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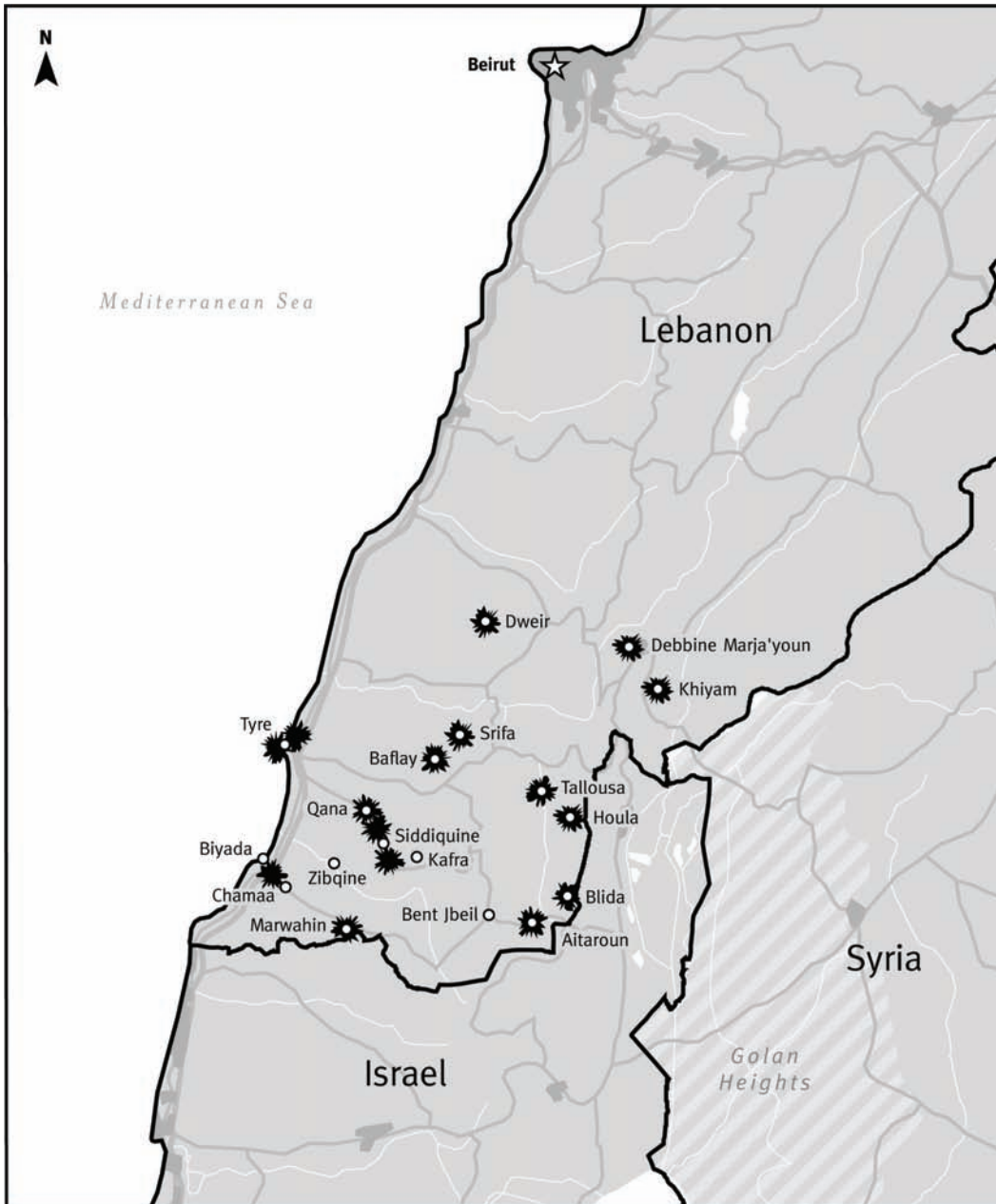
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**Fatal Strikes**  
**Israel's Indiscriminate Attacks Against Civilians in Lebanon**

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# Map



## IDF Attacks with Civilian Deaths in this Report

(Note: does not reflect all attacks)



## Summary

This report documents serious violations of international humanitarian law (the laws of war) by Israel Defense Forces (IDF) in Lebanon between July 12 and July 27, 2006, as well as the July 30 attack in Qana. During this period, the IDF killed an estimated 400 people, the vast majority of them civilians, and that number climbed to over 500 by the time this report went to print. The Israeli government claims it is taking all possible measures to minimize civilian harm, but the cases documented here reveal a systematic failure by the IDF to distinguish between combatants and civilians.

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.

The Israeli government claims that it targets only Hezbollah, and that fighters from the group are using civilians as human shields, thereby placing them at risk. Human Rights Watch found no cases in which Hezbollah deliberately used civilians as shields to protect them from retaliatory IDF attack. Hezbollah occasionally did store weapons in or near civilian homes and fighters placed rocket launchers within populated areas or near U.N. observers, which are serious violations of the laws of war because they violate the duty to take all feasible precautions to avoid civilian casualties. However, those cases do not justify the IDF's extensive use of indiscriminate force which has cost so many civilian lives. In none of the cases of civilian deaths documented in this report is there evidence to suggest that Hezbollah forces or weapons were in or near the area that the IDF targeted during or just prior to the 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.

This report is based on extensive on-the-ground research in Lebanon. Since the start of hostilities, Human Rights Watch has interviewed victims and witnesses of attacks in one-on-one settings, conducted on-site inspections (when security allowed), and collected

information from hospitals, humanitarian groups, and government agencies. Human Rights Watch also conducted research in Israel, inspecting the IDF's use of weapons and discussing the conduct of forces with IDF officials. The research was extensive, but given the ongoing war and the scope of the bombings, Human Rights Watch does not claim that the findings are comprehensive; further investigation is required to document the war's complete impact on civilians and to assess the full scope of the IDF's compliance with and disregard for international humanitarian law.

While not the focus of this report, Human Rights Watch has separately and simultaneously documented violations of international humanitarian law by Hezbollah, including a pattern of attacks that amount to war crimes. Between July 12, when Hezbollah captured two Israeli soldiers and killed eight, and July 27, the group launched a reported 1,300 rockets into predominantly civilian areas in Israel, killing 18 civilians and wounding more than 300. Without guidance systems for accurate targeting, the rockets are inherently indiscriminate when directed toward civilian areas, especially cities, and thus are serious violations of the requirement of international humanitarian law that attackers distinguish at all times between combatants and civilians. Some of these rockets, Human Rights Watch found, are packed with thousands of metal ball-bearings, which spray more than 100 meters from the blast and compound the harm to civilians.

This report analyzes a selection of Israeli air and artillery attacks that together claimed at least 153 civilian lives, or over a third of the reported Lebanese deaths in the conflict's first two weeks. Of the 153 civilian deaths documented in this report by name, sixty-three of the victims were children under the age of eighteen, and thirty-seven of them were under ten. Israeli air strikes also killed many dual nationals who were vacationing in Lebanon when the fighting began, including Brazilian, Canadian, German, Kuwaiti, and U.S. citizens. The full death toll is certainly higher because medical and recovery teams have been unable to retrieve many bodies due to ongoing fighting and the dire security situation in south Lebanon.

The report breaks civilian deaths into two categories: attacks on civilian homes and attacks on civilian vehicles. In both categories, victims and witnesses interviewed independently and repeatedly said that neither Hezbollah fighters nor Hezbollah weapons were present in the area during or just before the Israeli attack took place. While some individuals, out of fear or sympathy, may have been unwilling to speak about Hezbollah's military activity, others were quite open about it. In totality, the consistency, detail, and credibility of testimony from a broad array of witnesses who did not speak to each other leave no doubt about the validity of the patterns described in this report. In many cases, witness testimony was corroborated by reports from international journalists and aid workers. 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. Moreover, even if Hezbollah had been in a populated area at the time of an attack, Israel would still be legally obliged to take all feasible precautions to avoid or minimize civilian casualties resulting from its targeting of military objects or personnel. In the cases documented in this report, however, the IDF consistently tolerated a high level of civilian casualties for questionable military gain.

In one case, an Israeli air strike on July 13 destroyed the home of a cleric known to have sympathy for Hezbollah but who was not known to have taken any active part in hostilities. Even if the IDF considered him a legitimate target (and Human Rights Watch has no evidence that he was), the strike killed him, his wife, their ten children, and the family's Sri Lankan maid.

On July 16, an Israeli airplane fired on a civilian home in the village of Aitaroun, killing eleven members of the al-Akhrass family, among them seven Canadian-Lebanese dual nationals who were vacationing in the village when the war began. Human Rights Watch independently interviewed three villagers who vigorously denied that the family had any connection to Hezbollah. Among the victims were children aged one, three, five, and seven.

Others civilians came under attack in their cars as they attempted to flee the fighting in the South. This report alone documents twenty-seven civilian deaths that resulted from such attacks. The number is surely higher, but at the time the report went to press, ongoing Israeli attacks on the roads made it impossible to retrieve all the bodies.

Starting around July 15, the IDF issued warnings to residents of southern villages to leave, followed by a general warning for all civilians south of the Litani River, which mostly runs about 25 kilometers north of the Israel-Lebanon border, to evacuate immediately. Tens of thousands of Lebanese fled their homes to the city of Tyre (itself south of the Litani and thus within the zone Israel ordered evacuated) or further north to Beirut, many waving white flags. As they left, Israeli forces fired on dozens of vehicles with warplanes and artillery.

Two Israeli air strikes are known to have hit humanitarian aid vehicles. On July 18 the IDF hit a convoy of the Red Crescent Society of the United Arab Emirates, destroying a vehicle with medicines, vegetable oil, sugar and rice, and killing the driver. On July 23, Israeli forces hit two clearly marked Red Cross ambulances in the village of Qana.

As of August 1, tens of thousands of civilians remained in villages south of the Litani River, despite the warnings to leave. Some chose to stay, but the vast majority, Human Rights Watch found, was unable to flee due to destroyed roads, a lack of gasoline, high taxi fares, sick relatives, or ongoing Israeli attacks. Many of the civilians who remained were elderly, sick, or poor.

Israel has justified its attacks on roads by citing the need to clear the transport routes of Hezbollah fighters moving arms. Again, none of the evidence gathered by Human Rights Watch, independent media sources, or Israeli official statements indicate that any of the attacks on vehicles documented in this report resulted in Hezbollah casualties or the destruction of weapons. Rather, the attacks killed and wounded civilians who were fleeing their homes, as the IDF had advised them to do.

In addition to strikes from airplanes, helicopters, and traditional artillery, Israel has used artillery-fired cluster munitions against populated areas, causing civilian casualties. One such attack on the village of Blida on July 19 killed a sixty-year-old woman and wounded at least twelve civilians, including seven children. The wide dispersal pattern of cluster munitions and the high dud rate (ranging from 2 to 14 percent, depending on the type of cluster munition) make the weapons exceedingly dangerous for civilians and, when used in populated areas, a violation of international humanitarian law.

Statements from Israeli government officials and military leaders suggest that, at the very least, the IDF has blurred the distinction between civilian and combatant, and is willing to strike at targets it considers even vaguely connected to the latter. At worst, it considers all people in the area of hostilities open to attack.

On July 17, for example, after IDF strikes on Beirut, the commander of the Israeli Air Force, Eliezer Shkedi, said, “in the center of Beirut there is an area which only terrorists enter into.”<sup>1</sup> The next day, the IDF deputy chief of staff, Moshe Kaplinski, when talking about the IDF’s destruction of Beirut’s Dahia neighborhood, said, “the hits were devastating, and this area, which was a Hezbollah symbol, became deserted rubble.”<sup>2</sup>

On July 27, Israeli Justice Minister Haim Ramon said that the Israeli air force should flatten villages before ground troops move in to prevent casualties among Israeli soldiers

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<sup>1</sup> Amir Buchbut and Itamar Inbari, “IDF: Hezbollah Did Not Intercept an Israeli Aircraft,” available in Hebrew at <http://www.nrg.co.il/online/1/ART1/450/601.html>, as of July 28, 2006.

<sup>2</sup> Hanan Greenberg, “Three Reserve Battalions Called Up,” available in Hebrew at <http://www.ynet.co.il/articles/0,7340,L-3277527,00.html>, as of July 28, 2006.



fighting Hezbollah. Israel had given civilians ample time to leave southern Lebanon, he claimed, and therefore anyone remaining should be considered a supporter of Hezbollah. “All those now in south Lebanon are terrorists who are related in some way to Hezbollah,” he said.<sup>3</sup>

International humanitarian law requires effective advance warnings to the civilian population prior to an attack, when conditions permit. But those warnings do not way relieve Israel from its obligation at all times to distinguish between combatants and civilians and to take all feasible precautions to protect civilians from harm. In other words, issuing warnings in no way entitles the Israeli military to treat those civilians who remain in southern Lebanon as combatants who are fair game for attack.

In addition to recommendations to the Israeli government and Hezbollah that they respect international humanitarian law, Human Rights Watch calls on the U.S. government immediately to suspend transfer of all arms that have been documented or credibly alleged to have been used in violation of international humanitarian law in Lebanon, as well as funding or support for such materiel, pending an end to the violations. Human Rights Watch calls upon the Iranian and Syrian governments to do the same with regards to military assistance to Hezbollah.

This report does not address Israeli attacks on Lebanon’s infrastructure or Beirut’s southern suburbs, which is the subject of ongoing Human Rights Watch research. It also does not address Hezbollah’s indiscriminate rocket attacks on Israel, which have been reported on and denounced separately and continues to be the subject of ongoing Human Rights Watch investigations. In addition, Human Rights Watch continues to investigate allegations that Hezbollah is shielding its military personnel and materiel by locating them in civilian homes or areas, and it is deeply concerned by Hezbollah’s placement of certain troops and materiel near civilians, which endangers them and violates the duty to take all feasible precautions to avoid civilian casualties. Human Rights Watch uses the occasion of this report to reiterate Hezbollah’s legal duty never to deliberately use civilians to shield military objects and never to needlessly endanger civilians by conducting military operations, maintaining troops, or storing weapons in their vicinity.

The armed conflict between Israel and Hezbollah is governed by international treaties, as well as the rules of customary international humanitarian law. Article 3 Common to the Geneva Conventions of 1949 sets forth minimum standards for all parties to a conflict

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<sup>3</sup> BBC News Online, “Israel says world backs offensive” July 27, 2006

between a state party such as Israel and a non-state party such as Hezbollah. Israel has also asserted that it considers itself to be responding to the actions of the sovereign state of Lebanon, not just to those of Hezbollah. Any hostilities between Israeli forces and the forces of Lebanon would fall within the full Geneva Conventions to which both Lebanon and Israel are parties. In either case, the rules governing bombing, shelling, and rocket attacks are effectively the same.

## Methodology

This report is based primarily on investigations by Human Rights Watch researchers, who have been in Beirut since the onset of the conflict and traveled for two days to Lebanon's South. The team focused on interviewing witnesses and survivors of Israeli strikes inside Lebanon, gathering detailed testimony from these individuals, and carefully corroborating and cross-checking their accounts with international aid workers, international and local journalists, medical professionals, local officials, as well as information from the IDF.

Security conditions did not permit on-site visits to many of the villages or other sites where civilian casualties are documented in this report, but in all cases Human Rights Watch located eyewitnesses to attacks. All cases for which Human Rights Watch could not find eyewitnesses, survivors, or other credible sources of information have been excluded from this report. A parallel team of Human Rights Watch researchers operated during this same period in northern Israel investigating and reporting on Hezbollah's attacks on civilians in Israel. That team also contributed to Human Rights Watch's understanding of IDF operations in Lebanon through on-site observations and conversations with IDF spokespersons.

In a small minority of cases, Human Rights Watch researchers in Lebanon could locate witnesses only in Hezbollah-controlled camps for displaced persons in Beirut. Hezbollah controls an estimated seventy of the 120 schools currently housing the displaced. On such occasions, Hezbollah officials often insisted that Human Rights Watch researchers not ask questions about the location of Hezbollah militants because such information, wherever Hezbollah might be located, was of military value. These conditions limited Human Rights Watch's ability to make a legal determination regarding whether the target in question was legitimate. In such cases, researchers sought additional witnesses outside of Hezbollah's control to investigate the location of Hezbollah militants in the area at the time of the attack. If such witnesses could not be found, Human Rights Watch dropped the case.

As noted, in the cases documented in this report, witnesses consistently told Human Rights Watch that neither Hezbollah fighters nor other legitimate military targets were in the area that the IDF attacked. However, Human Rights Watch did document cases in which the IDF hit legitimate military targets, and, with limited exceptions, witnesses were generally willing to discuss the presence and activity of Hezbollah. At the sites visited by Human Rights Watch—Qana, Srifa, Tyre, and the southern suburbs of

Beirut—on-site investigations did not identify any signs of military activity in the area attacked, such as trenches, destroyed rocket launchers, other military equipment, or dead or wounded fighters. International and local journalists, rescue workers, and international observers also did not produce evidence to contradict the statements of witnesses interviewed for this report.

The researchers also monitored information from public sources about the attacks, including Israeli government statements. Although Human Rights Watch’s research has been extensive, it is, as noted, not comprehensive. Further inquiry is required, particularly as access to the affected villages in South Lebanon improves, and to the extent that Israel ultimately decides to make its commanders and soldiers involved in the operation available for interviews.

## **Recommendations**

### ***To the Government of Israel***

All forces should be immediately ordered to uphold fundamental principles of international humanitarian law. In particular, they must:

- Distinguish at all times between civilians and combatants and between civilian objects and military objectives, and cease any deliberate targeting of civilians.
- Cease all indiscriminate attacks, in particular indiscriminate bombardments against cities, towns, villages and other areas in which civilians are concentrated.
- Scrupulously observe the principle of proportionality. Cease launching any attack that may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof that would be excessive in relation to the concrete and direct military advantage anticipated.
- Immediately cease the use of cluster munitions in Lebanon until the dud rate can be reduced dramatically. If cluster munitions are employed, they should never be used in or near populated areas.
- Never target humanitarian personnel, convoys and objects, or peacekeeping personnel, all of whom are entitled to the protections given to civilians.
- Instruct all levels of government to cooperate with international investigations into violations of international humanitarian law, including the Commission of Inquiry proposed below.

### ***To the United Nations***

- Human Rights Watch urges the Secretary-General of the United Nations to establish an International Commission of Inquiry to investigate reports of violations of international humanitarian law, including possible war crimes, in Lebanon and Israel and to formulate recommendations with a view to holding

accountable those who violated the law. The Commission of Inquiry (COI) should be headed by an internationally recognized, independent expert with direct experience investigating war-time compliance with international humanitarian law. The COI's team should include expertise in forensics, ballistics and weaponry, international humanitarian law, and other relevant disciplines. The funding of the COI should be adequate to ensure its effective functioning.

Given the urgency of the situation, the COI should present its interim findings to the Secretary-General as soon as possible. The Secretary-General should present these findings and recommendations, as well as the COI's final report, to the Security Council for further consideration and action.

### ***To the Government of the United States***

- Immediately suspend transfers to Israel of arms, ammunition, and other materiel that have been documented or credibly alleged to have been used in violation of international humanitarian law in Lebanon, as well as funding or support for such materiel, pending an end to the violations.
- Conduct a full investigation into Israel's use of U.S.-supplied arms, ammunition, and other materiel in violations of international humanitarian law.

### ***To the Government of the United Kingdom and other countries through which weapons, ammunition, or other military materiel may pass in transit to Israel***

- Do not permit the use of national territory for the transit or transshipment to Israel of arms, ammunition, or other materiel that have been documented or credibly alleged to have been used in violation of international humanitarian law in Lebanon, pending an end to the violations.<sup>4</sup>

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<sup>4</sup> Such a move is consistent with the obligation of States under Common Article 1 to the Geneva Conventions to "respect and ensure respect" for international humanitarian law, which confers a responsibility on third-party states to avoid action that would assist in violations by the parties to a conflict. States party to the Geneva Conventions agreed to make respect for international humanitarian law one of the fundamental criteria on which arms transfer decisions are assessed at the International Conference of the Red Cross and Red Crescent in 2003. A number of governments, including those that adhere to the European Union Code of Conduct on Arms Exports, have instruments in place to implement these commitments. The UK, along with other countries,

- Where they do not already exist, adopt and apply controls that require licenses for weapons transfers, as well as arms transit and arms brokering. Make the issuance of licenses conditional on the ultimate recipient's respect for human rights and international humanitarian law. Licenses should be denied in cases where the recipient engages in a pattern of gross abuses of human rights or serious violations of international humanitarian law or there otherwise is a clear risk the weapons will be misused in such a way.<sup>5</sup>

### ***To Hezbollah***

- Cease all indiscriminate rocket attacks against Israeli cities, towns, villages and other areas in which civilians are concentrated as well as any deliberate targeting of civilians.
- Make all feasible efforts to avoid locating military objectives within or near densely populated areas and to remove civilian persons or objects under its control from the vicinity of military objectives.
- Under no circumstance take advantage of the location of civilians or other persons protected under international law for the purpose of shielding a military objective from attack or to favor or impede military operations.

### ***To the Governments of Syria and Iran***

- Do not permit transfers to Hezbollah of arms, ammunition, and other materiel that have been documented or credibly alleged to have been used in violation of international humanitarian law in Lebanon, as well as funding or support for such materiel, pending an end to the violations.

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supports the extension of the EU Code to cover arms transit and also changes to make the code binding. It should act accordingly as a matter of policy.

<sup>5</sup> See footnote 5, above.

## Attacks on Civilian Homes

Since July 12, when Hezbollah launched an attack on Israeli positions initially killing three Israeli soldiers and capturing two, Israel and Hezbollah have engaged in intense hostilities. Israel has carried out hundreds of strikes against targets in Lebanon, including extensive attacks against Lebanon's infrastructure, private homes and apartment buildings, as well as vehicles moving on roads. Israeli strikes have been especially heavy in Shi'a-dominated areas of Lebanon, considered to be Hezbollah strongholds, including southern Lebanon, the southern suburbs of Beirut, and the Beqaa Valley.

To date, the chief cause of civilian deaths from the Israeli campaign is targeted strikes on civilian homes in villages of Lebanon's South. There has also been large-scale destruction of civilian apartment buildings in southern Beirut, though most of the residents of those buildings had evacuated prior to the attacks. According to the Lebanese Ministry of Social Affairs, the IDF destroyed or damaged up to 5,000 civilian homes in air strikes during the first two weeks of the war.<sup>6</sup> As demonstrated by the case studies below, Israel has caused large-scale civilian casualties by striking civilian homes, with no apparent military objective either inside the home or in the vicinity. In some cases, warplanes returned to strike again while residents and neighbors had gathered around the house to remove the dead and assist the wounded.

Israel claims that it is attacking homes belonging to Hezbollah members, and that Hezbollah is responsible for putting civilians at risk by placing their military positions inside or close to civilian homes. On July 19, for example, the IDF stated that "Hezbollah terrorists have turned southern Lebanon into a war zone and are operating near population centers there, using civilians as human shields."<sup>7</sup> On the same day, the Israeli ambassador to the United Nations, Dan Gillerman, told CNN: "We are trying to minimize hurting civilians, but when Hezbollah uses civilians as human shields, sometimes civilians will get hurt."<sup>8</sup>

Human Rights Watch research established that, on some limited occasions, Hezbollah fighters have attempted to store weapons near civilian homes and have fired rockets

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<sup>6</sup> Stephen Farrell, "More Innocent Blood is Shed as Israel Steps Up Offensive," *The Times* (London), July 28, 2006.

<sup>7</sup> IDF, "Warnings dropped to Protect Southern Lebanese Civilians," July 19, 2006.

<sup>8</sup> CNN, "The Situation Room," broadcast of July 19, 2006.



from areas where civilians live. However, such practices do not justify the IDF's failure to distinguish between combatants and civilians.

On July 15, for example, a group of villagers from Marwahin left the area in a convoy, in part because Hezbollah was attempting to store weapons behind their homes, and residents feared a retaliatory IDF strike.<sup>9</sup> Two rockets believed to have been fired from Israeli helicopters struck a white pick-up and a passenger car in the convoy on the road between the villages of Chamaa and Biyada, killing twenty-one civilians (see "Attacks on Fleeing Civilians"). A U.N. team trying to retrieve the bodies came under fire from the IDF.<sup>10</sup> While the villagers' flight could be attributed in part to Hezbollah's unlawful attempt to store weapons in Marwahin—the main reason for flight was the Israeli warning to evacuate within two hours—Human Rights Watch found no evidence to suggest that Hezbollah fighters were near the civilian convoy when it got hit.

Christian villagers fleeing the village of `Ain Ebel have also complained about Hezbollah tactics that placed them at risk, telling the *New York Times* that "Hezbollah came to [our village] to shoot its rockets.... They are shooting from between our houses."<sup>11</sup> `Ain Ebel was a former stronghold for the Israeli-backed South Lebanese Army (SLA), a force opposed to Hezbollah. According to an official from `Ain Ebel, some villagers told him that Hezbollah had fired at Israel from certain positions close to their houses, although so far Human Rights Watch has heard no reports of Hezbollah entering any village homes. No villagers have died but a number have been injured (mostly from broken glass), and Israeli fire had destroyed roughly eighty of 400 houses, he said.<sup>12</sup>

Human Rights Watch is hardly asserting that all Israeli strikes have targeted civilians. There are obviously many cases in which Israeli forces attacked legitimate military targets, such as rocket launchers and dug-in military positions. However, in the cases documented below, no apparent military objective existed in the civilian houses that Israel attacked. Villagers interviewed privately in one-on-one settings stated credibly and consistently that Hezbollah was not present in their homes or the vicinity when the attacks took place, and Human Rights Watch found no other evidence to suggest that Hezbollah had been there.

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<sup>9</sup> Human Rights Watch interview with relative of Marwahin convoy victim, name withheld, Beirut, July 27, 2006.

<sup>10</sup> Ibid.

<sup>11</sup> Sabrina Tavernise, "Christians Fleeing Lebanon Denounce Hezbollah," Beirut, July 27, 2006.

<sup>12</sup> Human Rights Watch telephone interview with an official from Ain Ebel, Beirut, July 28, 2006.

### ***Killing of Four Brazilian-Lebanese Civilians in Srifa, July 13***

On two occasions, the IDF killed civilians in the village Srifa, located twenty-five kilometers from the Israel-Lebanon border. The first attack on July 13 killed four Brazilian-Lebanese dual nationals. On July 19, another strike killed nineteen people (see below).

The first took place at about 4 a.m. on July 13, around the same time as other air strikes on the villages of Dweir and Baflay (see below). Fatima Musa, a Srifa resident, described the strike to Human Rights Watch:

First they hit a school building at night, from Wednesday to Thursday, starting at around 3:30 to 4 a.m. Then, they hit the house just behind us. We didn't hear the airplanes, we just heard the rocket. We were sleeping and woke up when the house lit up from the explosions. My son was shivering with fear.<sup>13</sup>

The air strike hit a home in the Ain neighborhood of Srifa, demolishing the home and killing the family inside.

According to three witnesses, the four persons killed in the first strike on Srifa were all Brazilian-Lebanese dual nationals who had come to Srifa less than one month before to spend their summer vacation in the village.<sup>14</sup> The witnesses identified the dead as Akil Merhi, 33; his wife, Ahlam Merhi, 25; their son, Abd'el Hadi Merhi, 8; and their daughter, Fatima Merhi, 4. Because the family was only vacationing in Lebanon and normally resided in Brazil, it is unlikely that their adult members were involved in Hezbollah activities. The witnesses interviewed by Human Rights Watch also denied there was a Hezbollah presence or fighting in the area at the time of the attack

In a statement, the IDF claimed to have struck “two Hezbollah bases” in Srifa on that day.<sup>15</sup>

The bodies of the four Merhi family members were covered with rubble, and firing from Israeli war planes prevented the villagers from digging them out. According to one witness:

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<sup>13</sup> Human Rights Watch interview with Fatima Musa, Beirut, July 22, 2006.

<sup>14</sup> Human Rights Watch interview with Fatima Musa, Beirut, July 22, 2006, Human Rights Watch interview with Mustafa Mohammed Eid, Beirut, July 23, 2006, and Human Rights Watch interview with Abd'el Hassan Ibrahim Najdi, Beirut, July 23, 2006.

<sup>15</sup> IDF, “The IDF Targets in Southern Lebanon,” July 13, 2006

The first time they tried to get the bodies out, some villagers went to try and extract them from the rubble, but another rocket fired on the home. Eventually they were able to get the bodies out, but that was only about noon. The bodies were buried in the village around 5 p.m.<sup>16</sup>

There was no Hezbollah activity around the home when the second bomb struck, the villagers said.

### ***Killing of Thirteen Civilians in Dweir, July 13***

On Thursday, July 13, at about 4:00 a.m., Israeli warplanes struck the home of Shi'a cleric Sheikh `Adil Mohammed Akash, killing the cleric and eleven members of his family. Sheikh Akash was an Iranian-educated cleric and is believed to have been affiliated with Hezbollah, although there is no indication that he took part in hostilities or had a commanding role, either of which might have made him a legitimate military target.

The first missile demolished the two-story home in the village of Dweir, located halfway between Saida and Tyre, while a second missile fired minutes later failed to explode. The sheikh and his family had returned to the home just twenty minutes before the strike, an eyewitness who lived nearby told Human Rights Watch.<sup>17</sup> The strike killed Sheikh `Adil Mohammed Akash; his wife, Rabab Yasin, 39; and ten of their children: Mohammed Baker Akash, 18; Mohammed Hassan Akash, 7; Fatima Akash, 17; `Ali Rida Akash, 12; Ghadir Akash, 10; Zeinab Akash, 13; Sara Akash, 5; Batul Akash, 4; Nour el-Huda Akash, 2; and Safa' Akash, 2 months. The family's Sri Lankan maid, whose name is not known, also died.<sup>18</sup>

There was no evidence of Hezbollah military activity in or around the home, and the village of Dweir is too far from the Israeli border (about 40 kilometers) to serve as an effective launching site for Hezbollah rockets.

International law permits the targeting of military commanders in the course of armed conflict, provided that such attacks otherwise comply with the laws that protect civilians. Political leaders, however, are civilians; they are not legitimate military targets. The only

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<sup>16</sup> Human Rights Watch interview with Fatima Musa, Beirut, July 22, 2006.

<sup>17</sup> Human Rights Watch interview with Omar Mohammed Ahmed, Beirut, July 21, 2006.

<sup>18</sup> Ibid.

exception to this rule is if they assume a military command or participate directly in military hostilities, which would then render them combatants.

Even if Israel believed Sheikh Akash was a legitimate military target because of his possible involvement in Hezbollah military activities (of which Human Rights Watch has no evidence), Israel should have taken into account the likely civilian casualties of attacking him in his home in determining whether the military gain of attacking him there outweighed the civilian harm. In this case, the death of at best one possible Hezbollah member cost the lives of twelve civilians, nine of them children.

### ***Killing of Nine Civilians in Baflay, July 13***

On Thursday, July 13, at about 4:30 a.m., an Israeli air strike demolished the home of 45-year-old Munir Zein, a farmer who also owned the truck used to collect the garbage of the village of Baflay, located some ten kilometers east of the southern port city of Tyre. Villagers interviewed by Human Rights Watch were adamant that Munir Zein had no connection to Hezbollah and that there was no Hezbollah military activity or presence in the area. Ahmed Roz, a 46-year-old salesman who lived just 150 meters from the Zein home, recalled what happened:

There was a big air strike between Baflay and al-Shehabiyye. We could see that attack from our home and were watching. Suddenly we heard a loud noise and saw a bright flash. Our doors were blown open. All we saw coming from the Zein house was smoke. Then there was a second strike.<sup>19</sup>

The Israeli air strike demolished the entire Zein home, killing all nine people inside, including three young children and two Kuwaiti nationals, according to two witnesses interviewed by Human Rights Watch. Those killed were Munir Zein and his wife Najla Zein, 45; their children Ali, 21; Wala, 18; Hassan, 12; Fatima, 9; and Hussain, 5. Also killed were Abdullah el-Tahi, the husband of one of the Zeins' daughters, Huriya, and his father, Heidar el-Tahi, both Kuwaiti nationals visiting their in-laws at the time of the attack. Huriya was in Beirut at the time of the attack. The bodies of most of her family members were recovered, except for that of Munir Zein, which remains buried under the rubble.<sup>20</sup>

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<sup>19</sup> Human Rights Watch interview with Ahmed Roz, Beirut, July 22, 2006 and Human Rights Watch interview with Ali Roz, Beirut, July 22, 2006.

<sup>20</sup> *Ibid.* The bodies of the two Kuwaiti nationals were removed to Kuwait for burial, while those of the Zein family were buried in Tyre.

### ***Killing of Twelve Civilians, Zibqine, July 13***

On the morning of July 13, Israeli warplanes fired twice at the two-story home of Na`im Bazi`, the late mayor of the village of Zibqine, located some five kilometers north of the Israel-Lebanon border. According to a respected Lebanese human rights activist who personally knew Na`im Bazi` (who died a few years ago), Bazi` and his family were not affiliated with Hezbollah.<sup>21</sup> Human Rights Watch also found no evidence of Hezbollah activity in the area of the home when the attack took place.

Twelve members of the family were reportedly killed in the air strike, including six children. Among the identified dead are Fatima Na`im Bazi`, about 75; Na`im Wael Bazi`, 20; Su`ad Nasour Bazi`, age unknown; `Aziz Bazi`, age unknown; Khalud Muhammed Bazi`, 18; Malak `Ali Bazi`, 16; Hussain Na`im Bazi`, age unknown; Mariam al-Husseini Bazi`, 45; Amale Na`im Bazi`, age unknown; and Farah Muhammad Bazi`, age unknown. According to press reports, the youngest member of the Bazi` family killed in the attack was seven years old.<sup>22</sup>

Two members of the family survived the air strike and were taken to the hospital. The bodies of the dead were taken to the morgue in Tyre, where they were buried during a July 22 mass burial ceremony involving 84 victims of the Israeli bombing campaign.

### ***Killing of Four Civilians, Including a U.S.-Lebanese National, in Bent Jbeil, July 15***

At 9:30 a.m. on Saturday, July 15, an Israeli airplane fired at a three-story civilian home in Bent Jbeil, a large town near Lebanon's border with Israel. The strike collapsed the home, killing 80-year-old Haj Abu Naji Mrouj, and his 40-year-old daughter whose name is unknown to Human Rights Watch, and trapping their bodies under the rubble. Hashem Kazan, 16, who was wounded in the second strike while trying to recover the bodies (see below), told Human Rights Watch that Haj Abu Naji Mrouj had nothing to do with Hezbollah. "Haj Abu Naji was not Hezbollah; he was an old man who didn't work anymore," he said. "The Haj just lived in his house with his daughter."<sup>23</sup> The bodies of Haj Abu Naji and his daughter remain buried in the rubble of their demolished home. Another witness denied that there was any Hezbollah presence at or near the home at the time of the attack.<sup>24</sup>

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<sup>21</sup> Human Rights Watch interview with Lebanese human rights activist who requested anonymity, July 25, 2006.

<sup>22</sup> "Petit déjeuner tragique pour 12 membres d'une même famille de Zebqine," Agence France-Presse, July 13, 2006.

<sup>23</sup> Human Rights Watch interview with Hashem Kazan, Beirut, July 23, 2006.

<sup>24</sup> Human Rights Watch interview with witness, name withheld, July 23, 2006.

While villagers were attempting to dig the bodies out of the rubble, an Israeli warplane fired a second missile at the rubble and the rescuers at around 1:15 p.m., killing two male civilians, including 30-year-old Bilal Hreish, a U.S.-Lebanese dual national. Hashem Kazan told Human Rights Watch how he was wounded during the second attack as he worked to recover the bodies:

There was no Hezbollah at the house when I went there, and there was no fighting taking place in the village—there was no one but civilians. The civil defense was there to help us [recover the bodies]. Originally, there were about fifty people at the rubble trying to help, but then we were only about ten. We were on the rooftop of the house when we were hit. I didn't hear anything, I just heard the explosion.<sup>25</sup>

Hashem Kazan told Human Rights Watch that at least six were wounded in the second air strike, including two sons of Haj Abu Naji Mrouj.<sup>26</sup>

### ***Killing of Two Civilians in Houla, July 15***

On Saturday July 15, at about 9:30 p.m., an Israeli Apache helicopter fired into the home of Ibrahim Suleiman, a wage laborer, in the village of Houla, located on the Israel-Lebanon border 25 kilometers east of Tyre. “Neither he nor his children were involved in Hezbollah, nor was there any [Hezbollah] resistance in the town at the time,” said Ibrahim Suleiman’s neighbor Ali Rizak.<sup>27</sup> The attack demolished the Suleiman home, killing his daughter, Salman Suleiman, 17, and his daughter-in-law, Zeinab, 20, the mother of a four-year-old baby daughter. Zeinab’s husband, Ali Suleiman, and his brother-in-law, Abed, were injured in the strike.<sup>28</sup>

### ***Killing of Eleven Civilians, Including Seven Canadian-Lebanese Nationals, in Aitaroun, July 16***

Between 6 and 7 p.m. on July 16, an Israeli airplane fired into a civilian home in Aitaroun, located just one kilometer north of the Israel-Lebanon border, killing eleven members of the Al-Akhrass family, including seven Canadian-Lebanese dual nationals who were vacationing in the village when the Israeli offensive began. A woman who lived three hundred meters away from the al-Akhrass home described the strike to Human Rights Watch:

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<sup>25</sup> Human Rights Watch interview with Hashem Kazar, Beirut, July 27, 2006.

<sup>26</sup> Ibid.

<sup>27</sup> Human Rights Watch interview with Ali Rizak, Beirut, July 22, 2006.

<sup>28</sup> Ibid.

For the first two days after the kidnapping of the [Israeli] soldiers, we heard planes and bombs, but there was no attack on the village. Starting on the third day, they started bombing the fields around Aitaroun. We could hear the bombs fall, and they were starting fires in the field. There was a family from Canada; they had come just a few days before the war. They were in the kitchen hiding when a bomb hit their house. It was around 6 or 7 p.m. We suddenly heard a plane flying low; it dropped a rocket, and there was a big explosion, with rubble flying in the air. We were only about 300 meters away. People ran towards the house to try to save them, but they only found parts of bodies.... When we tried to save them, a helicopter would appear in the sky and a warplane would fly around. So we got scared and stayed away. We recovered between six and eight bodies, but were told there may be more, and they were all in pieces. The Sheikh buried them immediately. There were young women among them.<sup>29</sup>

Human Rights Watch obtained the names of eight of the eleven people killed in the attack: Amira al-Akhrass, 23; her children Saya, 7, Zeinab, 5, Ahmad, 3, and Salam, 1; their aunt, Haniya al-Akhrass, believed to have been in her sixties; and two uncles, Mohammed Mahmood al-Akhrass, aged between 70 and 80, and his younger brother, Hassan Mahmood al-Akhrass, about 70.<sup>30</sup> Villagers interviewed by Human Rights Watch believe that some of the dead members of the al-Akhrass family are still buried under the rubble of the home, because they smelled decomposing bodies there.

Three villagers, interviewed separately by Human Rights Watch, vigorously denied that the al-Akhrass family had any connection with Hezbollah. They also denied that Hezbollah was active in the vicinity of the house or the village at the time of the attack. "There was no presence of the [Hezbollah] resistance inside the village," one witness said. "The positions of the resistance are around the village, not inside the village."<sup>31</sup> A second witness told Human Rights Watch: "I don't know why their house was targeted, because there was no resistance there."<sup>32</sup> A third villager explained that while Aitaroun is right on the frontlines, Hezbollah was not firing from the village itself:

Aitaroun is very close to the Israeli border, right on the line. If there is any sort of invasion [from Israel], it will happen there. But I have never seen a rocket fired from the village; those allegations are incorrect.... On the other hand, if you talk in terms of

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<sup>29</sup> Human Rights Watch interview with Manal Hassan Alawiye, Beirut, July 24, 2006.

<sup>30</sup> Human Rights Watch interview with Zakariya Mohammed Abbas, Beirut, July 25, 2006 and Human Rights Watch interview with Manal Hassan Alawiye, Beirut, July 24, 2006.

<sup>31</sup> Human Rights Watch interview with Manal Hassan Alawiye, Beirut, July 24, 2006.

<sup>32</sup> Human Rights Watch interview with Zakariya Mohammed Abbas, Beirut, July 25, 2006.

support for Hezbollah, the entire south supports Hezbollah. Since 1948, our villages in the south have been hit by Israeli attacks, so what do you expect?<sup>33</sup>

The political leanings of the civilian population in a given area or village are irrelevant as far as their civilian status is concerned. To the extent that civilians do not participate in hostilities, that is, do not commit acts that by their nature or purpose are likely to cause harm to the personnel and equipment of the enemy, they continue to benefit from the protection afforded by their civilian status. Directing an attack against civilians, regardless of their political sympathies, is a war crime.

The Israeli government expressed its regret over the deaths and said that “Israel was fighting Hizbullah [sic] and attacking its targets, and was being as careful as possible not to hurt innocent civilians.”<sup>34</sup>

### ***Killing of Eleven Civilians in Tyre, July 16***

Between 5 and 6 p.m. on July 16, two Israeli air strikes hit a residential building that housed the civil defense offices in Tyre on its first floor, collapsing the four top floors of the building.<sup>35</sup> The apartment of Sayyid ‘Ali Al-Amin, the Shi’a mufti for Tyre and Jabal ‘Amel, and the offices of former member of parliament Muhammad Abdel Hamid Beydoun were also in the building. Neither Sayyid Al-Amin nor Mr. Beydoun is affiliated with Hezbollah, nor were they present in the building at the time of the attack. The strikes also damaged three neighboring apartment buildings, eight to ten stories high.

In Lebanon, the civil defense forces mostly carry out activities such as firefighting and providing medical and humanitarian assistance during crises. Human Rights Watch has found no evidence that the civil defense forces have taken part in hostilities between Lebanon and Israel, or that Hezbollah fighters were in the building or were storing equipment there.

According to two residents of the apartment building interviewed by Human Rights Watch, the building residents were mostly teachers and doctors from the nearby

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<sup>33</sup> Human Rights Watch interview with Mohammed Hussain Mafouz, Beirut, July 25, 2006.

<sup>34</sup> Government of Israel, press release, July 19, 2006.

<sup>35</sup> Human Rights Watch interview with Abdul Raouf Gradi, civil defense official, Tyre, August 1, 2006.



hospital.<sup>36</sup> A building resident and the director-general of the civil defense both told Human Rights Watch that Hezbollah had no presence in the buildings attacked.<sup>37</sup>

Zakaria `Alamadin, 18, had just left the basement of the apartment buildings when an Israeli missile hit the building, wounding him. “Everything just went dark and things were falling on me,” he said.<sup>38</sup> Among those killed in the basement of the building were Zakaria’s father, Mohammed Hussain `Alamadin, a 55-year-old teacher, and Zakaria’s 14-year-old brother, Ali Mohammed `Alamadin.

Mr. `Alamadin, his son `Ali and seven others killed as a result of the attack were transferred to the Tyre public hospital where they were buried during a public ceremony at the hospital on July 21: Najib Shamsuldin, `Ali Shamsuldin, Hussein Muzyid, Haytham Hussein Muzyid, 34; `Alia Wehbi, 40; Sally Wehbi, 7; and Ayman Daher.<sup>39</sup> A civil defense official in Tyre told Human Rights Watch on August 1 that two bodies remained trapped in the rubble of the collapsed top floors of the building, including that of an unidentified woman.<sup>40</sup> When Human Rights Watch visited the civil defense building that day, the smell of decomposing bodies remained.<sup>41</sup>

Ten staff members of the Lebanese civil defense force and twenty-five volunteers were inside the civil defense offices at the time of the attack.<sup>42</sup> According to a civil defense official in Tyre, eight members of the civil defense were injured in the attack, including the head of the civil defense center, Abbas Ghorayeb, who was hospitalized in critical condition but has since recovered.<sup>43</sup>

Civil defense institutions play a key role in the protection of the civilian population. There is international consensus that they and their personnel must be “respected and protected.”<sup>44</sup> The same protections apply to civilians in the course of responding to

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<sup>36</sup> Human Rights Watch interview with Zakaria `Alamedin, Beirut, July 22, 2006 and Human Rights Watch interview with Abed Al-Mohsein, Beirut, July 22, 2006.

<sup>37</sup> Human Rights Watch interview with high-ranking civil defense official, Beirut, July 28, 2006; Human Rights Watch interview with Zakaria `Alamedin, Beirut, July 22, 2006

<sup>38</sup> Human Rights Watch interview with Zakaria `Alamedin, Beirut, July 22, 2006.

<sup>39</sup> Human Rights Watch telephone interview with Official in Tyre Public Hospital, Beirut, July 29, 2006.

<sup>40</sup> Human Rights Watch interview with Abdul Raouf Gradi, civil defense official, Tyre, August 1, 2006.

<sup>41</sup> A journalist who has entered the building also informed Human Rights Watch that he saw what he believed was human remains trapped in the rubble on the collapsed top floors of the building.

<sup>42</sup> Human Rights Watch interview with high-ranking civil defense official, Beirut, July 28, 2006.

<sup>43</sup> Human Rights Watch interview with civil defense official, Tyre, August 1, 2006.

<sup>44</sup> Article 62 Additional Protocol 1 to the Geneva Conventions.

appeals from the authorities to perform civil defense functions even though they are not formal members of civilian civil defense organizations. Objects used for civil defense purposes may not be destroyed or diverted from their proper use. The protection to which civil defense organizations and personnel are entitled shall not cease unless they commit, outside their proper tasks, acts harmful to the enemy.<sup>45</sup>

Because there is no evidence that the Lebanese civil defense committed any acts “harmful to the enemy,”<sup>46</sup> or that hostile acts had taken place from their installations, the attack on the civil defense building and its personnel constitutes a serious violation of international humanitarian law. The building was marked with a sign outside indicating that the civil defense had its offices there. However, a high-ranking civil defense official told Human Rights Watch that the building was not marked on the roof with the internationally recognized distinctive sign for civil defense, an equilateral blue triangle on an orange background.<sup>47</sup>

It is not known whether Israel was aware of the protected status of the building at the time of the attack. Such information would affect the severity of the violation of international humanitarian law, as it would help determine whether Israel deliberately targeted a protected facility. The IDF has only stated that it targeted “the headquarters of the [Hezbollah] organization in Tyre,” an assertion contradicted by witnesses interviewed by Human Rights Watch.<sup>48</sup>

### ***Killing of Ten Civilians in Aitaroun, July 17***

The night after an air strike that killed eleven members of the Canadian-Lebanese Al-Akhrass family, warplanes again struck a civilian home in Aitaroun. A witness who lived just one hundred meters from this second home told Human Rights Watch what she had seen. “The day after the first massacre, we were sleeping; it was about 12:45 at night. Some were in the shelter, but we were in our house,” said Manal Hassan Alawiye. “Suddenly, we heard a plane flying low. The plane dropped a bomb, and all the windows in our house were blown out. My fiancé took me down to the shelter, and he went to help the people at the house.”<sup>49</sup>

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<sup>45</sup> Article 65 Additional Protocol 1 to the Geneva Conventions.

<sup>46</sup> Carrying out “acts harmful to the enemy” under cover of the protected status of civil defense would be a war crime.

<sup>47</sup> Human Rights Watch interview with high-ranking civil defense official, Beirut, July 28, 2006.

<sup>48</sup> IDF Spokesperson announcement, “Summary of IDF operations in Lebanon for the 16<sup>th</sup> of July 2006.”

<sup>49</sup> Human Rights Watch interview with Manal Hassan Alawiye, Beirut, July 23, 2006.

The two-story house that had been hit belonged to Hussain Neif Awada, the 34-year-old owner of a shoe shop. His brother Musa Neif Awada, 47, had brought his family to shelter in the stronger basement of Hussain's house. The air strike killed Hussain Awada; his wife, Jamila; and their children, `Ali, about 12, Hassan, 11, Mahmood, 7, and two younger daughters whose names were not known to the witnesses. Also killed were Musa Awada and his two-year-old son.

A witness told Human Rights Watch:

The attack took place at night, so everyone was inside their homes. I am positive the family had nothing to do with Hezbollah. To my knowledge, Hezbollah was not operating in the area, but I can't be 100% sure because we were sleeping. There is a road near the house that Hezbollah members could of course use to move around, but it was late and we were asleep in the shelter.<sup>50</sup>

Manal Hassan Alawiye also said the family had no links with Hezbollah. "Musa Awada is a schoolteacher, and he had nothing to do with the resistance," she told Human Rights Watch. "He wanted nothing to do with politics."<sup>51</sup>

### ***Killing of an Estimated Twenty-six Civilians in Srifa, July 19***

Following the July 13 attack on Srifa village that killed four members of a Brazilian-Lebanese family (see above), Israeli warplanes and Apache helicopters continued to bomb the village and the surrounding fields, putting the villagers into a state of panic. A villager who had fled from Srifa explained how the heavy Israeli bombardment effectively trapped people inside the village, and how the village Sheikh had ordered the terrified civilians to seek refuge in the wealthier "Moscow" neighborhood of the village, where the multiple-story homes had concrete basements that offered greater protection:

After the first bombing, villagers started fleeing to neighboring villages for safety. Israel saw this from their drones, and they sent Apache helicopters to circle the village to prevent us from leaving. They started shelling the area around the village from airplanes. There were also Apache helicopters circling over the village. Two Apaches would come and leave, and then another two Apaches would come.... The Sheikh of the village told the villagers to hide in their shelters. The people followed the advice of the Sheikh, and

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<sup>50</sup> Human Rights Watch telephone interview, name withheld, July 29, 2006.

<sup>51</sup> Human Rights Watch interview with Manal Hassan Alawiye, Beirut, July 23, 2006.

so they sought shelter in the big houses with basements used to dry tobacco [in the “Moscow” neighborhood.]<sup>52</sup>

Around 3:30 a.m. on July 19, at least three Israeli airplanes struck at least thirteen homes in the “Moscow” neighborhood, firing multiple munitions and collapsing the homes on their basements packed with sheltering civilians. “At 3:30 a.m. the attacks started,” said Qassim Mustafa Nazal, a resident. “We suddenly heard bombs, one hit, then two hits at the same time, overall between 12 to 16 rockets hit the Moscow neighborhood.”<sup>53</sup>

As of this writing, the number of victims remains unknown because rescue workers have been unable to reach the village to recover the bodies, which remain buried under the rubble, and Israeli warplanes and helicopter strikes have prevented the local villagers from recovering all of the bodies themselves. A local resident coordinating the recovery effort estimated to Human Rights Watch that approximately twenty-six bodies remained under the rubble as of July 31,<sup>54</sup> but other residents estimated that as many as forty-two are missing after the attack.<sup>55</sup> Two Human Rights Watch researchers visited Srifa briefly on July 31, as local residents recovered the heavily decomposed body of one female victim. The researchers saw no signs of Hezbollah military activity in the village, such as weapons, military equipment, or trenches. The researchers did count at least thirteen homes that had completely collapsed, and relatives of the victims claimed that bodies remained trapped under many of the homes and that they had received no assistance to recover the bodies.

From surviving relatives, Human Rights Watch has been able to obtain the names of sixteen persons believed to have been killed in the attack (but whose bodies are still not recovered). Among them are eight members of a single household: Kamil Diab Jaber, a 53-year-old owner of a construction business and a bakery; Mahmoud Jaber, 33; Ali Kamil Jaber, 30; Ahmed Kamil Jaber, 27; Menhil Najdi, 80; Ali Nazal, 28; Ali Za’rou, 30; and Bilal Hamoudi, 31.<sup>56</sup> Also believed killed were three people in the house next to the Jaber family: Abbas Abbas Dakrub, 21; Abbas Dakrub (cousin of Abbas), 18; and Wasim Ghalib Najdi.<sup>57</sup> At least five civilians are believed to have died in a third home belonging to Mohammed Qasim Najdi: Ahmed Najdi, 35, who had just returned to

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<sup>52</sup> Human Rights Watch interview with Mustafa Mohammed Aid, Beirut, July 24, 2006.

<sup>53</sup> Human Rights Watch interview with Qassim Mustafa Nazal, Srifa, July 31, 2006.

<sup>54</sup> Human Rights Watch interview with Hussain Nazal, Srifa, July 31, 2006.

<sup>55</sup> Human Rights Watch interview with Mustafa Mohammed Aid, Beirut, July 24, 2006.

<sup>56</sup> *Ibid.*

<sup>57</sup> Human Rights Watch interview with Mohammed Khalil Faqi and Human Rights Watch interview with Mahmud Khalil Faqi, Beirut, July 22, 2006.

Lebanon from Russia; Hassan Qoreim, 22; Ali Najdi, 30; Mohammed Ali Najdi, 35; and Ali Hassan Sabra, 17.<sup>58</sup>

According to a villager who was in the village at the time of the attack:

There was no Hezbollah in the neighborhood. This neighborhood is known to be partial to the Communist Party, not Hezbollah. There are no Hezbollah people living there. Hezbollah does not have a need to be in this neighborhood, because we are 40 kilometers away from Israel, and the neighborhood looks out over the sea, it is not a strategic place.<sup>59</sup>

Two additional villagers told Human Rights Watch in separate interviews that Hezbollah had not been present in the neighborhood around the time of the attack. “Except for one person, who didn’t even belong to Hezbollah, no one in that neighborhood knew how to handle weapons,” said Hussain Nazal. “He added, “If they hit some houses that belong to Hezbollah we would understand, but this is not the [Hezbollah] neighborhood.”<sup>60</sup>

Human Rights Watch asked the office of the IDF spokesperson for information about the attack, which was widely reported in the press. The spokesperson responded that, after consulting with the Israeli Air Force, “on that day at that place we don’t have a report of any air strike.”<sup>61</sup>

### ***Killing of Three Civilians in Debbine Marja’youn, July 19***

At 7 p.m. on Wednesday, July 19, Israeli munitions destroyed the home of Dawood al-Khaled in Debbine Marja’youn (a neighborhood on the outskirts of the southern town of Marja’youn). Dawood’s sister, who lived next door, told Human Rights Watch that the strike came from an Israeli Apache helicopter. At the time of the attack, the house was occupied by Dawood; his wife, Hamida; and their six children: Hoda, 14; Fatima, 12; `Abla, 10; `Ali, 3; Huweida, 8; and Ahmad, 1. The strike killed Dawood, his daughter, `Abla, and his son, Ahmad. Hoda and Huweida were gravely injured. Hamida and the other two children, Fatima and `Ali, were unharmed. Dawood’s sister told Human Rights Watch that he was a farmer and not involved with Hezbollah. She told Human

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<sup>58</sup> Human Rights Watch interview with Isam Kaour, Beirut, July 24, 2006.

<sup>59</sup> Human Rights Watch telephone interview, name withheld, July 29, 2006.

<sup>60</sup> Human Rights Watch interview with Hussain Nazal, Srifa, July 31, 2006.

<sup>61</sup> Human Rights Watch telephone interview with IDF spokesperson Ron Roman, July 23, 2006.

Rights Watch that Hezbollah was active outside of the village but not inside, and that, to her knowledge, there were no military objects next to Dawood's house. A second attack hit the area around the house later on but injured no one.<sup>62</sup>

### ***Death of One Civilian and Wounding of Twelve by Cluster Munitions in Blida, July 19***

In addition to strikes from airplanes, helicopters, and traditional artillery, Israel has used artillery-fired cluster munitions against populated areas, causing civilian casualties.

According to eyewitnesses and survivors of the attack interviewed by Human Rights Watch, Israel fired several artillery-based cluster munitions at Blida around 3:00 p.m. on July 19. Three witnesses described how the artillery shells dropped hundreds of cluster submunitions on the village. They described the submunitions as smaller projectiles that emerged from their larger shells.

The cluster attack killed sixty-year-old Maryam Ibrahim inside her home. At least two submunitions from the attack entered the basement that the Ali family was using as a shelter, wounding twelve people, including seven children. Ahmed Ali, a 45-year-old taxi driver and head of the family, lost both legs from injuries caused by the cluster submunitions. Five of his children were wounded: Mira, 16; Fatima, 12; 'Ali, 10; Aya, 3; and 'Ola, 1. His wife, Akram Ibrahim, 35, and his mother-in-law, 'Ola Musa, 80, were also wounded. Four relatives, all German-Lebanese dual nationals sheltering with the family, were wounded as well: Mohammed Ibrahim, 45; his wife Fatima, 40; and their children 'Ali, 16, and Rula, 13. According to Ahmed Ali, "there were no Hezbollah in our village. There was fighting in Aitaroun [on the Israeli border southwest of Blida, located about 3-4 kilometers away] at the time, and we are very close to them. From about two kilometers away from us, Hezbollah was firing rockets, but the IDF rockets fell on our village."<sup>63</sup> Akram Ibrahim, one of the wounded family members, told Human Rights Watch: "There was no resistance in the village and no one firing from the village. We have nothing to do with the parties, we are just civilians."<sup>64</sup>

Cluster munitions are weapons, delivered from the air or ground, that disperse dozens, and often hundreds, of submunitions (often called "grenades" in surface-delivered weapons and "bomblets" in air-delivered weapons) over a large area, thereby increasing the radius of destructive effect over a target. Their wide dispersal area precludes them from being focused on a particular target unless it is quite large.

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<sup>62</sup> Human Rights Watch interview with Maryam al-Khaled (sister of Dawood al-Khaled), Beirut, July 26, 2006.

<sup>63</sup> Human Rights Watch interview with Ahmed Ali, Beirut, July 22, 2006; see also Human Rights Watch press release, "Israeli Cluster Munitions Hit Civilians in Lebanon," July 24, 2006.

<sup>64</sup> Human Rights Watch interview with Akram Nimer Ibrahim, Beirut, July 28, 2006.

There is no specific international prohibition on the use of cluster munitions (unlike, for example, blinding lasers or chemical weapons). However, their use in or near civilian areas violates the international humanitarian law prohibition on indiscriminate attacks because they cannot be directed in a way that distinguishes between military targets and civilians. In addition, cluster bomblets have a high initial failure rate—the munitions used by Israel in Lebanon have an initial failure rate of up to 14 percent—which results in numerous unexploded but highly volatile “duds” scattered about the landscape. These pose similar risks to civilians as antipersonnel landmines.

### ***Killing of Three Civilians, Including Brazilian-Lebanese National, in Tallousa, July 20***

On the afternoon of Thursday, July 20, Israeli warplanes attacked three civilian homes, including the house of the mayor, in the village of Tallousa, located some 20 kilometers east of Tyre. According to the villagers, the mayor was not associated with Hezbollah and had made his money in Africa before returning to Tallousa. The villagers said that there was no Hezbollah military activity in the vicinity when the air strike occurred.<sup>65</sup>

The air strike collapsed the three homes, killing the mayor’s mother, Dahiya Turmus, 70, an eight-year-old boy named Ali Nabih in the neighboring home, and a Brazilian-Lebanese dual national boy aged between seven and ten whose name the witness Human Rights Watch interviewed did not know.<sup>66</sup>

### ***Killing of Four U.N. Observers, July 25***

Around 7:30 p.m. on July 25, an Israeli precision-guided missile directly hit the clearly marked and well known observer post of the U.N.’s Observer Group Lebanon (OGL) near Khiyam, demolishing a three-story building at the base and killing four unarmed United Nations Truce Supervision Organization (UNTSO) observers from Austria, Canada, Finland, and China.

The direct hit came after fourteen Israeli aerial bombs and artillery shells had fallen close to the post, the United Nations Interim Force in Lebanon (UNIFIL) said.<sup>67</sup> There was no Hezbollah presence or firing near the U.N. position during the period of the attack. According to the United Nations, the Force Commander in south Lebanon, Gen. Alain

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<sup>65</sup> Human Rights Watch interviews with Fatima Turmus and other family members, Beirut, July 22, 2006.

<sup>66</sup> Ibid.

<sup>67</sup> UNIFIL, press release, July 26, 2006.

Pelligrini, was in “repeated contact with Israeli Army officers throughout the afternoon, pressing the need to protect that particular U.N. position from firing.”<sup>68</sup>

In a statement, U.N. Secretary-General Kofi Annan expressed shock at the “apparently deliberate targeting” of the “clearly marked U.N. observer post.” He called it a “coordinated artillery and aerial attack” and urged Israel to conduct an investigation.<sup>69</sup>

Israel expressed “deep regret” over the incident and rejected allegations that it had targeted the U.N. post.<sup>70</sup> Prime Minister Ehud Olmert promised to conduct a thorough investigation. “It’s inconceivable for the U.N. to define an error as an apparently deliberate action,” he said.<sup>71</sup> Secretary-General Annan accepted the Israeli government’s assurance that the attack was not deliberate but regretted that Israel would not allow the U.N. to participate in the investigation.<sup>72</sup>

This was the first deadly attack on U.N. observers in Southern Lebanon during the current conflict, but Israeli forces have struck at or near other clearly marked U.N. positions since the beginning of the fighting. Hezbollah has occasionally fired at Israeli targets from near U.N. positions, but in many cases Israeli fire has struck U.N. posts in the absence of any Hezbollah presence.

On July 24, four Ghanaian UNIFIL observers were lightly injured when an Israeli tank shell fell inside their U.N. post at Rmaish, one of six incidents of IDF fire on or close to U.N. positions recorded that day.<sup>73</sup> On July 16, UNIFIL recorded seventeen instances of IDF fire on U.N. observer posts, including two direct hits inside UNIFIL observer posts, and an Indian peacekeeper was seriously wounded by an IDF tank shell fired inside a U.N. post.<sup>74</sup> UNIFIL’s summary of attacks on its positions on July 19 gives a troubling overview of just how often Israeli shells have landed on their positions, as well as the actions of Hezbollah fighters that endanger UNIFIL personnel:

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<sup>68</sup> Ibid.

<sup>69</sup> “Secretary-General Shocked by Coordinated Israeli Attack on United Nations Observer Post in Lebanon, Which Killed Two Peacekeepers,” United Nations Department of Public Information press release, July 25, 2006. The death toll was later raised to four.

<sup>70</sup> “Regarding the UN Post Near Al Khiyam,” IDF Spokesperson Announcement, July 26, 2006.

<sup>71</sup> Ravi Nessman, “Report: U.N. Observers’ Calls Unheeded,” Associated Press, July 26, 2006.

<sup>72</sup> Warren Hoge, “U.N. Says it Protested to Israel for Six Hours During Attack the Killed 4 Observers in Lebanon,” *New York Times*, July 27, 2006, and “Annan would have preferred joint probe with Israel into attack on UN post – letter,” U.N Press Center, July 31, 2006.

<sup>73</sup> UNIFIL, press release, July 25, 2006.

<sup>74</sup> UNIFIL, press release, July 17, 2006



There were 31 incidents of firing close to UN positions during the past 24 hours, with three positions suffering direct hits from the Israeli side. Ten artillery shells impacted inside the UN position of the Ghanaian battalion on the coast of Ras Naqoura, causing extensive damage. Four artillery shells impacted inside the patrol base of the Observer Group Lebanon in the Marun el Ras area, including three direct impacts on the building which caused extensive damage and cut electricity and communication connections. At the time of the shelling, there were 36 civilians inside the position, most of whom were women and children from the village of Marun el Ras. There were no casualties. One artillery shell impacted inside the UNIFIL Headquarters compound in Naqoura, causing extensive damage and danger to the UNIFIL hospital where the doctors were operating at the time. Splinters of artillery shells also damaged the boundary wall of the Naqoura camp. Extensive shelling damage was reported in the Ghanaian battalion position south of Alma Ash Shab. Hezbollah firing was also reported from the immediate vicinity of UN positions in the Naqoura and Marun el Ras areas at the time of the incidents.<sup>75</sup>

On July 17, a UNIFIL medical team came under IDF fire while trying to retrieve the bodies of sixteen civilians killed by an Israeli strike on the road between al-Bayyadah and Sharma as they fled the village of Marwahin.<sup>76</sup> On July 16, UNIFIL recorded seventeen instances of IDF fire close to U.N. observer posts, and two direct hits inside UNIFIL observer posts. An Indian peacekeeper was seriously wounded at that time by shrapnel from Israeli tank fire.<sup>77</sup> Even if Hezbollah was in the area of the U.N. during these attacks, the IDF apparently did not take adequate care to avoid harm to U.N. personnel.

Peacekeeping forces are not parties to a conflict, even if they are usually professional soldiers. As long as they do not take part in hostilities, they are entitled to the same protection from attack afforded to civilians. Under customary law, directing attacks against peacekeepers or objects involved in a peacekeeping operation, is prohibited and constitutes a war crime.<sup>78</sup> Attacking from next to or near peacekeepers in order to seek immunity from attack is also a war crime. At the very least, stationing military forces or materiel near a U.N. base violates the duty to take all feasible precautions to avoid harm to noncombatants.<sup>79</sup>

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<sup>75</sup> UNIFIL, press release, July 20, 2006.

<sup>76</sup> UNIFIL, press release, July 17, 2006.

<sup>77</sup> Ibid.

<sup>78</sup> Rome Statute of the International Criminal Court Article 8(2)(b)(iii).

<sup>79</sup> On July 20, UNIFIL reported that Hezbollah had fired from the immediate vicinity of U.N. positions in Naqura and Marun al-Ras, which prompted an IDF response. (UNIFIL press release, July 20, 2006.) On July 25, Hezbollah fired from the vicinity of four U.N. positions at `Alma ash Sha`ab, Tebnine, Brashit, and At Tiri. (UNIFIL press release, July 26, 2006.)

### ***Killing of At Least 28 Civilians in Qana, July 30***

Around 1 a.m. on July 30, Israeli warplanes fired missiles at the village of Qana. Among the homes struck was a three-story building in which sixty-three members of two extended families had sought shelter. The home collapsed and killed at least twenty-eight people. Sixteen children are among the dead.

Initial reports after the attack put the death toll at fifty-four, which was based on a register of sixty-three persons who had sought shelter in the building that was struck, and the rescue teams' ability to locate only nine survivors. Human Rights Watch learned after a visit to Qana that at least twenty-two people escaped the basement, and twenty-eight are confirmed dead. The fate of the remaining thirteen people who hid in the basement is unknown, and village representatives believe they remain buried in the debris.

The civilians from the two families had sought shelter in the house because it was one of the larger buildings in the area and had a reinforced basement, according to the deputy mayor of the town, Dr. Issam Matuni.<sup>80</sup>

According to Muhammed Mahmoud Shalhoub, a 61-year-old farmer who was in the basement during the attack, sixty-three members of the Shalhoub and Hashim families went to hide in three ground-floor rooms of the three-story building when the first missile landed in the village around 6 p.m. on July 29, he said. He explained how, around 1 a.m. on July 30, after heavy bombing in the village, an Israeli missile struck the ground floor of the home:

It felt like someone lifted the house. The ground floor of the house is 2.5 meters high. When the first strike hit, it hit below us and the whole house lifted, the rocket hit under the house. I was sitting by the door—it got very dusty and smoky—and we were all in shock. I was not injured and found myself [thrown] outside. There was a lot of screaming inside. When I tried to go back in I couldn't see because of the smoke. I started pushing people out, whomever I could find.

Five minutes later, another air strike came and hit the other side of the building, behind us. After the second strike, we could barely breathe and we couldn't see anything. There were three rooms in the house where people were hiding [on the ground floor]. After

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<sup>80</sup> Al-Jazeera interview with Dr. Issam Matuni, July 30, 2006.

the first strike, a lot of earth was pushed up into the rooms. We only managed to find some people in the first room.<sup>81</sup>

Shalhoub vigorously denied that any Hezbollah fighters were present in or around the home when the attack took place. All four roads to Qana village had been cut by Israeli bombs, he said, which would have made it difficult if not impossible for Hezbollah to move rocket launchers into the village.

“If they [the IDF] really saw the rocket launcher, where did it go?” Shalhoub said. “We showed Israel our dead, why don’t the Israelis show us the rocket launchers?”

Ghazi `Aydaji, another Qana villager, who rushed to the house when it was hit at 1 a.m., gave an account consistent with Shalhoub’s. He and others removed a number of people from the building after the first strike, he said, but they could remove no one else after the second strike hit five minutes later. “If Hezbollah was firing near the house, would a family of over 50 people just sit there?” he said to Human Rights Watch.<sup>82</sup>

Human Rights Watch researchers visited Qana on July 31, the day after the attack, and did not find any destroyed military equipment in or near the home. None of the dozens of international journalists, rescue workers, and international observers who visited Qana on July 30 and 31 reported seeing any evidence of Hezbollah military presence in or around the home around the time that it was hit. Rescue workers recovered no bodies of apparent Hezbollah fighters from in or near the building.

After the incident, Israeli government expressed regret over the civilian deaths and said it would conduct an investigation. Various officials said that Hezbollah fighters were to blame for firing rockets near the building, and the IDF had warned civilians to leave.<sup>83</sup>

An unnamed senior Israeli air force commander said the military hit the building with a precision-guided bomb because Hezbollah had fired rockets from the area. When asked how the military knew about the rockets but not the presence of civilians in the building, the commander said the IDF was “capable of detecting missile launches because they are very dynamic,” while the civilians were not seen because they had been hiding in the

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<sup>81</sup> Human Rights Watch interview with Muhammed Mahmoud Shalhoub, Qana, July 31, 2006.

<sup>82</sup> Human Rights Watch interview with Ghazi `Aydaji, Qana, July 21, 2006.

<sup>83</sup> “Israel Halts Airstrikes After Qana Outrage, Agence France-Presse, July 31, 2006.

building for some days.<sup>84</sup> His opinion contradicts the testimony of Muhammed Mahmoud Shalhoub, above, who said the families went into the house when the aerial attack began around 6 p.m. on July 29.

On August 1, one of Israel's top military correspondents, reported in the Israeli daily *Haaretz* that, while the Israeli Air Force investigation into the incident was ongoing, "questions have been raised over military accounts of the incident." He elaborated that the IDF had changed its original story and that "it now appears that the military had no information on rockets launched from the site of the building, or the presence of Hezbollah men at the time."<sup>85</sup>

As of August 2, the IDF had not publicized any conclusions from its internal military probe and Human Rights Watch continues to call for an international investigation into the incident.

According to lists from the Lebanese Red Cross and Tyre hospital, the confirmed dead as of August 1 are: Husna Hashem, 75; Mahdi Mahmud Hashem, 68; Ibrahim Hashem, 65; Ahmad Mahmud Shalhoub, 55; `Afaf al-Zabad, 45; Nabila `Ali Amin Shalhoub, 40; Tayssir `Ali Shalhoub, 39; Khadije `Ali Yusef, 31; Maryam Hassan Mohsen, 30; Lina Muhammad Mahmud Shalhoub, 30; `Ola Ahmad Mahmud Shalhoub, 25; `Ali Ahmad Mahmud Shalhoub, 17; Hussein Ahmad Hashem, 12; Houra' Muhammad Qassem Shalhoub, 12; `Ali Muhammad Kassem Shalhoub, 10; Ja`far Mahmud Hashem, 10; Qassem Samih Shalhoub, 9; Yahya Muhammad Qassem Shalhoub, 9; Qassem Muhammad Shalhoub, 7; Raqiteh Mahmud Shalhoub, 7; Ibrahim Ahmad Hashem, 7; Yusef Ahmad Mahmud Shalhoub, 6; Zaynab Muhammad `Ali Amin Shalhoub, 6; Fatima Muhammad Hashem, 4; Ali Ahmad Hashem, 3; Zahra' Muhammad Qassem Shalhoub, 2; Abbas Ahmad Hashem, 9 months; Roukaya Mohammad Hashem, age unknown.

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<sup>84</sup> Dean Yates, "Israel Regrets Qana Killing but Vows to Press War," Reuters, July 30, 2006.

<sup>85</sup> Yoav Stern, Yuval Yoaz and Amos Harel, "Livni: Qana Attack Led to Turning Point in Support for Israel," *Ha'aretz* online edition, August 1, 2006, available at <http://www.haaretz.com/hasen/pages/ShArtVty.jhtml?sw=livni+qana&itemNo=745185>, as of August 1, 2006..

## Attacks on Fleeing Civilians

Israel's military operations between July 12 and July 27 trapped hundreds of thousands of civilians in southern Lebanese villages, including tens of thousands of dual nationals and foreigners who were vacationing in Lebanon at the time. The roads in many parts of southern Lebanon became too dangerous to travel, with daily strikes on civilian vehicles trying to flee.

Around July 15, the Israeli army began ordering villagers from the south to evacuate immediately, dropping leaflets, using speaker systems, making radio broadcasts, and even sending messages in Arabic on mobile phones. On the morning of July 15, for example, an Arabic speaker from the Israeli side of the border used a loudspeaker to tell the villagers of Marwahin to leave their homes within two hours (twenty-one of the villagers were killed that same day when an Israeli weapon struck their car, as discussed below).<sup>86</sup> Over the following days, Israeli officials also called many village leaders on their mobile phones with a recorded message, ordering them to leave their villages immediately and to head north of the Litani River. The message warned them not to travel on motorcycles, vans, or trucks.<sup>87</sup> On July 28, Israel again ordered civilians to "vacate their homes and move northwards" within hours, stating that "any vehicle traveling in this area after 10 a.m. and any person who chooses not to follow this warning is putting his and his family's life at risk."<sup>88</sup>

As documented below, the Israeli military did not follow its orders to evacuate with the creation of safe passage routes, and on a daily basis Israeli warplanes and helicopters struck civilians in cars who were trying to flee, many with white flags out the windows, a widely accepted sign of civilian status. In two cases in this report, Israeli munitions struck humanitarian convoys and ambulances as they traveled the roads. On some days, Israeli war planes hit dozens of civilian cars, showing a clear pattern of failing to distinguish between civilian and military objects.

As a result of the destruction of most main roads in the south, fleeing civilians had to wind their way through narrow secondary roads, facing the constant danger of aerial attack. Taxi fares skyrocketed, often to several hundred dollars per person, or \$1,000

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<sup>86</sup> Human Rights Watch interview with Saleh Ibrahim Ghannam, Beirut, July 27, 2006.

<sup>87</sup> Anthony Shadid, "Residents of Besieged City Feel 'Just Left to Die,'" *Washington Post*, July 21, 2006.

<sup>88</sup> IDF, "IDF Issues Warning to residents of Southern Lebanon to Vacate their homes and Move Northwards," July 28, 2006.

per vehicle. The roads became so treacherous that corpses were left in vehicles struck by the IDF, because recovery teams could not reach the site. An exhausted man from Aitaroun, on the Israeli border, recounted his treacherous journey to Human Rights Watch soon after his arrival in Beirut:

We had two vans for four families, eighteen people in all. The journey was very dangerous, with airplanes constantly in the sky. The main road is cut, so we had to go on little side roads or off the road. It took seven hours to Beirut. Just before we reached Tyre, the planes hit a car in front of us, it was still burning when we got there, a civilian car.

We saw a total of thirteen cars along the way that had been bombed, often with civilians in them who had died. We saw the dead women and children, and their clothes and mattresses in the car. . . . There were four cars with bodies still in them, the smell—you could smell them from kilometers away. We had to close the windows because of the smell.<sup>89</sup>

Manal Hassan Alawiye, a twenty-two-year-old woman from Aitaroun, recalled a similarly harrowing journey to Human Rights Watch:

Neighbors of mine left with a van and two cars, and I went with them. We first stopped at Bent Jbeil at the hospital because there was a plane in the air. When we started again, the plane came and hit the road in front and behind us, just ten meters away from us, with bombs. But we just kept driving. We were flying white flags. Along the way, we saw the dead still inside the cars. I remember well when we approached es-Soultaniye, there was a Mercedes 300 overturned with dead people inside, we wanted to stop but the driver said we would be hit. There were men, women and children, I remember seeing two dead children. Along the way, we met an old woman who was crying by the side of the road because no-one wanted to take her, so we took her with us. There was lots of destruction, all of the gas stations were bombed and we drove as fast as we could. It only got better when we crossed the Litani River.<sup>90</sup>

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<sup>89</sup> Human Rights Watch interview with Mohammed Hussain Mafouz, Beirut, July 24, 2006.

<sup>90</sup> Human Rights Watch interview with Manal Hassan Alawiye, Beirut, July 23, 2006.

Israel at times gave assurances to officials at UNIFIL that civilian cars traveling north on the main roads would not be attacked.<sup>91</sup> However, as documented in a number of examples below, Israel repeatedly attacked both individual vehicles and entire convoys of civilians who heeded the Israeli warnings to abandon their villages. The attacks on civilian vehicles were so fierce that, according to the Lebanese Red Cross, one ambulance driver witnessed three separate attacks while driving from Tebnine to Tyre with wounded civilians: first he witnessed the car in front of the ambulance get hit and fall into a ravine near Kafra; then a van got hit in Siddiquine, the blast of the explosion throwing the car into the air and hitting the ambulance on its side; and then a motorcycle got hit on the road near Hanaouay.<sup>92</sup>

Although Israeli officials are no doubt aware of the civilian casualties that their bombing of vehicles has caused, such attacks continued apace as this report went to print. At best, the continued attacks on fleeing civilians show reckless disregard by Israel for its obligation to distinguish between civilian and military objects, and a complete failure to take adequate safeguards to prevent civilian deaths. At worst, Israel is deliberately targeting civilian vehicles as part of the price that must be paid to stop all traffic in parts of Lebanon. Either way, Israel is flagrantly violating its obligations under international humanitarian law, and its widespread attacks on civilian vehicles are war crimes.

### ***Killing of Twenty-one Civilians Fleeing Marwahin, July 15***

On July 15, an Israeli strike on a convoy of civilians fleeing from the Lebanese border village of Marwahin killed twenty-one people, including fourteen children. Many villagers fled after the IDF warned them to evacuate ahead of a threatened attack. In addition, a relative of one of the victims said, Hezbollah had stored weapons in the village, and the residents feared a retaliatory IDF attack.<sup>93</sup> The villagers of Marwahin are Sunni and have long-standing tensions with the Shi'a Hezbollah organization.

A witness explained to Human Rights Watch that some of the villagers first sought refuge at a nearby UNIFIL position located 1.5 kilometers from the village, explaining that they had been ordered to evacuate by the IDF:

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<sup>91</sup> Nicholas Blanford, "Southern Villagers Run Gauntlet in Search of Refuge," *Daily Star* (Lebanon), July 24, 2006.

<sup>92</sup> Human Rights Watch telephone interview with Georges Kittani, coordinator for field activities, Lebanese Red Cross, July 25, 2006.

<sup>93</sup> Human Rights Watch interview with relative of Marwahin convoy victim, name withheld, Beirut, July 27, 2006.

I was in phone contact with my relatives in the village. Around 8:30-9:00 a.m. on that day, my relatives called to say that the Israelis had warned they should evacuate in two hours. The Israelis had spoken on loudspeakers in Arabic from across the border, which is nearby. My relatives said they would go to the UNIFIL post beside the village. They went to the outpost and stayed there for two hours, but after two hours UNIFIL said they had orders not to let them in.<sup>94</sup>

UNIFIL contacted the IDF liaison officer and the Lebanese army, but was unable to confirm the evacuation order, so the peacekeepers told the villagers to return to the village.<sup>95</sup>

At 11 a.m., a group of villagers left Marwahin in a convoy of vehicles, on the single main road out of the village. On the way, between the villages of Chamaa and Biyada, two weapons believed to have been fired from Israeli helicopters struck a white pick-up and a passenger car in the convoy. A photographer for an international news agency arrived at the scene two hours after the attack. He told Human Rights Watch that he found a white pick-up truck and a passenger car completely destroyed, and counted sixteen bodies at the scene, including many children. He did not see any armed persons among the bodies.<sup>96</sup> UNIFIL retrieved sixteen bodies from the scene, and stated that their medical teams came under fire during the rescue operation.<sup>97</sup> A total of twenty-one people died during the attack, based on a list of names provided to Human Rights Watch by the relatives,<sup>98</sup> and on the number of bodies ultimately received at the Tyre Government hospital.<sup>99</sup>

Those killed in the air strike were: Ali Abdullah, 60; Mohammed Abdullah, 15; Sabha Abdullah, in her eighties; Sana Abdullah, 35 (pregnant); Ali Kamel Abdullah, 14; Mohammed Kamel Abdullah, 13; Hussain Abdullah, 10-11; Hassan Abdullah, 9; Lama Abdullah, 1-2; Zahra Abdullah, 52; Hadi Abdullah, 6-7; Mirna Abdullah, 13; Maryam Abdullah, 29; Mohammed Ghannam, 35; Suha Abdullah, 30 (seven months pregnant); Qassim Ghannam, 17; Mustafa Ghannam, 15; Hussain Ghannam, 14; Zeinab Ghannam, 10; Fatima, 9; and Duha Ghannam, 7.

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<sup>94</sup> Human Rights Watch interview with Saleh Ibrahim Ghannam, Beirut, July 27, 2006.

<sup>95</sup> Human Rights Watch telephone interview with Milos Strogar, UNIFIL spokesperson, July 16, 2006.

<sup>96</sup> Human Rights Watch telephone interview with journalist, July 16, 2006.

<sup>97</sup> Ibid.

<sup>98</sup> Human Rights Watch interview with Saleh Ibrahim Ghannam, Beirut, July 27, 2006.

<sup>99</sup> Hassan Fatah, "In Scramble to Evade Israeli Bombs, the Living Leave the Dead Behind," *New York Times*, July 21, 2006.



### ***Killing of Two and Wounding of Four Fleeing Mansouri, July 23***

The Srour family who resides in Germany was vacationing in the seaside village of Mansouri, 10 miles south of Tyre, having arrived two days before the fighting in Lebanon began.<sup>100</sup> On July 23, the family attempted to travel in a three-car convoy to Tyre, waving white flags, to evacuate to Germany. At about 10:30 a.m., an Israeli weapon struck their vehicle about four kilometers south of Tyre, near the village of Maaliye. Darwish Mudaihli, the driver of the car, died instantly, as did his brother-in-law, Mohammed Srour. The car caught on fire with the bodies of Darwish Mudaihli and Mohammed Srour inside.

Mohammed Srour's children, Ahmed, 15; Ali, 13; Mahmoud, 8; and eight-month-old Mariam were severely burned during the attack. There was no sign of Hezbollah military activity or weapons in the vicinity, relatives of the victims said, and no one in the family had connections to Hezbollah.

### ***Wounding of Nine Civilians Fleeing Mansouri, July 23***

Shortly after the attack on the Srour family, an Israeli Apache helicopter hit a second civilian convoy in the area. Zein Zabad, a forty-five-year-old fruit farmer, had also driven up from Mansouri, attempting to evacuate his wife and four children. On the way, the family picked up a man who had been wounded when an air strike hit his car in Qlaile, and two more wounded people in Maaliye (the same area as the Srour attack), who were hit by an air strike while riding a motorcycle. Ali Jafar, a twenty-one-year-old day laborer who was injured in that helicopter strike on his motorcycle, told Human Rights Watch:

When I was hit, there was nothing around, no resistance [Hezbollah]. I was driving in shorts with my bag over my back, looking like a civilian. ... I was driving the motorcycle and suddenly it just melted in my hands. There was a rocket from a helicopter. ...I stopped a Range Rover to take us away, he was from our village.<sup>101</sup>

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<sup>100</sup> Human Rights Watch interview with Doctor Hashim Zein, Tyre, August 1, 2006. See also Anthony Shadid, "Terror Rains Down From Sky on Fleeing Lebanese: Several Refugees Killed by Missile-firing Israeli Helicopters," *Washington Post*, July 24, 2006; Megan K. Stack, "'Unbelievable' losses, terror as civilians flee missiles," *Los Angeles Times*, July 24, 2006; Tim Butcher, "Any Moving Car Becomes A Target, as Israelis Turn the Screw, Tactics Get Tougher," *Daily Telegraph*, July 24, 2006; Thanassis Cambanis, "For Fleeing Lebanese Families, Road to Safety Exact Heavy Toll," *Boston Globe*, July 24, 2006.

<sup>101</sup> Human Rights Watch interview with Ali Jafar, Tyre, August 1, 2006.

A munition fired from an Israeli Apache helicopter struck Zein Zabad's car just forty meters from the Najem Hospital, wounding all nine persons inside.<sup>102</sup> The attack on the Zabad family took place within sight of the Najem hospital, and there is no evidence of Hezbollah military activity in the vicinity of the hospital at the time of the attack.

### ***Killing of Three Civilians and Wounding of Fourteen Fleeing Kafra, July 23***

Heavy Israeli bombardments in Kafra had trapped fifty members of the extended Shaita family in a single home since the beginning of the war. Running out of food, the family decided to leave the village after hearing the evacuation orders from the IDF. On July 21, the family contacted the Red Cross for assistance with evacuation, but the Red Cross was unable to reach the village. On July 22, thirty-two family members, including most of the children present in the house, packed into a jeep and two cars, leaving seventeen family members behind without transportation. The first convoy made it safely to Tyre.

On July 23, the remaining family members convinced a taxi driver to take them to Tyre in a van, paying \$1,000 for the drive. The family waved a large white flag outside the van, and many of the family members were holding smaller white cloths, to indicate their civilian status.<sup>103</sup>

As the van left Kafra, it was hit by an Israeli strike. Musbah Shaita, a member of the family who was sitting next to the driver but survived, told Human Rights Watch: "I heard a noise like a blown tire, and the van started swerving. I told the driver to slow down the car, and he said, 'we've been hit!' The van stopped, and the driver and I got out. As the driver was calling on me to help get the wounded out, a second missile hit the car."<sup>104</sup>

Three persons died in the strike: Nazira Shaita, about 70; her son Mohammed Amin Shaita, 53; and the family's Syrian janitor, Zakwan [family name unknown], in his mid-forties. Their bodies remained in the vehicle, because recovery teams could not reach the area for days after the incident. The fourteen other family members were wounded, many of them severely.

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<sup>102</sup> Human Rights Watch interview with Ali Jafar, Tyre, August 1, 2006. See also Raed El Rafei, "'Good Samaritan' Survives Attack After Rescuing Wounded: 8 Passengers Barely Escape Burning Vehicle," *Daily Star* (Lebanon), July 25, 2006; Butcher, "Any Moving Car Becomes A Target, as Israelis Turn the Screw, Tactics Get Tougher," *Daily Telegraph*, July 24, 2006.

<sup>103</sup> Human Rights Watch interview with Mumtaha Shaita, Beirut, July 27, 2006; Human Rights Watch interview with Muzbah Shaita, Beirut, July 27, 2006.

<sup>104</sup> Human Rights Watch interview with Muzbah Shaita, Beirut, July 27, 2006.

According to Musbhah Shaita, “when we were hit, there was no one around—no resistance [Hezbollah], nothing. The only person we saw on the road before was a wounded driver by the side of the road, asking for help.”<sup>105</sup>

### ***Killing of One Civilian Traveling to Buy Food, Supplies and Medication, July 24***

In the morning of Monday, July 24, Hassan Ibrahim Al-Sayyid, a 26-year-old man from the village of Beit Leef, was killed when an Israeli airplane fired on him while he drove his motorcycle. Hassan’s sister told Human Rights Watch that Hassan had left his village to buy food, candles and medication from a neighboring village for his brother, who is receiving dialysis treatment. The weapon hit Hassan’s motorbike on the road between Kafra and Siddiquine. According to his sister, Hassan was not a member of Hezbollah, and was on his way to get supplies for his relatives. The corpse was transferred to Tyre’s public hospital.<sup>106</sup>

### ***Wounding of Six Ambulance Drivers and Three Patients, July 23***

On July 23, at 11:15 p.m., Israeli warplanes struck two clearly marked Red Cross ambulances in the village of Qana. The ambulances, which had Red Cross flags illuminated by a spot light mounted on the ambulance, were transferring three wounded Lebanese civilians from one ambulance to the other when the planes struck. A weapon directly hit one ambulance, and a second attack struck the second ambulance a few minutes later. All six of the Red Cross workers were injured during the attack, and the three patients they were treating suffered additional injuries. One of the patients, a middle-aged man, lost his leg in the ambulance strike, while his elderly mother was partially paralyzed. The third patient, a young boy, received multiple shrapnel wounds to the head.<sup>107</sup>

Making medical or religious personnel, medical units or medical transports the object of attack is a war crime.<sup>108</sup>

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<sup>105</sup> Ibid.

<sup>106</sup> Human Rights Watch interviews with Hussein Al-Sayyid (sister of Hassan) and Hussein `Aqil (husband of Hussein), Beirut, July 26, 2006.

<sup>107</sup> Human Rights Watch telephone interview with Georges Kittani, coordinator for field activities, Lebanese Red Cross, July 25, 2006; Megan K. Stack, “Warfare in the Middle East: Israeli Missiles Rip Into Medics’ Esprit de Corps,” *Los Angeles Times*, July 25, 2006.

<sup>108</sup> Rome Statute of the International Criminal Court Article 8 (2)(b) (xxiv).

## ***Those Left Behind***

While some villagers residing south of the Litani River have chosen to remain in their villages—because they provide essential civil services or for other reasons—others are unable to flee because they have family members who are elderly or infirm, because the family lacks the means to pay exorbitant taxi fares, or because it fears the above-described dangers of Israeli attacks on the roads. As a result, tens of thousands of civilians remain trapped in their villages, most hiding in basements, mosques or makeshift shelters, with depleted supplies of food, water, medicine and basic supplies.

At the same time, Israeli air strikes have hit humanitarian aid vehicles trying to service southern villages in need. On July 18, the IDF hit a convoy of the Red Crescent Society of the United Arab Emirates, destroying a vehicle carrying medicines, vegetable oil, sugar and rice, and killing the driver. On July 23, another strike hit two clearly marked Red Cross ambulances in the village of Qana. Due to the continuing air attacks on roads and vehicles, humanitarian agencies have had difficulty reaching the populations in need. At the time of writing, Israel has refused to guarantee secure safe passage for many humanitarian convoys south of Tyre, with limited exceptions.<sup>109</sup>

Unable to flee or access humanitarian relief, civilians remaining in the south have been cut off from food, medical care and other necessities. Humanitarian convoys are largely unable to reach wounded persons or evacuate civilians from areas of active conflict. As the ICRC said on July 28:

In the south of the country, and particularly the villages along the border with Israel, the effects of military operations are rapidly making life unbearably dangerous for the remaining civilians trapped by the fighting. In addition, resources and access to water and basic services are very limited. Medical evacuations and aid operations are fraught with difficulty and cannot meet the needs.<sup>110</sup>

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<sup>109</sup> David Clarke, "'Humanitarian Corridor' is a Mirage—Aid Workers," Reuters, July 29, 2006.

<sup>110</sup> "Lebanon: ICRC Sharply Increases its Humanitarian Response," press release, July 28, 2006.

## The Applicable Law

Since July 12, 2006, Israel and Hezbollah have engaged in consistent and intense hostilities in which civilians in Lebanon and Israel have overwhelmingly been the victims. International humanitarian law governs the way in which the parties to an armed conflict should conduct themselves in the course of the hostilities. International humanitarian law is primarily designed to protect civilians and other noncombatants from the hazards of armed conflict. International humanitarian law does not address the legitimacy of the belligerents' reasons for having taken up arms or resorting to war.

The armed conflict between Israel and Hezbollah is governed by international treaties, as well as by the rules of customary international humanitarian law. Customary rules are based on established state practice and bind all parties to an armed conflict, whether they are state actors or non-state armed groups. Article 3 Common to the Geneva Conventions of 1949, to which Israel is a party, sets forth minimum standards for all parties to a conflict between a state party such as Israel and a non-state party such as Hezbollah.<sup>111</sup> However, Israel has asserted on several occasions since hostilities began that it considers itself to be responding to the actions of the sovereign state of Lebanon, not just to those of Hezbollah. It has also made allegations about the participation of Iran and Syria.

The ICRC *Commentary* notes that the determination of the existence of an armed conflict between states in which the Conventions apply does not depend on a formal declaration of war or recognition of a state of hostilities. Rather, the factual existence of armed conflict between two states party automatically brings the Conventions into operation. Thus any hostilities between Israeli forces and the forces of Lebanon would fall within the full Geneva Conventions.

That said, for the purpose of assessing the lawfulness of attacks by aerial bombardment, artillery shelling or rocket attack, the requirements of the two sets of rules are essentially the same. Many of these rules are codified in the first additional protocol to the Geneva Conventions, known formally as the Protocol relating to the Protection of Victims of International Armed Conflicts (Protocol I). Although Lebanon and Syria have ratified Protocol I, Israel and Iran have not.

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<sup>111</sup> First Geneva Convention "for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field"; Second Geneva Convention "for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea" Third Geneva Convention "relative to the Treatment of Prisoners of War"; Fourth Geneva Convention "relative to the Protection of Civilian Persons in Time of War."

However, many, if not most, of the protocol's provisions are considered reflective of customary international law. This is particularly true for the norms relating to the conduct of hostilities relevant to this analysis. As a result, they bind all parties to the conflict.

Many issues of international humanitarian law have arisen during fierce combat in southern Lebanon and in relation to the bombardment of populated areas by the Israeli Air Force. Most relevant to this report are questions related to the principle of distinction (issues related to precautions to be taken in attack as well as proportionality and indiscriminateness of the attacks), the protected status of relief personnel and personnel involved in peacekeeping operations, and the duty of both sides of a conflict to take all feasible precautions to protect the civilian population and civilian objects under their control against the effects of attacks. In this respect the parties must, to the extent feasible, avoid locating military objectives within or near densely populated areas and remove civilian persons and objects under their control from the vicinity of military objectives. In particular, the parties must never use the presence of protected persons with the intent of rendering certain points, areas, or military personnel immune from military operations. The use of human shields is a war crime.

Two fundamental tenets of international humanitarian law are those of "civilian immunity" and the principle of "distinction."<sup>112</sup> They impose a duty, at all times during the conflict, to distinguish between combatants and civilians, and to target only the former.

It is forbidden in any circumstance to carry out direct attacks against civilians; to do so intentionally is a war crime. The parties to a conflict must also refrain from threats or acts of violence the primary purpose of which is to terrorize the civilian population.<sup>113</sup> Also prohibited are "attacks against the civilian population or civilians by way of reprisals."<sup>114</sup>

Apart from the prohibition on direct attacks against civilians and civilian objects, international humanitarian law prohibits indiscriminate attacks as a matter of both treaty and customary law.<sup>115</sup> Indiscriminate attacks are those that are not directed against a military objective, those that employ a method or means of combat that cannot be

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<sup>112</sup> Articles 48, 51.2 52.2 Additional Protocol 1.

<sup>113</sup> Article 51.2 Additional Protocol 1.

<sup>114</sup> Article 51.6 Additional Protocol 1.

<sup>115</sup> Article 51.4 Additional Protocol 1.

directed at a specific military objective, or those that employ a method or means of combat the effects of which cannot be limited as required by international humanitarian law. In each such case, these attacks are of a nature to strike military objectives and civilians or civilian objects without distinction.<sup>116</sup>

The “means” of combat refers generally to the weapons used while the term “method” refers to the way in which such weapons are used.

A corollary of the principle of distinction is the prohibition of area bombardment. Any attack, whether by aerial bombardment or other means, that treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians and civilian objects, is regarded as an indiscriminate attack and prohibited.<sup>117</sup>

Similarly, if a combatant launches an attack without attempting to aim properly at a military target, or in such a way as to hit civilians without regard to the likely extent of death or injury, it would amount to an indiscriminate attack.

A deliberately indiscriminate attack that causes incidental death or injury to civilians or damage to civilian objects that is clearly excessive in relation to the concrete and direct overall military advantage anticipated from the attack is a war crime.<sup>118</sup>

International humanitarian law requires that the parties to a conflict take constant care during military operations to spare the civilian population and to take all feasible precautions to avoid or minimize the incidental loss of civilian life, as well as injury to civilians and damage to civilian objects.<sup>119</sup> In its authoritative *Commentary* on Protocol I, the ICRC explains that the requirement to take all “feasible” precautions means, among other things, that the person launching an attack is required to take the steps needed to identify the target as a legitimate military objective “in good time to spare the population as far as possible.”<sup>120</sup>

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<sup>116</sup> Article 51.4.a Additional Protocol 1.

<sup>117</sup> Article 51.5.a Additional Protocol 1.

<sup>118</sup> Rome Statute of the International Criminal Court Article 8 (2) (b) (iv) War crime of excessive incidental death, injury, or damage.

<sup>119</sup> Article 57 Additional Protocol 1.

<sup>120</sup> ICRC, *Commentary on the Additional Protocols*, pp. 681-82.

The parties to a conflict must always take precautions in identifying targets and planning or carrying out an attack. As part of the identification process, they must do everything feasible to verify that the chosen targets are military objectives; that is, that they are legitimately subject to attack.<sup>121</sup> If there are doubts about whether a potential target is of a civilian or military character, the assessment must be particularly scrupulous so as to dispel, to the maximum extent possible, any doubts about the civilian character of the person or object. Military objects are those which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralization offers a “definite military advantage.”<sup>122</sup> However, the warring parties must do everything feasible to cancel or suspend an attack if it becomes apparent that the target is not a military objective. The same applies if the attack may be expected to cause excessive collateral damage.<sup>123</sup>

Humanitarian law also determines that if the attacker has a choice between more than one military objective, each of which could yield similar military advantage, the objective selected must be the one that is expected to cause the least danger to civilians and civilian objects.<sup>124</sup>

In general it is prohibited to direct attacks against what are by their nature civilian objects, such as homes and apartments, places of worship, hospitals, schools or cultural monuments, unless they are being used for military purposes.

The mere fact that an object has civilian uses does not necessarily render it immune from attack. It can be targeted if it makes an “effective” contribution to the enemy’s military activities, and if its destruction, capture or neutralization offers a “definite military advantage” to the attacking side in the circumstances prevailing at the time.

However, with regard to such “dual use” objects, combatants must choose a means of attack that will avoid or minimize harm to civilians and damage to civilian objects. In particular, the attacker should take all feasible measures to cancel or suspend an attack if it becomes apparent that the expected civilian casualties would outweigh the importance of the military objective. This principle of customary law is codified in article 57 of Protocol 1.<sup>125</sup>

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<sup>121</sup> Article 52 Additional Protocol 1.

<sup>122</sup> *Ibid.*

<sup>123</sup> Article 57.2 Additional Protocol 1.

<sup>124</sup> Article 57.3 Additional Protocol 1.

<sup>125</sup> Article 57.2.b (“Precautions in attack”) Additional Protocol 1.



The ICRC *Commentary* on article 57 sets out a series of factors that must be taken into account in applying the principle of proportionality to the incidental effects of an attack on civilian persons and objects:

The danger incurred by the civilian population and civilian objects depends on various factors: their location (possibly within or in the vicinity of a military objective), the terrain (landslides, floods etc.), accuracy of the weapons used (greater or lesser dispersion, depending on the trajectory, the range, the ammunition used etc.), technical skill of the combatants (random dropping of bombs when unable to hit the intended target).<sup>126</sup>

Casualties that are a consequence of accidents, as in situations in which civilians are within military installations, may be considered incidental to an attack on a military objective—so called “collateral damage”—but care must still have been shown to identify the presence of civilians and to avoid or minimize the risk to them. As expressed in the ICRC *Commentary*, “the golden rule to be followed” when making determinations about the proportionality of an attack is “the duty to spare civilians and civilian objects in the conduct of military operations.” Even when a target is serving a military purpose, precautions must always be taken to protect civilians. Warring parties must also take all feasible precautions to minimize harm to civilians and civilian objects and to refrain from attacks that would disproportionately harm the civilian population or fail to discriminate between combatants and civilians.

Violations of the norms established above, when serious, constitute war crimes. Conduct considered to be a war crime under customary law has been enshrined in the Rome Statute of the International Criminal Court. That codification includes the so-called “grave breaches” to the Geneva Conventions and other serious violations of international humanitarian law as well as serious violations of Article 3 common to the Geneva Conventions.

Of particular concern in the present conflict are the following acts that constitute war crimes:

- Making the civilian population or individual civilians not taking direct part in hostilities the object of attack.

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<sup>126</sup> ICRC, *Commentary on the Additional Protocols*, p. 684.

- Making civilian objects, that is, objects that are not military objectives, the object of attack.
- Attacking personnel or objects involved in a humanitarian assistance or peacekeeping mission.
- Causing incidental loss of civilian life, injury to civilians or damage to civilian objects which would be clearly excessive in relation to the concrete and direct military advantage anticipated.
- Deliberately using civilians and civilian objects to shield troops and materiel from attack.

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