

Summary

During its armed conflict with Israel from July 12 until August 14, 2006, Hezbollah claimed at various times that its rockets were aimed primarily at military targets in Israel, or that its attacks on civilians were justifiable as a response to Israel's indiscriminate fire into southern Lebanon and as a tool to draw Israel into a ground war. In fact, the former claim is refuted by the large number of rockets that hit civilian objects far removed from any military targets, whereas the latter arguments are inadmissible under international humanitarian law.

Hezbollah forces in Lebanon fired thousands of rockets into Israel, causing civilian casualties and damage to civilian structures. Hezbollah's means of attack relied on unguided weapons that had no capacity to hit military targets with any precision. It repeatedly bombarded cities, towns, and villages without any apparent effort to distinguish between civilians and military objectives. In doing so, Hezbollah, as a party to an armed conflict governed by international humanitarian law, violated fundamental prohibitions against deliberate and indiscriminate attacks against civilians.

This report focuses on Hezbollah's rocket attacks on Israel. It is based on on-site research and a review of documentary evidence. We have addressed other aspects of the conflict—including violations by Israel in its conduct of hostilities—in other reports. We will be addressing additional aspects of the conflict, including allegations that Hezbollah repeatedly used civilian "shields," in a forthcoming report, *Why They Died: Civilian Deaths in Lebanon during the 2006 Israel-Hezbollah War*. At all times, we seek to measure each party's compliance with its obligations under the laws of war, rather than measure it against the conduct of the other party. To criticize one party for violating international humanitarian law does not excuse or mitigate the violations committed by the other party.

Hezbollah rockets killed 43 civilians and 12 soldiers inside Israel during the course of the 34-day conflict.¹ Thirty-three civilians suffered serious physical injuries, 68 suffered moderate physical injuries, and 1,388 suffered light physical injuries, according to official Israeli statistics. Hospitals also treated 2,773 civilians for shock and anxiety.

Rockets killed and injured Israelis in their homes and workplaces, and on the streets of villages and cities. Rockets struck hospitals in Nahariya, Safed, and Mazra, an elementary school in Kiryat Yam, and a post office in Haifa. Such attacks on civilians and civilian structures were often the foreseeable consequence of Hezbollah's attacks, and, as its statements indicate, were at times intended.

Israeli authorities acknowledged that Hezbollah was targeting military objects in northern Israel part of the time. However, citing national security, they have not disclosed details of such attacks or allowed independent monitors to visit those locations. We thus cannot say with certainty how often Hezbollah rocket attacks hit military targets or landed in the near vicinity of such targets, or how the number of such attacks compares with the number of rockets that hit civilian areas.

However, the legality of attacks under international humanitarian law must be measured attack by attack, so the fact that some attacks may have hit military targets does not in itself justify other attacks that did not.

Hezbollah rockets repeatedly hit populated areas in Israel. In some of those cases, we could find no evidence there had been a legitimate military target in the vicinity at the time of the attack, suggesting it was a deliberate attack on civilians. In other cases, we found that there had been a military object in the vicinity but, even assuming Hezbollah had been intending to hit the military target instead of civilians, the unguided rockets it used was incapable of distinguishing between the two. At the time of attack, Hezbollah also failed to take all feasible precautions to minimize

¹ This statistic, provided by Israel's Foreign Ministry, includes four Israelis who died from rocket-related heart attacks. See <http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Terrorism+from+Lebanon-+Hizbullah/Israel-Hizbullah+conflict-+Victims+of+rocket+attacks+and+IDF+casualties+July-Aug+2006.htm> (accessed May 28, 2007). Other official tabulations put the number of heart attack victims at three, for a total of forty-two killed.

loss of civilian life, such as by issuing “effective advance warning . . . of attacks which may affect the civilian population.”²

Based on an assessment of numerous declarations and 89 wartime communiqués issued by Hezbollah about its attacks in Israel, we also conclude that, although Hezbollah leaders and spokesmen often expressed support for the principle of sparing civilians on both sides from attack, they both repeatedly threatened to attack Israeli towns and settlements and claimed responsibility for specific attacks on Israeli towns and settlements, alongside the claims they made of hitting specific military targets inside Israel. Hezbollah’s attacks in violation of the laws of war, when combined with such statements indicating criminal intent, is strong evidence that some Hezbollah members and commanders were responsible for war crimes.

* * *

This report focuses on the extent to which Hezbollah targeted or indiscriminately fired its rockets toward civilians and civilian objects, and the injuries and deaths they caused. It does not address other effects of Hezbollah’s rocket campaign, such as the dislocation of population, the cost of lost workdays, interrupted economic activity, and damage to the built and natural environment.

Human Rights Watch has published a number of reports and statements related to violations of the laws of war by parties to the Israel-Hezbollah conflict of 2006, all of them available at www.hrw.org. These include *Fatal Strikes: Israel’s Indiscriminate Attacks against Civilians in Lebanon* (2006), “Hezbollah Must End Attacks on Civilians,” (August 5, 2006), and “Hezbollah Rocket Attacks on Haifa Designed to Kill Civilians” (July 18, 2006).

We have also issued reports on prior armed conflicts between Israel and Hezbollah, including *Operation Grapes of Wrath: The Civilian Victims* (1997) and *Civilian Pawns: Laws of War Violations and the Use of Weapons on the Israel-Lebanon Border* (1996). At this writing, we were also completing the above-mentioned *Why They Died*:

² Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 8 June 1977, 1125 U.N.T.S. 3, entered into force December 7, 1978, art. 57.2.

Civilian Deaths in Lebanon during the 2006 Israel-Hezbollah War and a separate report on Israel's use of cluster munitions.

Our research during 2006 concluded that the IDF attacks responsible for a majority of the civilian deaths in Lebanon were indiscriminate; that is, they failed to distinguish between civilian and military targets. Many of the attacks in which civilians died took place at times when there was no evidence that Hezbollah fighters or weapons were in the vicinity, despite IDF claims that the high proportion of civilian deaths in Lebanon was due to Hezbollah hiding its rockets and fighters in villages and towns. While the IDF often warned civilians to evacuate areas in southern Lebanon, it then acted in many cases as if its warnings gave it license to treat all persons who did not flee as combatants. In southern Lebanon, many people remained even after warnings because of age, infirmity, responsibility for livestock and crops, inability to afford exorbitant taxi fares charged for evacuation, or fear of becoming another roadside casualty of IDF bombing. Thus, the IDF's indiscriminate bombardments had devastating consequences for civilians.³ In addition, Israel indiscriminately and extensively bombarded Lebanon with cluster munitions, which left behind as many as one million hazardous duds that, as of June 20, 2007, had resulted in 24 civilian deaths and 183 injuries, according to the United Nations Mine Action Coordination Center South Lebanon.⁴ In other cases, Israel deliberately targeted civilians merely because of their political or social association with Hezbollah, despite the fact that there is no evidence that these civilians were actively participating in hostilities.

After initially claiming otherwise, Hezbollah quickly acknowledged that it was targeting Israeli towns and cities, but claimed it had no other means to compel Israel to cease its attacks on Lebanese civilians. The Geneva Conventions state explicitly that violations perpetrated by one party, no matter how grave, do not release the other party from its obligations to abide by that law.⁵ And while belligerent reprisals are permitted in certain narrowly defined circumstances during armed conflicts

³ Human Rights Watch, *Fatal Strikes: Israel's Indiscriminate Attacks against Civilians in Lebanon*, vol. 18, no. 3(E), August 2006, <http://hrw.org/reports/2006/lebanon0806/>.

⁴ See <http://www.maccsl.org/reports/Victims/Casualties%20Tables.pdf> (accessed July 9, 2007).

⁵ See Article 1 common to the 1949 Geneva Conventions ("The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances").

between states, they are never permitted against civilians.⁶ Parties to a non-international armed conflict have no right to resort to belligerent reprisals of any kind.⁷

Hezbollah also advanced another justification for firing rockets into Israel: to compel Israel to mount a ground offensive in Lebanon, thereby giving Hezbollah certain fighting advantages it lacked when facing a war from the air. Whatever the merits such a claim might have had if Hezbollah had aimed only at military targets using precise weapons (e.g., sniper fire across the border targeting soldiers), it cannot be used to justify indiscriminate or direct attacks on civilians. International humanitarian law requires that, regardless of the purpose, attacks may be carried out only against military objectives, defined as persons, objects or places whose nature, location, purpose or use make an effective contribution to military action, and whose destruction at that time offers a definite military advantage. A military rationale for an attack on civilians does not transform those targeted into a valid military objective; they remain immune from attack under the laws of war.

Another contention is that Hezbollah rocket attacks on towns and villages in northern Israel were not indiscriminate because most Israeli civilians within their range had either fled to other parts of the country or were beyond reach in reinforced shelters or “safe rooms” in their homes. According to this view, the firing of unguided rockets toward Israel should not be considered indiscriminate because of the reduced numbers of at-risk civilians. (A similar argument is made by those who contend that indiscriminate Israeli fire into southern Lebanon during the war was permissible because the civilian population had either fled or should have fled because of Israeli government warnings.)

The claim is problematic both as a statement of fact and as a matter of law. While many residents of northern Israel did flee or descend into shelters, towns and cities were not empty of civilians. A sizable population chose to stay, for a variety of

⁶ See Protocol I, art. 51.6. For a discussion of belligerent reprisal as a matter of customary international law, see International Committee of the Red Cross, *Customary International Humanitarian Law* (Cambridge: Cambridge University Press, 2005), pp. 520-23.

⁷ See ICRC, *Customary International Humanitarian Law*, rule 148, citing common article 3 to the 1949 Geneva Conventions; Protocol II, art. 4, and condemnations in various UN documents.

reasons. Some had no place to flee to or could not afford to pay for lodgings elsewhere, or chose not to abandon their homes, their work, or relatives who themselves chose to stay. In addition, relatively few residents of Arab communities in northern Israel fled the region or had access to shelters or safe rooms.

Even if a party to a conflict has issued warnings to civilians to flee, or even if some or most civilians have fled or found safety, humanitarian law prohibits a warring party from treating an area as a free-fire zone when civilians remain for whatever reason. The party must continue to take precautions to spare the civilians and refrain from indiscriminate attacks.

Nor should Hezbollah's public declarations promising further attacks on Israeli towns be considered the types of warnings that international humanitarian law encourages warring parties to make before attacks that may affect the civilian population.⁸ The purpose of proper warnings is to enable civilians to take shelter or leave the area. To be effective, warnings must be timely and sufficiently specific and comprehensible to allow such action. An ostensible warning that is too vague or inaccurate to actually help protect civilians, but is primarily intended to generate broader panic and fear, would be unlawful, even if the attack is never carried out.⁹

In accordance with its institutional mandate, Human Rights Watch is neutral on matters concerning the legitimacy of resorting to war. We consider this neutrality to be the most effective way to promote our primary goal of encouraging all parties to armed conflict to respect international humanitarian law. Accordingly, this report does not address who was responsible for the armed conflict between Hezbollah and Israel or which party was justified in waging war—the justness of the cause does not affect the international humanitarian law analysis.

⁸ See Protocol I, art. 57.2(c).

⁹ See Protocol I, art. 51.2. Such a threat is evidenced in Nasrallah's August 3 speech: "If you bomb our capital Beirut, we will bomb the capital of your usurping entity ... [We] will bomb the city of Tel Aviv." English transcript of this speech at <http://www.informationclearinghouse.info/article14470.htm> (accessed May 1, 2007).

Assessment of Hezbollah's Rocket Attacks

This report details dozens of Hezbollah rocket attacks that hit civilian areas in Israel. It does not include every rocket, or every city that was hit, or every case involving fatalities. Nevertheless, the cases that we did examine show a pattern, consistent with Hezbollah's statements throughout the war, of firing indiscriminately and in some cases deliberately at civilians and civilian structures, in violation of international humanitarian law.

Our information comes from visits both during the conflict and after to towns and villages hit by rockets; inspection of ordnance and shrapnel collected in these places; interviews with civilian eyewitnesses, Israeli doctors who treated the injured, Israeli civilian authorities, officials of the Israel Police and of the Israel Defense Forces (IDF) Home Front Command; published sources of information on weapons; statements by Hezbollah officials; and information collected from international and nongovernmental organizations in Lebanon. To date, we have received no reply to questions submitted on April 30 to Hezbollah's leadership about its rocket attacks (see Appendix).

Hezbollah repeatedly fired rockets in the direction of civilian populated areas in which there was no evident military target—violating the prohibition against attacking civilians. In other cases, we identified potential fixed or mobile military targets in the vicinity of Hezbollah attacks that killed or wounded Israeli civilians. Whether Hezbollah was aiming its rockets at military targets in these cases was difficult to determine. But because the weapons it used are insufficiently accurate in populated settings, these operations would nonetheless violate the humanitarian law prohibition against indiscriminate attacks. Hezbollah claims it targeted and hit military objects more than is known, blaming Israeli censorship for a cover-up. But even if it were to emerge that Hezbollah targeted military objectives in northern Israel to a greater degree than is recognized, there would still be a clear pattern of rocket fire that targeted civilians, directly or indiscriminately, in violation of international law.

In their choice of rockets, the Hezbollah commanders responsible demonstrated, at minimum, a reckless disregard for the likelihood that their weapons would harm civilians. To our knowledge, all of the rockets fired by Hezbollah lacked guidance

systems. Thus, Hezbollah forces could direct a rocket at a general target, but without precision. Many of those that hit the most densely populated coastal areas—the city of Haifa and the string of its suburbs to the north and east known as HaKrayot—were 220mm rockets packed with thousands of 6mm steel spheres (sometimes referred to as ball bearings) that sprayed out upon impact with great force. These spheres are devastating anti-personnel weapons: while incapable of inflicting serious damage to hard military structures or matériel, they penetrate human flesh and organs within a wide radius of the rocket blast. Hezbollah also fired an undetermined number of cluster munition rockets loaded with submunitions (i.e., explosives) that, upon impact, dispersed 3mm steel spheres over a wide footprint.

The prohibition on indiscriminate attacks applies not only to civilians but also to civilian objects—buildings and other structures. So long as these objects have not become military objectives—such as being used as defensive positions or headquarters—warring parties may not attack them, purposefully or indiscriminately. Civilian structures are deserving of protection in their own right and because they tend to house civilians.

Hezbollah’s efforts to hit industrial and infrastructural targets in the port of Haifa and its northeastern suburbs were lawful under international humanitarian law only if the targeted facilities made an “effective contribution to military action” and their destruction would have provided Hezbollah “a definite military advantage.”¹⁰ Typically lawful targets would include facilities providing direct support to active military operations.¹¹

Assessment of Hezbollah’s Wartime Statements

Hezbollah stated that it fired some 8,000 rockets into Israel during the 34-day conflict (see below). Israeli officials stated that the number was 3,917,¹² of which 23 percent landed within “built-up areas.”¹³

¹⁰ Protocol I, art. 52.2.

¹¹ M. Bothe, K. Parsch, and W.Solf, *New Rules for Victims of Armed Conflicts: Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949* (The Hague: Martinus Nijhoff, 1982), p. 324.

¹² Human Rights Watch interview with Col. Yechiel Kuperstein, head of the IDF’s Physical Protection Department, Ramle, October 5, 2006.

Hezbollah claimed that its rockets had hit military targets inside Israel more often than the media was reporting. But the 89 wartime Hezbollah communiqués that we examined concerning rocket attacks on Israel claim twenty-two attacks on specific military objects, such as IDF bases, and at least four times that number of attacks on specific civilian settlements.¹⁴ And in those rare instances when it hit civilians and then expressed regret for having done so, for example, when a rocket killed two Palestinian-Israeli boys in Nazareth on July 19, and when another rocket killed two elderly Palestinian-Israelis in Haifa on August 6—Hezbollah did not specify the intended target of these rockets.

These statements, coupled with the evidence collected on the ground in northern Israel, leave no doubt that Hezbollah deliberately or indiscriminately fired rockets at civilians much of the time. Commanders ordering such rocket fire and acting with criminal intent or reckless disregard for civilians were committing war crimes.

Hezbollah leaders and spokesmen stated clearly and often that they had directly targeted towns and villages, usually justifying their actions as reprisals for Israeli strikes on Lebanese civilians and often phrasing their explanations in self-serving terms. Four days into the conflict, for example, on July 16, after a steel sphere-loaded 220mm Hezbollah rocket killed eight railway workers in Haifa, Hezbollah Secretary-General Hassan Nasrallah went on television, explaining:

On the first day we aimed our rocket firing toward military sites only, and did not attack any Israeli colony or settlement in the north of occupied Palestine. But the army of the enemy, helpless before the Moujahideen, started from the first day targeting towns, villages and civilians and civilian installations and infrastructure

¹³ Unless otherwise noted, official statistics on the locations of rocket strikes come from Israel Police, Central Command Center, North District “War in the North,” PowerPoint presentation, undated but probably late 2006, on file at Human Rights Watch.

¹⁴ Copies of these communiqués are on file at Human Rights Watch.

Today we had no choice but to renege on the pledge we had made to ourselves and proceeded to bomb the city of Haifa, knowing the importance and dangerous nature of this city

[A]s long as the enemy undertakes its aggression without limits or red lines, we will respond without limits or red lines¹⁵

The fact that Hezbollah's wartime communiqués claimed success in hitting not only military targets but, far more often, civilian communities shows that Hezbollah understood the difference between the two and strongly suggests it was purposefully aiming at civilians some of the time.

In a typical communiqué, Hezbollah stated on August 2:

In response to Zionist attacks against Lebanese civilian areas, the Islamic resistance, at 11:30 a.m., bombed the two enemy settlements in Tzuriel and Safed with tens of rockets. It also targeted with rockets the headquarters of the Northern Region Command in Biranit barracks and `Ayn Hamour military base, east Tiberias, bombed for the first time

In response to the continuing Zionist enemy aggression against Lebanese civilians, the Islamic Resistance bombed, at 11:40 a.m., the settlements of Goren, Eilon, Ma'alot, Kfar Vradim and Elkosh with tens of rockets.

The Islamic Resistance directed at 12:00 midday batches of rockets in the direction of Kabri and Tiberias settlements.¹⁶

¹⁵ "Nasrallah: We are ready to face the ground assault and our fighters are enthusiastic; We are fighting the nation's battle and are not concerned about rebuilding that which is destroyed" (Nasrallah: *Musta`iddun lilmuwajaha al-birriyya wa mujahiduna ya`shaqunaha; nakhud ma`rakat al-umma wa la qalaq ladayna `ala i`adat i`mar ma tuhdam*), *an-Nahar*, July 17, 2006.

¹⁶ Tzuriel, Goren, and Elkosh are cooperative villages (moshavs), Eilon is a kibbutz, and Kfar Vradim is a small village, all of them in the vicinity of Ma'alot; Kabri is a kibbutz east of Nahariya.

On August 9, three days after Hezbollah rockets killed Arab residents of Haifa for the first time, and three weeks after they began killing and injuring Jewish residents, Nasrallah publicly urged Arab residents of the city to flee for their own safety:

To the Arabs of Haifa, I have a special message. We have grieved and we are grieving for your martyrs and wounded people. I beg you and turn to you asking you to leave this city. I hope you will do so. Over the past period, your presence and your misfortune made us hesitant in targeting this city, despite the fact that the southern suburbs [of Beirut] and the rest of the heart of Lebanon were being shelled, whether Haifa was being shelled or not. Please relieve us of this hesitation and spare your blood, which is also our blood. Please leave this city.¹⁷

Nasrallah's statement indicates that Hezbollah's rocket attacks were either directed at Haifa's Jewish residents or that Hezbollah knew they were endangering the city's civilians but did not care so long as the victims were Jews, indicating at a minimum an intent to recklessly subject them to indiscriminate attack.

International humanitarian law also prohibits attacks the primary purpose of which is to spread terror among the civilian population. In each case, a violation exists, whether or not the attack actually results in significant civilian casualties. According to a pronouncement made by its secretary-general on July 29, Hezbollah sought to cripple everyday life in northern Israel by compelling the flight of the civilian population in the north either to shelters or to the southern half of the country:

When, throughout the Arab-Israeli conflict [have] 2 million Israelis [been] forced [before] to leave their areas or stay in shelters for 18 days or more? This number will increase when we expand the "beyond-Haifa" stage. The shelling of the city of Afula and its military base represented the beginning of this stage. Many cities in the centre will

¹⁷ English transcript of the speech at <http://www.aimislam.com/forums/index.php?showtopic=457&st=40> (accessed May 1, 2007).

be a target in the beyond-Haifa stage if the barbaric aggression against our homeland, people, and villages continues.¹⁸

Indeed, Hezbollah's actions resulted in twenty-five to fifty percent of the population fleeing their homes in some cities where there was no significant military target in their midst, such as Kiryat Shmona, Karmiel, and Nahariya. Thousands of those who remained spent days or nights confined to shelters or safe rooms in their homes.

Since the conflict ended in August 2006, Hezbollah and its leaders have not to our knowledge acknowledged in any way that its methods of firing rockets into Israel were much of the time in violation of humanitarian law. Nor has the government of Lebanon announced that it would conduct an investigation or review of Hezbollah's conduct.

International Humanitarian Law and Asymmetrical Conflicts

The fighting between Hezbollah and Israel has raised issues concerning the implementation of international humanitarian law in so-called asymmetrical conflicts—those between a low-technology adversary and a high-technology adversary. The question is whether the obligation to take precautions to minimize civilian harm is the same for all belligerents, or depends on the technological level of the belligerents. Does humanitarian law unfairly penalize a low-tech belligerent like Hezbollah equipped with unguided rockets by holding it to the same international standards of civilian protection—no indiscriminate attacks—as a high-tech belligerent with precision-guided weaponry?

International humanitarian law places prohibitions on those means and methods of warfare that cannot differentiate between combatants and civilians and thus cause needless harm to civilians. Sophisticated “smart” bombs and precision-guided missiles may be able to be used where unguided rockets and other less sophisticated “dumb” weapons would invariably be indiscriminate. This clearly puts pressure on low-tech armed forces and non-state armed groups to find alternative ways of waging war, such as by conducting raids against military targets in enemy

¹⁸ “Hezbollah chief vows to strike Israeli ‘cities’ in 29 July speech,” *BBC Monitoring Middle East*, July 30, 2006.

territory or using sniper fire, rocket-propelled grenades, or other weapons capable of aiming with reasonable precision at military targets. Even if those methods of attack place the low-tech force at a disadvantage, the function of humanitarian law is not to ensure an even-handed contest between belligerents, but to spare the civilian population as much as possible from the horrors of war. To permit otherwise unlawful uses of weapons for cost reasons would create a crude calculus where civilian suffering would be pegged to the financial means of the belligerents. It would also have the effect, again at the expense of civilians, of deterring armies from purchasing or developing weapons that were more sophisticated and better able to spare civilian lives.

At the same time, the prohibition against indiscriminate attacks also places significant legal burdens on high-tech armed forces. Where armies have a choice of weapons for an attack, they must when feasible use the one that minimizes the loss of civilian life. That puts pressure on them to use only precision-guided weapons when attacking populated areas. Nor can they justify unlawful attacks because a low-tech adversary, less well armed and trained, is committing abuses. As one humanitarian law scholar writes: “Suggesting that a party with the technological ability to exercise great care in attack need not do so because its opponent is not similarly equipped runs counter” to protecting those not participating in hostilities.¹⁹

Israel’s Obligations to Take Precautions against the Effects of Attacks

Parties to an armed conflict are obligated under international humanitarian law to take all feasible precautions to protect the civilian population under their control against the effects of attack.²⁰ This includes not locating military targets within or near densely populated areas²¹ and removing civilians from the vicinity of military objectives.²²

¹⁹ See Michael N. Schmitt, “The Impact of High and Low-Tech Warfare on the Principle of Distinction” (Cambridge, Massachusetts: Program on Humanitarian Policy and Conflict Research, November 2003), p. 11, <http://www.ihlresearch.org/ihl/feature.php?a=45> (accessed June 6, 2007). Moreover, “humanitarian law presently contains no obligation to acquire military capabilities that provide civilians greater protection; instead, it limits itself to imposing a duty to use capabilities once in the inventory.”

²⁰ See Protocol I, art. 58(c).

²¹ See Protocol I, art. 58(b).

²² See Protocol I, art. 58(a).

Throughout the north of the country, fixed military facilities, such as IDF bases, are located next to or in the midst of civilian settlements. The IDF northern command headquarters is located in the city of Safed. The Israeli navy has a major training base on the Haifa waterfront, next to a major hospital and a neighborhood of low-rise apartment buildings.

In some instances, the IDF fired artillery into Lebanon from locations quite near to residential communities, such as the border villages of Zarit and Arab al-Aramshe (for the latter, see case study below). These artillery emplacements constitute military objects; in some of its wartime communiqués, Hezbollah announced that it had directed its rockets at such artillery positions inside Israel.

Israel undertook extensive efforts to shelter or evacuate civilians in northern Israel, efforts that almost certainly reduced the number of civilian casualties inflicted by rockets fired by Hezbollah during this conflict. Nevertheless, questions remain whether Israel complied fully with the norm requiring it to avoid, to the extent feasible, locating military objectives within or near densely populated areas and to adequately protect all citizens residing near military assets.

But even where Israel may have failed in this regard, international humanitarian law still requires warring parties to discriminate at all times between noncombatants and legitimate military targets, firing at only the latter, and only when the expected civilian loss is not disproportionate to the anticipated military gain. Hezbollah's failure to comply with these requirements was the principal cause of the wartime civilian casualties in Israel. (See below, chapter on Israel's Obligations to Take Precautions against the Effects of Attacks.)

A note on Israeli Censorship

Citing national security concerns, Israeli military authorities limited the amount of information publicly available about various aspects of the war, including certain information on where Hezbollah rockets landed during the conflict. These restrictions limited our ability to fully investigate the pattern of Hezbollah attacks.

On July 16, four days after the conflict broke out, IDF military censor Col. Sima Vaknin-Gil issued guidelines to journalists banning reporting on, among other things, “visits of Israeli government and IDF officials in the north of Israel until the visits are over due to the clear connection between officials' visits and missile attacks on the area in question,” “missile hits at IDF bases and/or strategic facilities,” “missiles that fall in the Mediterranean Sea,” and “real-time reporting on the exact location of rocket hits.”²³

Israeli authorities readily acknowledged to Human Rights Watch that some rockets landed in military zones or hit military targets that were off-limits to the public, but declined requests by Human Rights Watch to provide details of such incidents. We also encountered restrictions on information concerning certain industrial targets. For example, Kobi Bachar, chief of police for the Zvulon district north of Haifa, said, “Hezbollah was trying to hit the petrochemical plants in our area. We had hits within the factories, but because of censorship, I do not know if I am allowed to give you that information.”²⁴ In the end he did not provide it.

On July 19, Human Rights Watch researchers visiting Haifa’s Rambam Hospital met an IDF soldier being treated for an injury sustained when a rocket hit an air force base just outside the city. He said that the IDF had instructed him not to speak to the press, and in fact the news media never, to our knowledge, reported that rocket attack. A physician at Rambam who said he treated the soldier also told us that the IDF had prevented that particular rocket strike from being publicized.

²³ The Censor for Press and Media, State of Israel, “Censorship Policy Regarding Fighting in the North,” July 16, 2006. See also Benjamin Harvey, “Israeli Censor Wielding Great Power,” *Washington Post*, July 19, 2006, http://www.washingtonpost.com/wp-dyn/content/article/2006/07/19/AR2006071901674_pf.html (accessed June 6, 2007).

²⁴ Human Rights Watch interview, Kiryat Chaim, October 4, 2006.

Recommendations

Human Rights Watch has addressed an extensive list of recommendations to the Israeli authorities regarding its compliance with international humanitarian law during the 2006 armed conflict in Lebanon and in Gaza (see *Fatal Strikes: Israel's Indiscriminate Attacks against Civilians in Lebanon* and the forthcoming *Why They Died: Civilian Deaths in Lebanon during the 2006 Israel-Hezbollah War*). Below we make a series of recommendations that are limited to the subject of this report, Hezbollah's firing of rockets into Israel during the 2006 conflict and humanitarian law violations.

Human Rights Watch urges Hezbollah to:

- Unconditionally cease all attacks that deliberately target civilians and cease using means and methods of combat that cannot discriminate between civilians and combatants, when such means are used in areas where there are civilians.
- Provide clear guidelines and training to all commanders and fighters to ensure compliance with international humanitarian law;
- Institutionalize the taking of appropriate disciplinary measures against members who act in contravention of humanitarian law;
- Publicly renounce the argument that attacks on Israeli civilians or civilian objects are permissible when carried out in reprisal for Israeli attacks on Lebanese civilians;
- Stop the use of unreliable and inaccurate cluster munitions and destroy all existing stockpiles.

We urge the government of Lebanon, while recognizing the political difficulties it faces, to take the following measures at the earliest time feasible, consistent with its state responsibilities and obligations:

- Take appropriate steps to ensure Hezbollah implements the recommendations listed above.

- Interdict the delivery of rockets to Hezbollah so long as it uses rockets in violation of international humanitarian law by firing at civilians or firing indiscriminately into civilian areas.
- Investigate alleged violations of international humanitarian law by Hezbollah forces. We believe the credibility of the investigation would be heightened if conducted by independent and respected national experts in international humanitarian law.
- Investigate and prosecute Hezbollah members alleged to have individual or command responsibility for the commission of war crimes.
- Cooperate with international investigations into violations of international humanitarian law.

We urge the governments of Syria and Iran, as longtime supporters and reported arms suppliers to Hezbollah, to:

- Not permit the transfer to Hezbollah of weapons, ammunition, and other matériel, including rockets, that have been documented or credibly alleged to have been used in violation of international humanitarian law in Lebanon or Israel. Do not provide funding or support for the acquisition or use of such weapons in the absence of concrete steps by Hezbollah to ensure their use in a manner consistent with international humanitarian law.
- Use their influence to ensure that Hezbollah forces do not undertake attacks that violate international humanitarian law. Impress upon Hezbollah that its obligation to respect humanitarian law does not depend on reciprocity; violations by Israel do not justify its own violations.
- Condemn attacks not only by Israel but also by Hezbollah when they target civilians or cause indiscriminate harm to civilians.

We urge the governments of the United States, the European Union and other nations having relations with the government of Iran and Syria to:

- Urge the governments of Iran and Syria to implement the above-listed recommendations addressed to them.

Noting that both the Lebanese government and the Israeli government have failed so far to investigate violations of international humanitarian law on their territory, we call on 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.
- Use his influence with Israel and Hezbollah to take concrete steps to ensure compliance with international humanitarian law, particularly with respect to the protection of civilians, in any future armed conflict.
- Urge the governments of Iran and Syria to implement the above-listed recommendations addressed to them.

We urge the government of Israel to:

- Take, in keeping with its obligations under international humanitarian law, all feasible steps to locate military objectives, both fixed (such as military bases, headquarters and armaments factories) and mobile (such as artillery pieces and ground forces), away from densely populated areas; and ensure adequate measures to protect all civilians who may be at increased risk of enemy fire due to their proximity to Israeli military assets.
- Ensure, during times of armed conflict, that the state provides adequate protection measures to all civilians on an equal basis.