, warning systems, and sirens. Again, however, it emerges that the state completely failed to fulfill its obligations. The shortage of civil defense means was particularly acute in the Arab towns and villages. Moreover, the shortages and discrimination in civil defense had a particularly grave impact on the Arab communities, since the government failed to take any substantive steps to evacuate the residents from areas of danger, despite its responsibility for locating the military installations close to these areas.

The state comptroller’s report on the preparations on the home front and functioning during the war also addressed this aspect.¹⁴⁶ According to the state comptroller’s findings, some of the residents of the north of Israel did not have bomb shelters of any kind; where shelters existed, some of them were not suitable for protracted stays, and some were unsuitable for any kind of use. A further report by Shatil stated that, as a general rule, the state failed to make adequate civil defense provisions. An examination of the question of shelters raised numerous problems concerning infrastructure, maintenance, and operations. In many areas the number of shelters was insufficient for the population. Shelters were extremely badly maintained and did not meet the requirement for protected spaces. Many bomb shelters had not been prepared for emergency use, some due to protracted neglect and some because of their use for other functions, such as clubs, houses of prayer, and storerooms.¹⁴⁷

If this was the situation in the north as a whole, the position of the Arab communities was worse still. The state comptroller noted in his report that his review painted a sorry picture regarding the state of civil protection and the provision of shelters in the Arab communities. In the thirteen Arab local authorities for which the state comptroller collected information, it was found that over 150,000 residents (over 70 percent of the residents of these authorities) did not have an adequate response to their need for protection and bomb shelters. According to the report, the lack of shelters is due to grave neglect on the part of both central and local government authorities that have ignored the residents’ need for bomb shelters in the Arab towns and villages: The Ministry of Finance, the Ministry of the Interior, the Home Front Command, and the local authorities all failed to provide budgets for this

purpose. Public institutions have very few bomb shelters, and those that exist lack basic equipment. There is also a shortage of private bomb shelters and shelters in educational institutions. As a result, tens of thousands of residents in the Arab communities of northern Israel do not have access to a bomb shelter in an emergency. This exposed many residents to real danger to their lives during rocket and missile attacks.¹⁴⁸

In the village of Fasuta, by way of example, there are just five public bomb shelters. The village has a population of almost 3,000. Each bomb shelter can accommodate 150 people; thus the shelters are sufficient for only 25 percent of the population.¹⁴⁹ In the city of Nazareth, there are public bomb shelters only in the new neighborhoods (such as Al-Warud). Some schools have bomb shelters, but not all. Private homes built after 1991 have protected spaces. In total, however, only 25 percent of the residents have access to a public or private bomb shelter; the remaining 75 percent had no access to a shelter of any type during the war.¹⁵⁰

A similar picture emerges from the testimonies collected from residents interviewed during the preparation of this report. These testimonies show that during the war the residents felt that they faced considerable danger. Due to the lack of bomb shelters, however, they had no way to protect themselves. B. from Majd al-Krum commented: “Even when we heard the sirens, we did not have shelters to go in. My own house is very small and it does not have a bomb shelter or protected space. The same is true of most of the homes in the village. Worse still, there is not even a single public bomb shelter, as far as I know. So during the Katyusha attacks we just sat in the house.”¹⁵¹ C. from Sulem told the HRA that “when we heard that rockets had fallen we didn’t go into bomb shelters for one simple reason – we don’t have bomb shelters to go into.”¹⁵²

Due to the severe shortage of bomb shelters, the residents were forced to improvise makeshift measures. Some hid in public buildings in the village, such as the church;¹⁵³ these buildings did not have protected spaces, so that in reality they did not offer any advantage over remaining at home. Others made sure to stay on the ground floor of the house, in houses with more than one floor;¹⁵⁴ and others still just sat in one of the rooms in their house and relied on fate.¹⁵⁵

During the war, the Home Front Command decided, due to the shortage of bomb shelters and civil defense means in the Arab communities, to establish emergency rooms alongside the Arab local authorities. However, it emerged that these emergency rooms provided no benefit, since the Home Front Command did not provide them with the minimal equipment for offering assistance, advice, and information to the residents. A worker in one local authority commented: From the beginning of the war against Lebanon we felt that the Home Front Command was neglecting us. None of their staff took the trouble to telephone us or to do anything to calm the residents, who were very worried after missiles fell in the area. But immediately after the rockets fell in

Nazareth and Mohammed and Rabia Taluzi were killed, they called us and told us that they had decided to establish an emergency room alongside each local authority. The room was indeed established, but to our amazement it emerged that it lacked even the most basic equipment. We asked to move the emergency room from the council building to another location where there was at least a television and a telephone line.¹⁵⁶

Recommendations

According to media reports, a further round of conflict between Israel and Hizbullah, probably with the participation of Syria and Iran, is a highly possible scenario in the future. A new war involving various parties in the region could erupt at any time. With this in mind, the HRA emphasizes that in any future conflict the State of Israel must respect international humanitarian law, both treaty-based and customary. The HRA urges the Israeli government to take the following steps, among others:

1. To remove all permanent military bases situated in the vicinity of civilian centers since, in accordance with international humanitarian law, such bases constitute legitimate targets for attack and, accordingly, their proximity to civilian centers may endanger the civilian population.
2. To refrain from locating temporary installations during periods of conflict in close proximity to civilian centers or inside such centers, in order to avoid endangering the civilian population by making such installations legitimate military targets for attack.
3. To take immediately all steps necessary, including the allocation of appropriate resources, in order to protect Arab towns and villages, which have suffered extensive neglect, from future missile attacks, including by building public bomb shelters and providing appropriate civil defense and warning systems.
4. To prepare in advance emergency plans for the evacuation of the civilian population in a future conflict, and to ensure that the residents are housed in a safe location outside the range of fire and attacks by the other side.

Furthermore, the HRA urges the international community to respond firmly to the violation of international humanitarian law committed by Israel. As a signatory to the Geneva Conventions and the Ancillary Protocols thereto, Israel is liable for the full implementation thereof. Accordingly, we implore the international community to oblige Israel to use all possible tools at its disposal in order to halt existing violations, and to attempt to prevent future violations in any future conflict. In particular, Israel should be required to refrain from locating permanent and temporary military installations in or close to civilian centers.

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- ¹ Human Rights Watch, *Fatal Strikes: Israel's Indiscriminate Attacks Against Civilians in Lebanon* (August 2006) [<http://hrw.org/reports/2006/lebanon0806/lebanon0806webwcover.pdf>], last accessed 1 November 2007;
- Amnesty International, *Under Fire: Hizbullah's Attacks on Northern Israel* (14 September 2006) [<http://web.amnesty.org/library/index/engmde020252006>], last accessed 1 November 2007];
- Amnesty International, *Deliberate Destruction or "Collateral Damage"? Israeli Attacks on Civilian Infrastructure* (August 2006) [<http://web.amnesty.org/library/Index/ENGMDE180072006>], last accessed 1 November 2007];
- Amnesty International, *Out of All Proportion - Civilians Bear the Brunt of the War* (November 2006) [<http://web.amnesty.org/library/index/engmde020332006>], last accessed 1 November 2007];
- United Nations, *Report of Four Special Rapporteurs on Their Mission to Lebanon and Israel, Implementation of General Assembly Resolution N. 60/251*, (2 October 2006) [www.ohchr.org/english/bodies/hrcouncil/docs/2session/A.HRC.2.7.pdf], last accessed 1 November 2007];
- Human Rights Watch, *Civilians Under Assault: Hezbollah's Rocket Attacks on Israel in the 2006 War* (August 2007) [<http://hrw.org/reports/2007/iopt0807/>], last accessed 1 November 2007];
- Human Rights Watch, *Why They Died: Civilian Casualties in Lebanon during the 2006 War* (September 2007) [<http://hrw.org/reports/2007/lebanon0907>], last accessed 1 November 2007].
- ² See Human Rights Watch, *Civilians Under Assault*, Note 1 above.
- ³ For example, see Fatima Nasser, "Missile Batteries and Tanks Next to Arab Villages in the North," *Machsom*, 4 August 2006.
- ⁴ The details regarding the BBC report are taken from an article by journalist Jonathan Cook: Jonathan Cook, *Is Israel Using Arab Villages in Northern Israel as Human Shields?* Washington Report on Middle East Affairs, Volume: 25, Issue: 7, Page: 18(2) (September 1, 2006) [<http://www.amazon.com/Israel-using-villages-northern-shields/dp/B000IMUWJY>], last accessed 1 November 2007].
- ⁵ See Amnesty International, *Out of All Proportion*, Note 1 above.
- ⁶ One example are the Arab locales of Meilia and Tarshiha and the Jewish town of Ma'alot. Tarshiha and Ma'alot form a single municipal authority.
- ⁷ For example, the ongoing political persecution of MK Azmi Bishara. See HRA Report: "*On the Margins: Annual Review of Human Rights Violations of the Arab Palestinian Minority in Israel 2006*" (June 2007). [<http://www.arabhra.org/Hra/SecondaryArticles/SecondaryArticlePage.aspx?SecondaryArticle=1331>] (last accessed 1 November 2007), Chapter Two. This persecution worsened particularly after the Second Lebanon war; MK Bishara now faces serious charges for assisting the enemy (Hizbullah) during the war; see *Ha'aretz* reports dated 10, 13, 15, 16, 18, 19, 23, 25, 26, 27, 29 and 30 April 2007 (in Hebrew).
- ⁸ See "GSS Interrogates Three Community Activists," *Arabs48* website, 15 July 2007 (in Arabic).

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- ⁹ Hizbullah is a Shiite religious, political, and military organization active in Lebanon. The organization was established in the early 1980s after the Israeli army invaded Lebanon. Its principal military activities are guerilla operations against Israeli targets. Hizbullah is defined as a terrorist organization by six countries, including Israel, the United States, and the United Kingdom.
- ¹⁰ The war ended on 14 August 2006.
- ¹¹ See: Amnesty International, *Deliberate Destruction or "Collateral Damage?"*, Note 1 above.
- ¹² At least 80 bridges were destroyed. Ibid.
- ¹³ At least 100 roads became unusable, and 200,000 square meters of road surfaces were completely destroyed. Ibid.
- ¹⁴ Palestinian Media Center, "Israeli Aggression against Lebanon: Damage to the Parties" (30 July 2006) (in Arabic).
http://www.palestine-info.info/arabic/books/2006/1_8_06/1_8_06.htm (last accessed 1 November 2007).
- ¹⁵ Of 3,970 rockets that landed in Israel, approximately 900 landed in built-up areas, while the remainder landed in open spaces. See: United Nations, *Report of Four Special Rapporteurs on Their Mission to Lebanon and Israel*, Note 1 above.
- ¹⁶ See: "Rocket Damage: Rehabilitation of the Forests Will Take 60 Years," *Ynet*, 9 August 2006. See also: Frances Raday, *Israel Under Rocket Attack: A Profile of Displacement and Destruction in Israel 12 July – 15 August 2006*, Jacob Blaustein Institute for the Advancement of Human Rights of the American Jewish Committee
[http://www.ajc.org/atf/cf/%7B42D75369-D582-4380-8395-D25925B85EAF%7D/JBI%20Report_on_Israels_Displaced_08212006.pdf, last accessed 1 November 2007].
- ¹⁷ See: Israeli Ministry of Foreign Affairs, *Hizbollah Attacks on Northern Israel and Israel's Response*, July 12, 2006, <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>, last accessed 1 November 2007.
- ¹⁸ Palestinian Media Center, Note 14 above.
- ¹⁹ Motti Basok, "Lebanon War Costs NIS 23 Billion to Date," *Ha'aretz*, 12 August 2006.
- ²⁰ Amnesty International, *Out of All Proportion*, Note 1 above.
- ²¹ Political and Strategic Research Center, "Arab Strategic Report 2005-2006, A Military Analysis of the Conflict between Israel and Hizbullah," (in Arabic) <http://www.ahram.org.eg/acpss/ahram/2001/1/1/RARB106.HTM> (last accessed 1 November 2007). Former Israeli Chief-of-Staff, General Dan Halutz, claimed that the Israeli army had an orderly plan for an extensive assault by the air force on Lebanese targets, followed by limited ground operations along the border. See the testimony of former Chief-of-Staff General Dan Halutz before the Commission of Inquiry into the Events of the Campaign in Lebanon 2006 <http://www.vaadatwino.co.il/statements.html#null>, last accessed 1 November 2007, pp. 16-19. See also the Commission of Inquiry into the Events of the Campaign in Lebanon 2006, Partial Report (April 2007), <http://www.vaadatwino.co.il/reports.html#null>, last accessed 1 November 2007, pp. 54-57. It should be noted that during certain periods Israel launched simultaneous aerial and ground attacks.
- ²² It has been estimated that 15,500 aerial sorties took place during the war, attacking over 7,000 targets. See: United Nations, *Report of Four Special Rapporteurs on Their Mission to Lebanon and Israel*, Note 1 above.
- ²³ The artillery used included M109 cannons and MLRS M-270 multiple rocket launchers. The cannons fired over 160,000 mortars and the MLRS launched some 1800 rockets.
- ²⁴ United Nations, *Report of Four Special Rapporteurs on Their Mission to Lebanon and Israel*, Note 1 above.

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- ²⁵ A cluster bomb contains a large quantity of small bombs. Cluster bombs explode at a given height above the ground, and the small bombs scatter and explode shortly thereafter, causing extensive destruction. Cluster bombs cause substantial injuries among civilians, particularly after the end of hostilities. As a result, there has been intense international criticism of the use of these weapons, and a global effort is underway to prohibit their use.
- ²⁶ A potassium bomb contains white potassium which combusts on contact with oxygen. The bomb continues to burn for as long as the substance is in contact with oxygen, and until it is consumed. The substance causes serious burns on contact with the skin. Potassium dissolves well in oil and, as a result, penetrates the skin and spreads to other parts of the body. Potassium injuries are characterized by yellow burns on the infected areas, as well as by a characteristic garlicky smell. First aid for potassium victims seeks to prevent the substance coming into contact with oxygen; this includes washing the affected area with large quantities of water and applying bandages soaked in water. International law prohibits the use of weapons that cause “excessive injury and unnecessary suffering,” and many experts believe that potassium is included in this definition.
- ²⁷ The explosion of a uranium bomb leads to the release of an enormous quantity of energy within a very short period of time, emitting a massive quantity of heat. See Yehuda Levy, “What Happens Inside a Uranium Bomb?” *Ynet*, 18 June 2006.
- ²⁸ Meron Rappoport, “Rocket Unit Commander: We Fired Over a Million Cluster Bombs in Lebanon,” *Ha’aretz* (Internet site), 12 September 2006, <http://www.haaretz.co.il/hasite/spages/761735.html> (last accessed 1 November 2007); Meron Rappoport, “With Authorization from the Commanders and the Office of the Chief of Staff,” *Ha’aretz*, 8 December 2006.
- ²⁹ See: “The Independent: Israel Used Uranium in Lebanon,” *Ynet*, 28 October 2006; “UN Investigates Claims that IDF Used Uranium,” *Ynet*, 30 October 2006; Yael Arava-London, “UN Examines Use of Uranium,” *NRG*, 30 October 2006.
- ³⁰ For further details on this aspect, see the special section in the report: United Nations, *Report of Four Special Rapporteurs on Their Mission to Lebanon and Israel*, Note 1 above.
- ³¹ Political and Strategic Research Center, Note 21 above.
- ³² United Nations, *Report of Four Special Rapporteurs on Their Mission to Lebanon and Israel*, Note 1 above.
- ³³ *Ibid.*
- ³⁴ Amnesty International, *Deliberate Destruction or “Collateral Damage?”*, Note 1 above.
- ³⁵ Amnesty International, *Out of All Proportion*, Note 1 above. The refugee problem was the major humanitarian issue created by the war in Lebanon, since the civilian government systems in the country collapsed as the result of the enormous numbers involved and the difficulty in providing adequate housing solutions and supplies.
- ³⁶ Amnesty International, *Under Fire*, Note 1 above.
- ³⁷ See Frances Raday, *Israel Under Rocket Attack*, Note 16 above.
- ³⁸ United Nations, *Report of Four Special Rapporteurs on Their Mission to Lebanon and Israel*, Note 1 above.
- ³⁹ Amnesty International, *Deliberate Destruction or “Collateral Damage?”*, Note 1 above, p. 4. See also: Peter Bouckaert, *For Israel, Innocent Civilians Are Fair Game*, *International Herald Tribune* (3 August 2006) [<http://www.iht.com/articles/2006/08/03/opinions/edbouck.php>, last accessed 1 November 2007].
- ⁴⁰ See: Amnesty International, *World Report 2007, Middle East and North Africa, Israel and The Occupied Territories* (May 2007) [<http://thereport.amnesty.org/eng/Regions/Middle-East-and-North-Africa/Israel-and-the-Occupied-Territories>, last accessed 1 November 2007].

It is interesting to note that one year after the war, no-one had yet been held accountable for the war crimes committed. See Amnesty International press release, *Israel/Lebanon War Crimes without Accountability* (12 July 2007) [<http://web.amnesty.org/library/Index/ENGMDE020012007>], last accessed 1 November 2007].

- ⁴¹ For discussion of the principle of distinction in international humanitarian law, see Chapter Four ("International Humanitarian Law") below.
- ⁴² Amnesty International, *Deliberate Destruction or "Collateral Damage?"*, Note 1 above.
- ⁴³ *Ibid.*, p. 3. See also: War Crimes in Recent Lebanon Conflict, Washington Report on Middle East Affairs, November 2006, pp. 63-64 [http://www.wrmea.com/archives/November_2006/0611063.html], last accessed 1 November 2007].
- ⁴⁴ Information Center for Intelligence and Terror, "The Use of Lebanese Civilians as 'Human Shields:' The Extensive Military Infrastructure Introduced and Concealed by Hizbullah among Civilian Population Centers in Lebanon and the Deliberate Firing of Hizbullah Rockets against Civilian Targets in Israel" (November 2006) [http://www.terrorism-info.org.il/malam_multimedia/Hebrew/heb_n/pdf/human_shields.pdf], last accessed 1 November 2007]. See also: Peter Bouckaert, *For Israel, Innocent Civilians Are Fair Game*, Note 39 above; Amnesty International, *Out of All Proportion*, Note 1 above. See further: *Hezbollah's Human Shields*, The Washington Times, Editorials-Op-Ed, Today's Editorial (31 July 2006); Alan M. Dershowitz, *Hezbollah's Human Shields*, Jewish Federation Of Ottawa (1 August 2006) [<http://www.jewishottawa.org/page.html?ArticleID=133851>], last accessed 1 November 2007].
- ⁴⁵ Jacob Laksin, *Media Lies and Hezbollah's Human Shields*, FrontPage Magazine (10 August 2006) [<http://www.frontpagemag.com/Articles/ReadArticle.asp?ID=23785>], last accessed 1 November 2007].
- ⁴⁶ Amnesty International, *Deliberate Destruction or "Collateral Damage?"*, Note 1 above, p. 8. See also: Peter Bouckaert, *For Israel, Innocent Civilians Are Fair Game*, Note 39 above.
- ⁴⁷ Human Rights Watch, *Fatal Strikes*, Note 1 above.
- ⁴⁸ Amnesty International, *Under Fire*, Note 1 above.
- ⁴⁹ *Ibid.*
- ⁵⁰ For the full list of all the Israeli civilians killed in the war, see Frances Raday, *Israel Under Rocket Attack*, Note 16 above.
- ⁵¹ On 5 March 2007, the HRA contacted the IDF and requested specific information regarding the number of rockets that fell on Arab towns and villages, among other information. This request was completely ignored.
- ⁵² Yoav Stern, "Every Person Killed by Rocket Attacks Increases the Anger at Israel in the Arab Sector," *Ha'aretz*, 6 August 2006; Lili Galili, "Hey, Doesn't He Know How Many Arabs There Are Here?" *Ha'aretz*, 18 July 2006.
- ⁵³ On the discrimination in the means of protection provided by the state for the Arab citizens, see Chapter Seven ("Protecting the Safety of the Arab Citizens").
- ⁵⁴ Frances Raday, *Israel Under Rocket Attack*, Note 16 above.
- ⁵⁵ See Yoav Stern, "Every Person Killed," Note 52 above.
- ⁵⁶ Sami Samuha, "The Arabs in Israel and the Second Lebanon War," *Ofakim* (33), October 2006 [<http://ofakim.org.il/zope/home/he/1161037456/1161038727>], last accessed 1 November 2007]. The enormous gap between the attitudes of the Jewish and Arab populations in Israel regarding the war was manifested in a series of public opinion polls conducted during the war. See: Yossi Shavit, Effi Ya'ar, Tamar Herman, and Irit Adler, "Public Feelings and Attitudes Regarding the Fighting in Lebanon – Daily Monitor 7/19 – 8/13 2006" (*De'ot Ba'am*, Issue

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- 12, August 2006, Tel Aviv: B.I. and Lucille Cohen Institute for Public Opinion Research, Tel Aviv University) [<http://www.bicohen.tau.ac.il/manage.asp?PageID=31&Lang=> , last accessed 1 November 2007]; Ephraim Ya'ar and Tamar Herman, "Support for Government, Admiration for Hizbullah," *Ha'aretz*, 9 August 2006. Summaries of the attitudes of the Arab citizens regarding the Second Lebanon War and Jewish reactions may be found in: Eli Reches, Arik Rodnitzky, "The Arabs in Israel and the War in the North: Situation Report" (Tel Aviv: Konrad Adenauer Institute for Jewish-Arab Cooperation, Tel Aviv University, special edition, 14 August 2006) [http://www.dayan.org/kapjac/files/War_North1.pdf, last accessed 1 November 2007].
- ⁵⁷ *Hadith a-Nas*, 1 September 2006.
- ⁵⁸ "MK Taleb a-Sana Urges Prime Minister: Stop Crazy War and Killing of Civilians," *Machsom*, 20 July 2006.
- ⁵⁹ Ilan Marciano and Roi Nachmias, "A 'Brace Decision' or 'Regret for Generations?'" *Ynet*, 9 August 2006.
- ⁶⁰ Fatima Nasser, "MK Zahalka: 'Israel Is Building Its Deterrence on the Bodies of Children,'" *Machsom*, 30 July 2006.
- ⁶¹ Ilan Marciano and Roi Nachmias, "Every Government Has Its Massacre," *Ynet*, 9 August 2006.
- ⁶² Lili Galili, "Hey, Doesn't He Know How Many Arabs There Are Here?" Note 52 above.
- ⁶³ Yoav Stern, "Arab Citizens Don't Know Who to Blame – Olmert or Nasrallah," *Ha'aretz*, 26 July 2006.
- ⁶⁴ Miri Hasson, "Nazareth: Family Playtime Ends in Disaster," *Ynet*, 19 July 2006; Sharon Rofeh-Ofir and Haggai Einav, "Nazareth: Two Brothers Playing in Street Killed by Rocket," *Ynet*, 19 July 2006. The comments by the father following the death of his children had a profound impact on Jewish citizens, reinforcing the conclusion that Arab citizens rejected the position of the Jewish public regarding the justification for the war.
- ⁶⁵ The number of incidents causing fatalities among Arab and Jewish civilians was the same – ten such attacks occurred in each sector. See Eli Reches, Note 56 above.
- ⁶⁶ Karam Munir, "Martyrs through No Choice of Their Own," *Ha'aretz*, 10 August 2006.
- ⁶⁷ Testimony collected by the HRA from A. of Majd al-Krum, 10 October 2006.
- ⁶⁸ Testimony collected by the HRA from B. of Majd al-Krum, 14 February 2007.
- ⁶⁹ Testimony collected by the HRA from C. of Sulem, 14 February 2007.
- ⁷⁰ *Al-Sinara*, 4 August 2006.
- ⁷¹ This point does not imply that the HRA takes any position on the question as to whether Hizbullah intended to harm the Jewish population. The HRA has not undertaken any research on this question and, accordingly, cannot express an opinion on this aspect.
- ⁷² Yoav Stern, "Nasrallah to Haifa Arabs – Leave the City," *Ha'aretz*, 10 August 2006. See also: Yoav Stern, "Arab Citizens Don't Know Who to Blame – Olmert or Nasrallah," Note 63 above.
- ⁷³ Yoav Stern, "Arab Citizens Don't Know Who to Blame – Olmert or Nasrallah," Note 63 above.
- ⁷⁴ Nazir Majali, "A Barrage of Accusations," *Ha'aretz*, 31 July 2006.
- ⁷⁵ "Majority Believe that Israeli Arabs Supported Nasrallah," *Ynet*, 24 August 2006.
- ⁷⁶ Nazir Majali, "A Barrage of Accusations," Note 74 above.
- ⁷⁷ The HRA totally rejects any distinction between Jewish and Arab citizens in terms of the legitimacy of attacks on civilians. According to international humanitarian law, a distinction must be made between military and civilian targets, and only the former constitute legitimate

targets. For further discussion of this aspect, see Chapter Four ("International Humanitarian Law").

⁷⁸ For further details on the discrimination against Arab citizens during the war, see Chapter Seven ("Protecting the Safety of the Arab Citizens").

⁷⁹ By way of example, during the rocket attack in Nazareth in which the Taloza brothers were killed, no warning sirens were heard. Had they been sounded, the children might have sought shelter rather than continuing to play in the street, and thus been saved, or injured rather than killed.

⁸⁰ As far as the HRA is aware, only two reports have addressed this issue, and the level of attention has been superficial relative to the attention given in the reports of international human rights organizations to the other arguments. The first such report is Amnesty International, *Out of All Proportion*, Note 1 above; the second is: United Nations, *Report of Four Special Rapporteurs on Their Mission to Lebanon and Israel*, Note 1 above.

⁸¹ See Chapter Five ("Military Installations Close to Arab Communities").

⁸² See Chapter Six ("Military Exercises in Arab Communities").

⁸³ Human Rights Watch, *Civilians Under Assault*, Note 1 above; Amnesty International, *Deliberate Destruction or "Collateral Damage?"* Note 1 above; United Nations, *Report of Four Special Rapporteurs on Their Mission to Lebanon and Israel*, Note 1 above.

⁸⁴ This distinction applies to international law in general, not only international humanitarian law.

⁸⁵ Convention (IV) Respecting the Laws and Customs of War on Land and the Annexed Regulations Concerning the Laws and Customs of War on Land of 18 October 1907 (Hague Regulations), which came into force on 26 January 1910.

⁸⁶ Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field; Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; Convention (III) relative to the Treatment of Prisoners of War; Convention (IV) relative to the Protection of Civilian Persons in Time of War.

⁸⁷ Ancillary Protocols to the Geneva Convention of 12 August 1949 (Geneva, 1977).

⁸⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

⁸⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977.

⁹⁰ A "civilian" is any person who does not belong to one of the types of persons addressed in articles 4A(1), (2), (3) and (6) of the Third Geneva Convention, and article 43 of Protocol I (in effect, combatants and persons participating in the war effort) (article 50(1) of Protocol I). The civilian population includes all persons who are civilians (article 50(2) of Protocol II).

⁹¹ The rules are detailed in Part IV of Protocol I, under the heading Civilian Population.

⁹² Article 51(2) of Protocol I.

⁹³ Article 51(4) of Protocol I.

⁹⁴ Article 51(4)(A) of Protocol I.

⁹⁵ Article 51(4)(B) of Protocol I.

⁹⁶ Article 51(4)(C) of Protocol I.

⁹⁷ Article 52(1) of Protocol I.

⁹⁸ *Ibid.*

⁹⁹ Article 52(2) of Protocol I.

¹⁰⁰ *Ibid.*

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- ¹⁰¹ Article 57(1) of Protocol I.
- ¹⁰² Article 57(2)(A)(i) of Protocol I.
- ¹⁰³ Article 57(2)(A)(ii) of Protocol I.
- ¹⁰⁴ Article 57(2)(A)(iv) of Protocol I.
- ¹⁰⁵ Article 2 in all four conventions states as follows: “In addition to the provisions which shall be implemented in peacetime, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them. The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance. Although one of the Powers in conflict may not be a party to the present Convention, the Powers who are parties thereto shall remain bound by it in their mutual relations. They shall furthermore be bound by the Convention in relation to the said Power, if the latter accepts and applies the provisions thereof.”
- ¹⁰⁶ See Marco Sesulo, “Trans-National Armed Groups and International Humanitarian Law,” (Cambridge, MA: Humanitarian Policy and Conflicts Research Program, HPCR, Occasional Articles, No. 6, Winter 2006), on page 5.
- ¹⁰⁷ See Human Rights Watch, *Civilians Under Assault*, Note 1 above.
- ¹⁰⁸ *Ibid.*
- ¹⁰⁹ See Yoram Dinstein, “The Management of Acts of Hostility in the Framework of the Laws of International Armed Conflict,” (Cambridge University Press, 2004), pp. 10-11.
- ¹¹⁰ IDF Booklet, “The Rules of War on the Battlefield,” p. 38.
- ¹¹¹ *Ibid.*, p. 39.
- ¹¹² Testimony of Y.Z. of Meghar, collected by AHRA 14 March 2007.
- ¹¹³ Human Rights Watch, *Civilians Under Assault*, Note 1 above.
- ¹¹⁴ See Chapter Two (“The Impact on the Civilian Population”).
- ¹¹⁵ Human Rights Watch, *Civilians Under Assault*, Note 1 above.
- ¹¹⁶ The “Grapes of Wrath” campaign was a military operation launched by the Israeli army in southern Lebanon between 11 and 27 April 1996 following the firing of Katyusha rockets by Hizbullah at communities along Israel’s northern border. A ceasefire agreement was eventually signed by the parties – the Memorandum of Understanding for the Cessation of the “Grapes of Wrath” Campaign.
- ¹¹⁷ “Nazareth Was Training Ground for the Battle of Bint Jabail,” *Arabs48* website, 4 November 2006 (in Arabic).
- ¹¹⁸ “Sneh Admits that Israeli Army Undertook Military Exercises in Nazareth and Shefa`amr before Recent War,” *Arabs48* website, 30 January 2007 (in Arabic).
- ¹¹⁹ “Army Withdraws Plans to Hold Exercises in Al-Tirah,” *Arabs48* website, 1 February 2007 (in Arabic).
- ¹²⁰ “Army Continues Exercises in Arab Communities,” *Al-`Arab* website, 9 February 2007 (in Arabic).
- ¹²¹ “Military Exercises in Tur`an,” *Arabs48* website, 6 March 2007 (in Arabic).
- ¹²² Testimony collected by the HRA from C. of Sulem, 14 February 2007.
- ¹²³ Testimony collected by the HRA from with D., an official in the local council of the village of Fasuta, 23 February 2007.
- ¹²⁴ Testimony collected by the HRA from E. of Majd al-Krum, 27 March 2007.
- ¹²⁵ Testimony collected by the from H. of Al-Buqei`a, 31 March 2007.
- ¹²⁶ Frances Raday, *Israel Under Rocket Attack*, Note 16 above.

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- ¹²⁷ United Nations, *Report of Four Special Rapporteurs on Their Mission to Lebanon and Israel*, Note 1 above.
- ¹²⁸ On 8 August 2006, for example, the Municipality of Kiryat Shemona, which sustained severe damage during the war, decided to evacuate 500 local residents who were housed in an army base. See Frances Raday, *Israel Under Rocket Attack*, Note 16 above.
- ¹²⁹ Frances Raday, *Israel Under Rocket Attack*, Note 16 above.
- ¹³⁰ Michal Bavli, Frances Raday, Avi Davush, Hadas Eitan, "Civilians on the Front Line: A Final Report on the Failings in the Attention Given to the Front Line during the Second Lebanon War from a Civilian Perspective" (Shatil (Empowerment and Training Center for Social Change Organizations, Founded by the New Israel Fund, Northern Star – Organizations for Social Change on the Day after the War, February 2007) [http://shatil.org.il/data/lebanon2_finalreport.pdf, last accessed 1 November 2007], p. 37.
- ¹³¹ State Comptroller, "The Preparation and Functioning of the Home Guard during the Second Lebanon War," (Jerusalem, Av 5767, July 2007). [<http://www.mevaker.gov.il/serve/contentTree.asp?bookid=493&id=188&contentid=&parentid=undefined&sw=1280&hw=954> [last accessed 1 November, 2007].
- ¹³² *Ynet*, 27 July 2006.
- ¹³³ Yoav Stern, "Every Person Killed by Rocket Attacks Increases the Anger at Israel in the Arab Sector," Note 52 above; Irit Rosenblum, "Israeli Arabs Escape to Sinai from the Katyushas," *Ha'aretz*, 23 August 2006.
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- ¹³⁶ Testimony collected by the HRA from F. of Fusata, 20 June 2007.
- ¹³⁷ Jacky Hourri, "Ma'alot Residents Leave, Tarshiha Residents Stay Put," *Ha'aretz*, 28 July 2006.
- ¹³⁸ Testimony collected by the HRA from G. of Buqei'a, 5 March 2007.
- ¹³⁹ Testimony collected by the HRA from A. of Majd al-Krum, 10 October 2006.
- ¹⁴⁰ *Ibid.*
- ¹⁴¹ Testimony collected by the HRA from H. of Al-Buqei'a, 31 March 2007.
- ¹⁴² Testimony collected by the HRA from B. of Majd al-Krum, 14 February 2007.
- ¹⁴³ Testimony collected by the HRA from I. of Tarshiha, 20 June 2007.
- ¹⁴⁴ Testimony collected by the HRA from F. of Fusata, 20 June 2007.
- ¹⁴⁵ Testimony collected by the HRA from J. of Al-Ba'anah, 14 March 2007.
- ¹⁴⁶ State Comptroller, Note 131 above.
- ¹⁴⁷ Michael Bavli, *Civilians on the Front*, Note 130 above, p. 4.
- ¹⁴⁸ State Comptroller, Note 131 above.
- ¹⁴⁹ Testimony collected by the HRA from D., an official in the local council of Fasuta, 23 February 2007.
- ¹⁵⁰ Testimony collected by the HRA from K., an official in the Municipality of Nazareth, 20 July 2007.
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- ¹⁵² Testimony collected by the HRA from C. of Sulem, 14 February 2007.
- ¹⁵³ Testimony collected by the HRA from G. of Al-Buqei'a, 5 March 2007.

¹⁵⁴ Testimony collected by the HRA from L. of Al-Buqei`a, 14 March 2007; testimony collected by the HRA from M. of Tarshiha, 24 March 2007.

¹⁵⁵ Testimony collected by the HRA from J. of Al-Ba`anah, 14 March 2007.

¹⁵⁶ Testimony collected by the HRA from N. The testimony is quoted in HRA report, "On the Margins 2006," Note 7 above.