



ISRAEL AND THE OCCUPIED PALESTINIAN TERRITORIES

# Civilians under Assault

Hezbollah's Rocket Attacks on Israel in the 2006 War

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## **Civilians under Assault**

### **Hezbollah’s Rocket Attacks on Israel in the 2006 War**

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## Map



Northern Israel, showing locations struck by Hezbollah rockets that are described in this report. © 2007 Human Rights Watch



## 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.<sup>1</sup> 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

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<sup>1</sup> 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.”<sup>2</sup>

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](http://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*:

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<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> And while belligerent reprisals are permitted in certain narrowly defined circumstances during armed conflicts

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<sup>3</sup> 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/>.

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

<sup>5</sup> 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.<sup>6</sup> Parties to a non-international armed conflict have no right to resort to belligerent reprisals of any kind.<sup>7</sup>

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

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<sup>6</sup> 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.

<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup>

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.

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<sup>8</sup> See Protocol I, art. 57.2(c).

<sup>9</sup> 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.”<sup>10</sup> Typically lawful targets would include facilities providing direct support to active military operations.<sup>11</sup>

## 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,<sup>12</sup> of which 23 percent landed within “built-up areas.”<sup>13</sup>

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<sup>10</sup> Protocol I, art. 52.2.

<sup>11</sup> 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.

<sup>12</sup> 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.<sup>14</sup> 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 ....

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<sup>13</sup> 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.

<sup>14</sup> 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 lines ....<sup>15</sup>

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.<sup>16</sup>

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<sup>15</sup> "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.

<sup>16</sup> 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.<sup>17</sup>

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

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<sup>17</sup> 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.<sup>18</sup>

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

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<sup>18</sup> “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.<sup>19</sup>

### **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.<sup>20</sup> This includes not locating military targets within or near densely populated areas<sup>21</sup> and removing civilians from the vicinity of military objectives.<sup>22</sup>

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<sup>19</sup> 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.”

<sup>20</sup> See Protocol I, art. 58(c).

<sup>21</sup> See Protocol I, art. 58(b).

<sup>22</sup> 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.”<sup>23</sup>

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.”<sup>24</sup> 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.

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<sup>23</sup> 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](http://www.washingtonpost.com/wp-dyn/content/article/2006/07/19/AR2006071901674_pf.html) (accessed June 6, 2007).

<sup>24</sup> 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.

## Legal Standards Applicable to the Conflict

### Applicable International Law

The armed conflict between Israel and Hezbollah in July-August 2006 fell within a body of law called international humanitarian law, also known as the laws of war. The sources of humanitarian law are treaty law and customary law, which bind both states and non-state armed groups.

The most relevant treaty law to the 2006 conflict is the Geneva Conventions of 1949, to which virtually all states are party. Article 2 common to the 1949 Geneva Conventions provides for the full applicability of the conventions when there is an armed conflict between High Contracting Parties (that is, states), or when there has been a partial or total occupation of a High Contracting Party (even when that occupation meets with no resistance from the state).<sup>25</sup> At least to the extent of armed hostilities between the states of Israel and Lebanon and Israeli control over Lebanese territory, the 2006 conflict was an international armed conflict. In general, the 1949 Geneva Conventions provide for the security and well-being of persons no longer taking part in the hostilities, namely captured combatants, the wounded, and civilians in the control of belligerent forces. They also provide special protections, for instance, to medical personnel and hospitals.

There has been controversy over the humanitarian law applicable to Hezbollah. Unless Hezbollah forces are considered to be either a part of the Lebanese armed forces, or demonstrated allegiance to such forces, or were under the direction or effective control of the government of Lebanon,<sup>26</sup> there is a basis for finding that hostilities between Israel and Hezbollah are covered by the humanitarian law rules for a non-international armed conflict.<sup>27</sup> Under such a characterization, applicable treaty law would be

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<sup>25</sup> Article 2 common to the 1949 Geneva Conventions.

<sup>26</sup> See *Military and Paramilitary Activities in and against Nicaragua (Nicar. v. U.S.)*, International Court of Justice, Jurisdiction and Admissibility, 1984 ICJ REP. 392 June 27, 1986. See also *Prosecutor v. Tadić*, International Criminal Court for former Yugoslavia, Case No. IT-94-I-T, May 7, 1997.

<sup>27</sup> According to Marco Sassoli, "More controversially, the law of international armed conflicts applies when a state is directing hostilities against a transnational armed group on the territory of another state without the agreement of the latter state (e.g., Israel in Lebanon in 2006, if we consider the acts of Hezbollah not to be attributable to Lebanon)." Marco Sassoli,

common article 3 to the 1949 Geneva Conventions (the “treaty within a treaty”), which protects captured combatants and civilians from murder, cruel and inhuman treatment, being held as hostages, and unfair trials. Whether captured Hezbollah fighters would be entitled to the protections of the Third Geneva Convention for prisoners of war, the Fourth Geneva Convention for protected persons, or only the basic protections of common article 3, would depend on the legal characterization of the conflict and a factual analysis of Hezbollah and its relationship to the Lebanese armed forces. Such an analysis is not necessary for evaluating the conduct of the hostilities between Israel and Hezbollah, the focus of this report, because the governing substantive provisions would be effectively the same.<sup>28</sup>

International humanitarian law on the conduct of hostilities, traditionally known as “Hague law” because historically treaties regulating combat were drafted there, is set out in the Hague Regulations of 1907<sup>29</sup> and the First Additional Protocol of 1977 to the Geneva Conventions (Protocol I).<sup>30</sup> Protocol I, which provides the most detailed and current provisions on the conduct of hostilities during international armed conflicts, was not directly applicable to the 2006 conflict because Israel is not a party to the treaty. Nevertheless, many of the provisions of Protocol I have been recognized by states, including Israel, to be reflective of customary international law.<sup>31</sup> Thus the legal analysis applied in this report frequently references norms enshrined in Protocol I, but as an important source of customary law rather than as a

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“Transnational Armed Groups and International Humanitarian Law,” (Cambridge, Massachusetts: Program on Humanitarian Policy and Conflict Research, HPCR Occasional Paper Series, No. 6, Winter 2006), p. 5, <http://www.hpcr.org/pdfs/OccasionalPaper6.pdf> (accessed June 6, 2007); but see, Kenneth Anderson, “Is the Israel-Hezbollah conflict an international armed conflict?” July 14, 2006, at <http://kennethandersonlawofwar.blogspot.com/2006/07/is-israel-hezbollah-conflict.html> (accessed June 6, 2007): “The Israel-Hezbollah conflict is not, on first pass, an international one, because Hezbollah, while a party to a conflict, is not a party to the Geneva Conventions.”

<sup>28</sup> Depending on the status of Hezbollah forces, legal issues could arise as to whether Hezbollah fighters may be subject to lawful attack as combatants or as civilians “directly participating in hostilities.”

<sup>29</sup> Convention (IV) Respecting the Laws and Customs of War on Land and the Annexed Regulations Concerning the Laws and Customs of War on Land of 18 October 1907 (Hague Regulations), 3 Martens Nouveau Recueil (ser. 3) 461, 187 Consol. T.S. 227, entered into force January 26, 1910. Israel, like many states established after the Second World War, is not party to the Hague Regulations.

<sup>30</sup> Under article 96 of Protocol I, non-state actors may commit, under certain specific circumstances, to apply the Geneva Conventions and the protocols if they declare their willingness to do so to the Swiss government.

<sup>31</sup> See Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge: Cambridge University Press, 2004), pp. 10-11 (the “Hague Convention (IV) of 1907 has acquired over the years the lineaments of customary international law” and “[m]uch of the Protocol may be regarded as declaratory of customary international law, or at least as non-controversial”). See generally ICRC, *Customary International Humanitarian Law*.

treaty obligation. Customary humanitarian law as it relates to the fundamental principles concerning conduct of hostilities is now recognized as largely the same whether it is applied to an international or a non-international armed conflict.<sup>32</sup>

## Protections for Civilians and Civilian Objects

International humanitarian law limits permissible means and methods of warfare by parties to an armed conflict and requires them to respect and protect civilians and captured combatants. “Means” of combat refers generally to the weapons used, while “methods” refers to the manner in which such weapons are used.

The First Additional Protocol of 1977 to the Geneva Conventions (Protocol I) and the 1907 Hague Regulations lay out the law that protects civilians during armed conflict. Most of the relevant provisions of both treaties are considered customary law, rules of international law that are based on established state practice and are binding on all parties to an armed conflict, whether they are state actors or non-state armed groups.<sup>33</sup>

The two fundamental tenets of international humanitarian law are those of “civilian immunity” and “distinction.”<sup>34</sup> They impose a duty, at all times during the conflict, to distinguish between combatants and civilians, and to target only the former. Article 48 of Protocol I states, “the Parties to the conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.”<sup>35</sup> While Protocol I recognizes that some civilian casualties are inevitable, parties to a conflict may not target civilians and civilian objects and may direct their operations against only military objectives.

Civilian objects are those that are not considered military objectives.<sup>36</sup> Military objectives are combatants and those objects that “by their nature, location, purpose

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<sup>32</sup> One important difference relates to reprisals, which are permitted in very limited circumstances during international armed conflicts but not in non-international armed conflicts.

<sup>33</sup> See generally International Committee of the Red Cross, *Customary International Humanitarian Law*.

<sup>34</sup> Protocol I, arts. 48, 51.2, 52.2.

<sup>35</sup> Protocol I, art. 48.

<sup>36</sup> Protocol I, art. 52.1.

or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.”<sup>37</sup> In general the law prohibits 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.<sup>38</sup>

Civilian hospitals enjoy a status of special protection under the Fourth Geneva Convention beyond their immunity as civilian objects. Should they be used for committing acts harmful to the enemy outside their humanitarian duties, protection may cease “only after due warning has been given, naming, in all appropriate cases, a reasonable time limit, and after such warning has remained unheeded.”<sup>39</sup> Additionally, the “fact that sick or wounded members of the armed forces are nursed in these hospitals, or the presence of small arms and ammunition taken from such combatants and not yet handed to the proper service, shall not be considered to be acts harmful to the enemy.”<sup>40</sup>

Parties to a conflict must not make threats or commit acts of violence “the primary purpose of which is to spread terror among the civilian population.”<sup>41</sup> Reprisals that involve attacks against the civilian population are also prohibited.<sup>42</sup> Reprisals have been defined as an otherwise unlawful action “that in exceptional cases is considered lawful under international law when used as an enforcement measure in reaction to unlawful acts of an adversary.”<sup>43</sup> International law has outlawed any direct attack on civilians, whether in reprisal or not, in part because attacks ostensibly launched as reprisals often spur counterattacks by the other side and there is no end to the cycle of civilian injury and death.

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<sup>37</sup> Protocol I, art. 52.2.

<sup>38</sup> ICRC, *Customary International Humanitarian Law*, rule 8, citing military manuals and official statements.

<sup>39</sup> Geneva IV, art. 19.

<sup>40</sup> Geneva IV, art. 19.

<sup>41</sup> Protocol I, art. 51.2.

<sup>42</sup> Protocol I, art. 51.6.

<sup>43</sup> See ICRC, *Customary International Humanitarian Law*, p. 513.

International humanitarian law prohibits indiscriminate attacks. As a matter of both treaty and customary law, indiscriminate attacks are “of a nature to strike military objectives and civilians or civilian objects without distinction.” Article 51(4) and Article 51(5) of Protocol I enumerate five kinds of indiscriminate attacks: those that 1) are not directed at a “specific military objective,” 2) cannot be directed at “a specific military objective,” 3) have effects that violate the Protocol, 4) treat separate urban military objectives as one (carpet bombing), or 5) violate the principle of proportionality.

For example, 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. Similarly, 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 concentration of civilians and civilian objects, is regarded as an indiscriminate attack and prohibited.<sup>44</sup>

Also prohibited are attacks that violate the principle of proportionality. Disproportionate attacks are those that are “expected to cause incidental loss of civilian life, injury to civilians [or] damage to civilian objectives . . . which would be excessive in relation to the concrete and direct military advantage anticipated” from that attack.<sup>45</sup> The expected danger to the civilian population and civilian objects depends on various factors, including their location (possibly within or near a military objective), the accuracy of the weapons used (depending on the trajectory, the range, environmental factors, the ammunition used, etc.), and the technical skill of the combatants (which can lead to random launching of weapons when combatants are unable to hit the intended target).<sup>46</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

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<sup>44</sup> Protocol I, art. 51.5(a).

<sup>45</sup> Protocol I, art. 51.5(b).

<sup>46</sup> ICRC, *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (Geneva: Martinus Nijhoff, 1987), p. 684.

as injury to civilians and damage to civilian objects.<sup>47</sup> Feasible precautions have been defined as “those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations.”<sup>48</sup> In its authoritative *Commentary* on Protocol I, the International Committee of the Red Cross 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.”

These precautions include:

- Doing “everything feasible to verify” that the objects to be attacked are military objectives and not civilians or civilian objects. If there are doubts about whether a potential target is of a civilian or military character, it “shall be presumed” to be civilian.<sup>49</sup> 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.<sup>50</sup>
- Taking “all feasible precautions in the choice of means and methods” of warfare so as to avoid and in any event minimize “incidental loss of civilian life, injury to civilians and damage to civilian objects.”<sup>51</sup>
- When circumstances permit, giving “effective advance warning . . . of attacks which may affect the civilian population.”<sup>52</sup>
- “When a choice is possible between several military objectives for obtaining the same military advantage,” carrying out the attack that may be “expected to cause the least danger to civilian lives and civilian objects.”<sup>53</sup>
- Avoiding “locating military objectives within or near densely populated areas.”<sup>54</sup>

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<sup>47</sup> Protocol I, art. 57.

<sup>48</sup> Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), 1342 U.N.T.S. 171, 19 I.L.M. 1534, entered into force Dec. 2, 1983, art. 1(5).

<sup>49</sup> Protocol I, art. 52.3.

<sup>50</sup> Protocol I, art. 57.2.

<sup>51</sup> Protocol I, art. 57.2.

<sup>52</sup> Protocol I, art. 57.2.

<sup>53</sup> Protocol I, art. 57.3.

- Endeavoring “to remove the civilian population . . . from the vicinity of military objectives.”<sup>55</sup>

Parties to a conflict are also prohibited from using civilians “to shield military objectives from attacks” or using their presence “to shield, favor or impede military operations.”<sup>56</sup> If one party uses civilians as shields, however, the other must still follow international humanitarian law, avoiding indiscriminate attacks and taking precautions to protect civilians.

“Dual-use targets” sometimes blur the distinction between civilian and military objects. Dual-use facilities, such as electrical and industrial facilities, are those that can have both a military and civilian application. A dual-use object may be a legitimate military target because it makes an “effective contribution to military action” and its destruction offers “a definite military advantage.”<sup>57</sup> If not, it is a civilian object. Furthermore, the harm to the civilian population in its destruction may be disproportionate to the expected “concrete and direct military advantage,” rendering an attack impermissible.<sup>58</sup> In assessing potential targets, military planners carefully must balance the concrete and direct military advantage of destroying these facilities against the expected harm to civilians and damage to civilian objects.<sup>59</sup>

With respect to individual responsibility, serious violations of international humanitarian law, when committed with criminal intent, are war crimes. This would include deliberate attacks on civilians, as well as indiscriminate and disproportionate attacks when done with knowledge or reckless indifference to their illegal character. Individuals may also be held criminally liable for attempting to commit a war crime, as well as planning, instigating, assisting in, facilitating, aiding or abetting a war crime.<sup>60</sup>

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<sup>54</sup> Protocol I, art. 58.b.

<sup>55</sup> Protocol I, art. 58.a.

<sup>56</sup> Protocol I, art. 51.7.

<sup>57</sup> Protocol I, art. 52.2.

<sup>58</sup> Protocol I, art. 51.5(b).

<sup>59</sup> Protocol I, art. 51.5(b). See Human Rights Watch, *Needless Deaths in the Gulf War* (New York: Human Rights Watch, 1991), Chapter One, section entitled “Civilian and ‘Dual Use’ Objects.” <http://www.hrw.org/reports/1991/gulfwar/CHAP1.htm>, and Chapter Four, <http://www.hrw.org/reports/1991/gulfwar/CHAP4.htm>.

<sup>60</sup> See ICRC, *Customary International Humanitarian Law*, p. 554.

Commanders and civilian leaders may be prosecuted for war crimes as a matter of command responsibility when they knew or should have known about the commission of war crimes and took insufficient measures to prevent them or punish those responsible.<sup>61</sup>

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<sup>61</sup> See ICRC, *Customary International Humanitarian Law*, rule 153.

## Hezbollah's Arsenal

**Table: Main types of rockets fired by Hezbollah into Israel during 2006 conflict, according to data provided by Israeli authorities<sup>62</sup>**

Type	Range	Type of fragmentation	Explosive wt.	Locations struck
Standard 122mm such as the 9M22, accounting for about 75% of rockets landing in Israel	20 km	2 layers of serrated steel, diamond-shaped fragmentation; or 6mm steel spheres;	6.33kg	Towns and villages within 20 km from the border, especially Nahariya, Kiryat Shmona, Ma'a lot-Tarshiha, Safed, Akko and Karmiel
122mm enhanced-range rocket	30km	About 4,100 6mm steel spheres or cluster submunitions (39 submunitions containing 3mm steel spheres)	6.33kg	Two struck Haifa, including one on July 13; others landed in villages, cities and elsewhere in the Galilee region
220mm ("Uragan"-type; Hezbollah calls them Raad-2 and Raad-3)	65-70km	Each rocket loaded with about 50 kg of 6mm steel spheres; these spheres caused most of the casualties inflicted by these rockets	18 kg	The police documented 39 220mm rocket strikes in Haifa, accounting for nearly half the total they were able to confirm
240mm Hezbollah calls them Falaq-1	10.5km	High-explosive warhead with no special fragmentation	18kg	Three landed in Nahariya one each in Kiryat Shmona, Shtula and Kfar Giladi, according to the National Police
240mm Fajr-3 type	43km	No special fragmentation but because of high-explosive warhead, well-suited for targeting infrastructure	45 kg	Some struck in HaKrayot (Haifa's northern suburbs); a few in Karmiel
302mm Hezbollah calls them Khyber-1	90km	Contains heavy fragmentation, blocks 1.5cm x 2cm x 1cm	50kg	Struck mostly near Afula and points south, including in the northern West Bank; three landed in and around Haifa

<sup>62</sup> Human Rights Watch wrote on April 30, 2007 to Hezbollah, requesting information about the rockets it launched into Israel during the 2006 conflict (see appendix to this report). At the time this report went to press, no reply had been received.

## Types and Accuracy of Rockets Used

Israeli officials stated that a total of 3,917 Hezbollah rockets landed in Israel during the 34-day conflict.<sup>63</sup> Hezbollah claimed the number was closer to 8,000 (see below).

Of the 3,917 rockets that Israeli officials say landed in Israel, 23 percent landed within “built-up areas,” according to the police.<sup>64</sup> The report that presents this figure does not define “built-up areas” or explain whether it includes industrial or other sites that may have been valid military targets, such as ammunition plants. Nowhere, to our knowledge, have Israeli officials disclosed how many rockets struck military zones or dual-use objects such as bridges or highways leading to the combat zone that may have lawfully been attacked.

All rockets fired by Hezbollah into Israel during the 2006 conflict were unguided surface-to-surface artillery rockets, as far as we are aware. Rockets are weapons that are propelled but unlike missiles are unguided. Because Hezbollah’s rockets were incapable of being accurately aimed, they were most able to inflict serious damage when fired in large quantities over a period of time.

Rockets are identified by the diameter of their base, which is given in millimeters. They achieve their destructive purpose through a combination of explosive force and fragmentation. The detonation of the explosive creates shock waves of pressure, which represent a “blast effect.” A “fragmentation effect” is achieved by spewing projectiles in every direction. Although not all projectiles are literally “fragments,” the most common projectiles employed by Hezbollah rockets are: razor-sharp jagged pieces that separate from scored steel; small steel spheres or blocks; and submunitions, which are small weapons contained in larger weapons called cluster munitions. Both blast and fragmentation effects cause serious damage to humans.

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<sup>63</sup> Human Rights Watch interview with Col. Yechiel Kuperstein, head of the IDF’s Physical Protection Department, Ramle, October 5, 2006.

<sup>64</sup> While many of the rockets that landed outside of “built-up areas” landed in open fields or forests, others hit civilian settlements, such as kibbutzim and villages, in some cases causing civilian casualties. Hezbollah referred to these rural settlements by name in its regular communiqués listing the places it had attacked.

During the 2006 conflict, Hezbollah fired into Israel at least six types of ground-launched rockets, according to Israeli officials.<sup>65</sup> The main differences among them were the diameter, which influences the rocket's range and payload amount, and the type of payload they contained (shrapnel fragments, steel spheres, or submunitions).

The 122mm-diameter rocket was the most common. With a range of 20 kilometers and carrying about six kilograms of explosive material, its payload consisted of two layers of scored steel fragmentation, 6mm steel spheres, or 39 submunitions, all designed primarily to kill or injure people. The most common type of warhead on these rockets is designed to spray out 3,150 fragments, which can kill or injure for a radius of 28 meters.<sup>66</sup>

The 122mm rockets fired by Hezbollah are frequently and informally referred to as "Katyushas." The term originally was used by Soviet soldiers during World War II to refer to 82mm and 132mm rockets used by USSR forces. Since then it has become a colloquial term for any unguided rockets typically fired from multiple-barrel launchers off of flat-bed trucks.<sup>67</sup> Hezbollah launched its rockets from mobile launchers.<sup>68</sup>

In addition to the standard 122mm rockets, Hezbollah fired enhanced-range 122mm Chinese-made rockets, 220mm Uragan rockets, and a smaller number of 240mm and 302mm rockets. Hezbollah also fired a small number of mortar rounds at towns near the border, especially Kiryat Shmona.

The enhanced-range "Grad" rocket increases the range of the standard 122mm rocket to 30 kilometers and is loaded with about 4,100 steel spheres that spray in every direction as far as 200 meters from the point of impact, depending on the type of explosive and the size of the warhead.<sup>69</sup> These spheres injure or kill people in their

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<sup>65</sup> Human Rights Watch interview with Chief Superintendent Michael Cardash, deputy head of the Bomb Disposal Division of the Israel Police, Jerusalem, October 4, 2006.

<sup>66</sup> Human Rights Watch, "Questions and Answers: 122mm Cluster Munition Rockets," October 18, 2006, [http://hrw.org/english/docs/2006/10/18/global14408\\_txt.htm](http://hrw.org/english/docs/2006/10/18/global14408_txt.htm).

<sup>67</sup> Human Rights Watch "Questions and Answers: 122mm Cluster Munition Rockets," October 18, 2006, [http://hrw.org/english/docs/2006/10/18/global14408\\_txt.htm](http://hrw.org/english/docs/2006/10/18/global14408_txt.htm). See also [globalsecurity.org](http://www.globalsecurity.org/military/world/russia/katyusha.htm), "Katyusha Rocket," <http://www.globalsecurity.org/military/world/russia/katyusha.htm> (accessed May 31, 2007).

<sup>68</sup> [globalsecurity.org](http://www.globalsecurity.org), "Katyusha Rocket."

<sup>69</sup> Human Rights Watch interview with Michael Cardash, Jerusalem, October 4, 2006.

path and can also damage or penetrate “hard targets.” The 220mm rocket has more than double that range and at least ten times the number of steel spheres.

The 240mm Falaq-1 and Fajr-3 type rockets, with ranges of 10.5 kilometers and 43 kilometers respectively, have high-explosive warheads but no special fragmentation. Finally, the 302mm rocket has the longest range, 90 kilometers. The Israel National Police said these contained small metal blocks that are larger than steel spheres but serve the same purpose.<sup>70</sup>

Israeli National Police officials told us in October that they had examined 1,666 rocket and mortar strikes.<sup>71</sup> The police explained that this number in no way cast doubt on the official count of 3,917 strikes, which is reportedly based on radar tracking.<sup>72</sup> The police number is lower because it excludes the rocket landing sites that the police did not themselves examine, including those in hard-to-reach areas and those handled by non-police teams, such as IDF bomb disposal units. The latter include some of the rockets that landed in military zones. The National Police broke down the 1,666 rocket and mortar strikes it had examined as of late June 2007 as follows:

- 1,111 122mm rockets
- 246 122mm rockets with enhanced range
- 86 220mm rockets (“Uragan”)
- Six 240mm rockets (“Falaq-1”)
- Six 240mm rockets (probably “Fajr-3”)
- 31 302mm rockets

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<sup>70</sup> Human Rights Watch interview with Michael Cardash, Jerusalem, October 4, 2006.

<sup>71</sup> E-mail communication from Michael Cardash to Human Rights Watch, June 21, 2007.

<sup>72</sup> Dr. Reuven Erlich, Lt. Col. Ret., “Hezbollah’s use of Lebanese civilians as human shields: the extensive military infrastructure positioned and hidden in populated areas; From within the Lebanese towns and villages deliberate rocket attacks were directed against civilian targets in Israel,” Intelligence and Terrorism Information Center at the Center for Special Studies, November 2006, Appendix 1(v), [http://www.terrorism-info.org.il/malam\\_multimedia/English/eng\\_n/pdf/human\\_shields\\_efs.pdf](http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/pdf/human_shields_efs.pdf) (accessed July 22, 2007), p. 17. The study acknowledges support from “Military Intelligence, the Operations Division of the IDF General Staff, the IDF Spokesperson and the legal experts of the IDF and the Ministry of Foreign Affairs.”

- 34 unidentified rockets (for example, Israel Police spotted some rockets hitting the Sea of Galilee or the Mediterranean Sea but could not identify them)
- 146 others, including mortar shells that landed near the border, and at least 118 cluster munition rockets carrying submunitions.<sup>73</sup>

Chief Superintendent Michael Cardash, deputy head of the Bomb Disposal Division of the Israel Police, told us he believes this breakdown of the 1,666 rocket landings that the police analyzed is broadly reflective of the total distribution of the types of rockets fired on Israel.<sup>74</sup>

Rockets with scored-steel fragmentation or steel spheres are primarily anti-personnel weapons. In those instances when Hezbollah may have been targeting military objectives with anti-personnel ordnance, the use of inaccurate rockets to deliver the ordnance created a high danger to civilians in the vicinity.

This was the first conflict in which Hezbollah was known to have used rockets loaded with steel spheres. The 220mm rockets, each packed with some 40,000-80,000 steel spheres, according to the Israel Police,<sup>75</sup> were particularly deadly. They had a reported dud rate approaching zero, and the steel spheres they shot out with tremendous force easily pierced human flesh, not to mention steel and concrete. These rockets killed people in situations where the same rocket with a conventional payload would have caused fewer casualties. They would have been militarily effective against enemy soldiers moving across a wide field, not a common target in this conflict. Among civilians, the outcome is similar, such as when a steel-sphere loaded rocket crashed into the soft roof of a rail yard in Haifa on July 16, and killed eight workers.

Dr. Yoram Kluger, a surgeon and expert on steel-sphere injuries who worked at Rambam hospital in Haifa during the war, observed:

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<sup>73</sup> E-mail communication from Michael Cardash to Human Rights Watch, June 21, 2007.

<sup>74</sup> Human Rights Watch interview, Jerusalem, July 4, 2007.

<sup>75</sup> Human Rights Watch interview with Michael Cardash, Jerusalem, October 4, 2006.

Steel spheres present a very different pattern of injury from other types of ammunition. Because of their spherical shape, they actually cause worse injuries than other types of shrapnel and ammunition. If a person is standing next to the explosion, his body will be saturated heavily. We call this a “multi-dimensional injury pattern,” since you have the impact of the penetration, the burns, and the blast effects all at the same time, on the same person, to his head, vascular system, and orthopedic system.

The spheres are propelled by explosives in the rocket. The longer the distance they travel, the less injury they cause. The survivors are either heavily or lightly injured, in correlation to their distance from the impact point.

Dr. Kluger noted that in addition to distance, other factors determined when the spheres caused fatal injuries, such as whether the victims were in a closed or an open space. “In closed space, the injury pattern is much more devastating; part of the blast effect disappears immediately in open spaces,” Kluger said. He added:

Using spheres in weapons is not new. They were first introduced in weapons in 1888. The US used them in Vietnam. Their use shows the intention to increase injury potential; they have no other purpose, such as increasing fear or causing buildings to collapse.<sup>76</sup>

Hezbollah could not aim its unguided artillery rockets with enough accuracy to target a particular building or artillery mount, but it could aim at a town or even a neighborhood with some measure of reliability.

At its maximum range of some 20 kilometers, Hezbollah’s most commonly used rocket (9M22), with a basic high explosive/fragmentation (M-21-OF) warhead, is only accurate within a rectangle of 336 meters by 160 meters, meaning it could land

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<sup>76</sup> Human Rights Watch interview, Hertzliya, October 10, 2006.

anywhere within a rectangle of this size containing its intended target.<sup>77</sup> Environmental factors, particularly wind, and usage factors, such as equipment condition, crew experience, care in preparing fire, and shifts in the launcher's location between launches, also affect targeting accuracy. While unnamed US and Israeli officials cited in various media reports claim that Hezbollah had some training from Iran in how to use these weapons,<sup>78</sup> it is not known whether they had the capability to take environmental factors into consideration when targeting.

Under ideal conditions, Hezbollah could fire a round of multiple rockets, analyze its accuracy in hitting the target, and then readjust its launch parameters for the next multiple-launch round to improve its accuracy over time. Hezbollah might have had some sense of which areas it hit through global positioning system (GPS) tracking devices, satellite imagery, media reports, informants, or other intelligence, or in the case of close border towns, through direct surveillance. However, with limited intelligence and constant vulnerability to Israeli counter-attacks, it likely was not able to use fully this repeat-fire technique to improve the accuracy of its targeting. In addition, Israeli military authorities said Hezbollah did not always fire multiple launches, but sometimes attacked one shot at a time, which would have further decreased the likelihood of hitting any particular target.<sup>79</sup>

## Hezbollah Intelligence

Demonstrating an intent to fire at a specific objective requires both weapons that are capable of being aimed at the proposed target and the possession of actionable intelligence on the target's location.

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<sup>77</sup> Human Rights Watch, Questions and Answers: 122mm Cluster Munition Rockets, October 18, 2006, [http://hrw.org/english/docs/2006/10/18/global14408\\_txt.htm](http://hrw.org/english/docs/2006/10/18/global14408_txt.htm). See also *Jane's Ammunition Handbook*, Terry J. Gander and Charles Q. Cutshaw, eds. (Surry, UK: Jane's Information Group Limited, 2001), p. 624.

<sup>78</sup> See, e.g., "Hell From the Heavens," *U.S. News & World Report*, July 31, 2006, pp. 32-33 (noting the training by Iranian Revolutionary Guards in the use of rockets); "Arming of Hezbollah Reveals U.S. and Israeli Blind Spots," *The New York Times*, July 19, 2006, p. 12 (noting that members of Iran's Al-Quds force would have had to train Hezbollah in how to use the C-802, but would need not have been present at the scene); "U.S. Assails Iran for Alleged Hezbollah Arms Shipments; Lebanon: Administration Officials Accuse Tehran of Trying to Thwart Christopher's Peacemaking Effort," *Los Angeles Times*, April 26, 1996 (refers to past training of Hezbollah fighters by Iranian Revolutionary Guards).

<sup>79</sup> "Harsh Trajectories; Israel Continues to Attack Hezbollah's Rocket Arsenal, but Larger and More Destructive Threats Loom," *Aviation Week & Space Technology*, August 7, 2006.

Hezbollah seems to have possessed such intelligence on targets in Israel—both military objectives and civilian objects—from a variety of sources, although we do not know precisely its quality or quantity. They likely culled it from what they could see across the border, from publicly available information such as media reports, maps, GPS, Google Earth and other sources of satellite mapping, and, it is believed, from informants on the ground inside Israel.<sup>80</sup> Hezbollah may have developed the ability to eavesdrop and intercept messages on beepers, according to Israeli press reports.<sup>81</sup> It also reportedly benefited from intelligence shared by Iran and Syria,<sup>82</sup> and sent at least two unmanned drones over Israeli towns in the past, according to *Jane's Defence Weekly*.<sup>83</sup>

During the 2006 conflict, the IDF said it found during its incursion into Lebanon “range cards” that Hezbollah prepared in December 2005, containing the precise coordinates of various locations within Israel and the formulas for aiming mortar shells and 122mm rockets toward them from a single location in southern Lebanon. For each site in Israel listed, the cards provided a western azimuth, range, sighting angle, and firing angle. Most of these are the names of towns, villages, kibbutzim and moshavs (cooperative villages), including “Adamit,” “Kfar Vradim,” “central Ma’alot,” “southern Ma’alot,” and “northern Ma’alot.” One is given as “Cultural Center, northern Nahariya.”

According to an analysis by an IDF-affiliated research center, 56 of the 91 locations whose coordinates appeared on the cards were civilian objects and 27 were IDF posts and bases.<sup>84</sup>

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<sup>80</sup> Ze'ev Schiff, “Hezbollah listened in on IDF beepers, cell phones,” *Ha'aretz*, October 4, 2006, <http://www.haaretz.com/hasen/spages/770043.html> (accessed May 1, 2007).

<sup>81</sup> *Ibid.*

<sup>82</sup> Ze'ev Schiff, “Syria, Iran intelligence services aided Hezbollah during war,” *Ha'aretz*, October 3, 2006, <http://www.haaretz.com/hasen/spages/769538.html> (accessed May 5, 2007).

<sup>83</sup> Alon Ben David, “Israel Shoots Down Hezbollah UAV,” *Jane's Defence Weekly*, August 9, 2006. “In November 2004 and April 2005, Mirsad-1 [an Iranian-made Ababil] successfully penetrated Israeli air space, flying above Israeli towns without IAF detection,” reports *Jane's*. It also said that the Israel Air Force shot down another Ababil that was heading for Israel on August 7, 2006 on a reconnaissance mission.

<sup>84</sup> Erlich, “Hezbollah's use of Lebanese civilians as human shields,” Appendix 1(v), [http://www.terrorism-info.org.il/malam\\_multimedia/English/eng\\_n/pdf/human\\_shields\\_efs.pdf](http://www.terrorism-info.org.il/malam_multimedia/English/eng_n/pdf/human_shields_efs.pdf) (accessed May 7, 2007), pp. 225-231.

It is not possible for Human Rights Watch to authenticate these 2005 range cards, which were limited to a single firing point, or to correlate them with specific rocket attacks during the 2006 conflict. We do know, however, that Hezbollah fired rockets at many of the civilian settlements whose coordinates figure on the range cards and that many of these settlements were among those that Hezbollah claimed to have attacked in its wartime press communiqués.

## Suppliers of Hezbollah's Weapons

Human Rights Watch lacks the means to positively and independently identify the manufacturers of the rockets that Hezbollah fired into Israel in July-August 2006, nor the means by which Hezbollah procured them. The Israeli and US governments have since the 1980s accused Iran and Syria of supplying Hezbollah with weapons.<sup>85</sup> Iran and Syria have never acknowledged this,<sup>86</sup> although Hezbollah officials have done so, according to media reports. For example, in February 2007, Hezbollah secretary-general Hassan Nasrallah reportedly said that it was common knowledge that Iran had helped the party with money, weapons and training, and that this aid came via Syria.<sup>87</sup>

U.N. Security Council resolution 1559 (2004) calls for the “disarmament of all Lebanese and non-Lebanese militias,” a call that resolution 1701 (2006) reiterates. Both prior to and since the 2006 conflict, the U.N. Secretary-Generals have voiced alarm at the flow of arms reaching militias in violation of Security Council resolutions.

The U.N. Secretary General's periodic reports on implementation of resolutions 1559 and 1701 have expressed concern about reports of arms flowing into Lebanon across the Syrian border. However, these reports generally refrained from identifying the

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<sup>85</sup> “Hell from the Heavens,” *U.S. News & World Report*.

<sup>86</sup> See for example, “Iran denies giving aid to Hizbullah,” *Jerusalem Post*, July 28, 2006, <http://www.jpost.com/servlet/Satellite?cid=1153292020585&pagename=JPost%2FJPArticle%2FShowFull> (accessed June 21, 2007).

<sup>87</sup> The Kuwaiti newspaper *al-Ra'i al-'Am* reported that Nasrallah made these comments to Egyptian scholar Sa'adeddin Ibrahim. Ihab Hashish, “Nasrallah to Sa'adeddin Ibrahim on the Summer War: Maybe We Miscalculated, But Only the Exalted One Makes No Mistakes; We Apologized to the Lebanese People and We Paid in Blood” (Sa'd al-din Ibrahim, naqlan `an Nasrallah hawl harb al-sayf: Rubbama akhta'na al-hisab wa jalla man la yakhti'...i`atharna lil-lubnaniyin wa dafa`na dharibat dam), *al-Ra'i al-'Am*, February 3, 2007, <http://www.alraialaam.com/03-02-2007/ie5/frontpage.htm> (accessed June 20, 2007). Ibrahim subsequently confirmed in an e-mail to Human Rights Watch on June 13, 2007 that this article had accurately reported what Nasrallah had told him.

party sending the weapons and the recipients of the weapons from among the various Lebanese and Palestinian militias operating in Lebanon. However, in his third periodic report on resolution 1559, then-Secretary-General Kofi Annan cited a specific delivery of “Katyusha” rockets and other arms across the Syrian border and to Hezbollah:

...I was informed in February 2006 of an incident, in which arms destined for Hizbollah had been transferred from the Syrian Arab Republic into Lebanon. Twelve trucks carrying ammunitions and weapons of various kinds, including Katyusha rockets, crossed the border from the Syrian Arab Republic. Discovered a few days later at a checkpoint inside Lebanon, the trucks were allowed to continue their journey towards their destination in south Lebanon. A statement released by the Lebanese Armed Forces following the incident on 6 February 2006 indicated that transportation and storage of ammunition belonging to the “resistance”, once inside Lebanon, were subject to the ministerial policy statement of the current Lebanese Government, which considered the “resistance” to be legitimate. As the Government of Lebanon has confirmed, the Lebanese Armed Forces has thus not been authorized to prevent further movement of the ammunitions, which had been a common practice for more than 15 years. Hizbollah publicly confirmed that the arms were destined for the group. The Government of Lebanon and the Lebanese Army Command have informed my Special Envoy that further cases of arms transfers would be subject to the direct decision of Prime Minister Seniora and that no further transfers of ammunitions and weapons have occurred since this incident.<sup>88</sup>

Later in 2006, in the first post-war report on compliance with Resolution 1559, Secretary-General Annan noted:

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<sup>88</sup> Third semi-annual report of the Secretary-General to the Security Council on the implementation of Security Council resolution 1559 (2004), S/2006/248, 19 April 2006, <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Lebanon%20S2006248.pdf> (accessed June 21, 2007), para. 64.

Since the cessation of hostilities came into effect in Lebanon on 14 August 2006, renewed reports of intercepted arms shipments have been brought to my attention. I continue to believe that the imposition of an arms embargo...is a necessary measure given the history of arms traffic bound for Lebanese and non-Lebanese militias....I also emphasized the need for the Syrian Arab Republic, in particular, to help enforce the provisions of paragraphs 14 and 15 of resolution 1701 (2006), given that it shares the sole land border with Lebanon that is generally open to traffic.<sup>89</sup>

Terje Roed-Larsen, the U.N. Special Envoy for the Middle East, told the Security Council and the press on October 30, 2006 that Lebanese officials had reported to him regularly that arms were being smuggled into Lebanon from Syria.<sup>90</sup> Syrian officials denied this.<sup>91</sup>

But the Secretary-General's next report on Resolution 1559, issued on May 7, 2007, charged that illegal arms were continuing to enter Lebanon and urged Syria and Iran in particular to contribute to enforcement of the arms embargo:

I have received information from Israel on arms trafficking. This information has been detailed and substantial....I have also received reports from other Member States detailing that illegal transfers of arms do occur. According to such reports, some weapons produced outside the region arrive via third countries and are brought clandestinely into Lebanon through the Syrian-Lebanese border. Such transfers are alleged to be taking place on a regular basis ....

The enforcement of the arms embargo imposed by resolution 1701 (2006) and the cooperation of parties outside Lebanon, notably the

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<sup>89</sup> Fourth semi-annual report of the Secretary-General to the Security Council on the implementation of Security Council resolution 1559 (2004), S/2006/832, October 19, 2006, <http://www.reliefweb.int/library/documents/2006/unsclbn-19oct.pdf> (accessed June 21, 2007), para. 27 and fn. 6.

<sup>90</sup> Irwin Arief, "Arms Still Being Smuggled into Lebanon from Syria – UN," Reuters, October 30, 2006.

<sup>91</sup> Reuters, "Syria denies UN envoy's claims of arms smuggling from Syria to Lebanon," November 8, 2006.

Syrian Arab Republic and the Islamic Republic of Iran, remain a key ingredient in ensuring that such a political process can proceed and is not undermined by parties and groups extending their political power through the acquisition of arms.”<sup>92</sup>

In June 2007 Roed-Larsen presented the Security Council with a report prepared by the Lebanese Army charging extensive smuggling of weapons from Syria that were reaching Islamist militant groups in Lebanon. Roed-Larsen did not publicly name these groups, but his presentation took place at the time of clashes between Lebanese armed forces and the Palestinian armed faction Fatah al-Islam in Nahr al-Bared refugee camp. On June 11, the Security Council issued a statement reiterating its “deep concern at mounting information by Israel and other States of illegal movements of arms into Lebanon, and in particular across the Lebanese-Syrian border.”<sup>93</sup> Syria denied the allegation.<sup>94</sup>

Later that month, Secretary-General Ban Ki-moon, in the fourth report on implementation of resolution 1701 (2006), stated, “I am disturbed by the persistent reports pointing to breaches of the arms embargo along the Syrian-Lebanese border.” The report, issued on June 28, does not name the parties delivering or receiving the smuggled arms. However, it does mention an incident of arms interception similar to the above-mentioned one that occurred in February 2006—again noting the Lebanese government’s position that they had intercepted these arms as they were being transported within Lebanon rather than coming from another country:

The Government of Lebanon provided us with information on the recent seizure of a truckload of Grad rockets, mortars and ammunition

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<sup>92</sup> Fifth semi-annual report of the Secretary-General to the Security Council on the implementation of Security Council resolution 1559 (2004), S/2007/262, May 7, 2007, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/334/17/PDF/N0733417.pdf?OpenElement> (accessed July 22, 2007), paras. 28 and 36.

<sup>93</sup> United Nations Security Council presidential statement, S/PRST/2007/17, June 11, 2007, <http://www.un.org/News/Press/docs/2007/sc9040.doc.htm> (accessed July 22, 2007).

<sup>94</sup> “Report: Syria Dismisses UN Envoy’s Claims of Arms Smuggling into Lebanon,” *Ha’aretz*, June 13, 2007, <http://www.haaretz.com/hasen/spages/870268.html> (accessed June 22, 2007). Syria further denied breaching the embargo in letters it sent in May 2007 to the U.N. Secretary-General and to the president of the Security Council. See the fourth report of the Secretary-General on the Implementation of Security Council resolution 1701 (2006), S/2007/392, June 28, 2007, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/404/02/PDF/N0740402.pdf?OpenElement> (accessed July 11, 2007), para. 39.

for automatic rifles and machine guns. The truckload, which belonged to Hizbullah, was seized on 5 June 2007 at a checkpoint of the Lebanese Armed Forces at Douriss near Baalbek in east Lebanon's Bekaa valley. According to the Government of Lebanon, the arms were being moved within the country.<sup>95</sup>

The press reported a similar seizure of Hezbollah weapons four months earlier. On February 8, 2007, according to reports, the Lebanese army seized an arms shipment for Hezbollah in a truck near Beirut. In a statement Hezbollah acknowledged that the matériel was meant for its fighters and demanded the return of the intercepted shipment. According to Lebanese security sources quoted by the press, the weapons included 122mm Grad rockets of the type that Hezbollah had fired into Israel during the 2006 war. Hezbollah said that the truck was on its way from Lebanon's eastern Bekaa Valley, which borders Syria, and that Lebanese customs officials had seized it. However, Lebanese Defense Minister Elias Murr said on Lebanon's LBC television station that the shipment originated from within Lebanon, and that "there are no arms entering from Syria." He said that the government would give the confiscated weapons to units of the Lebanese army stationed in the south of the country.<sup>96</sup>

In the spring of 2007, Israel held a series of intelligence briefings to persuade the UN that weapons for Hezbollah were being smuggled from Syria into Lebanon in large quantities. Without endorsing or rejecting Israel's claims, U.N. Secretary-General Ban Ki-moon recommended dispatching a mission to assess security on the Lebanese-Syrian border,<sup>97</sup> a proposal that the Security Council endorsed.<sup>98</sup> The "Independent Border Assessment Team" conducted an investigation and concluded, without naming culprits, "the present state of border security was insufficient to prevent smuggling, in particular the smuggling of arms, to any significant extent. The

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<sup>95</sup> *Ibid.*, para. 33.

<sup>96</sup> Rym Ghazal, "Hizbullah demands army return weapons," *Daily Star*, February 9, 2007, and Zeina Karam, "Lebanese defense minister: seized Hezbollah arms will be used by army," Associated Press, February 9, 2007.

<sup>97</sup> Letter dated 13 April 2007 from the Secretary-General to the President of the Security Council, S/2007/207, April 16, 2007, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/308/00/PDF/N0730800.pdf?OpenElement> (accessed June 22, 2007).

<sup>98</sup> U.N. Security Council Presidential Statement, April 17, 2007, S/PRST/2007/12, <http://www.un.org/News/Press/docs/2007/sc9002.doc.htm> (accessed June 22, 2007).

assessment was further strengthened by the fact that not a single on-border or near-border seizure of smuggled arms was documented to the Team.”<sup>99</sup>

Throughout the 1980s there were reports that Iran had been providing Hezbollah with BM-21 rocket launchers.<sup>100</sup> Israel charged that most of the rockets fired into Israel during the July 1993 conflict (named “Operation Accountability” by Israel), were from single-round launchers “manufactured in China and North Korea as well as in Iran.”<sup>101</sup>

Unnamed Israeli government officials and international aerospace industry officials cited by the press suggest that the Russian and Chinese governments sold rockets and other arms to Iran and Syria, who then passed them to Hezbollah.<sup>102</sup> Russia and China are the primary manufacturers of the types of 122mm rockets<sup>103</sup> that Hezbollah used, although Iran produces similar models.<sup>104</sup> Iran is the probable manufacturer of the 240mm Fajr-3 type rockets that Hezbollah fired into Israel, Israel police told us.<sup>105</sup>

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<sup>99</sup> Report of the United Nations Lebanon Independent Border Assessment Team, S/2007/382, June 26, 2007, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Lebanon%20S2007%20382.pdf> (accessed July 22, 2007).

<sup>100</sup> Magnus Ranstorp, “Hezbollah’s Future?” *Jane’s Intelligence Review*, vol. 7, no. 1, January 1995, p. 35. Ranstorp also reported that Syria had tried to limit shipments of arms from Iran to Hezbollah in a meeting of Iran’s minister of intelligence and Syria’s chief of staff in Beirut in late 1994, and added: “Hezbollah circumvents these limits through the purchase of advanced weaponry, particularly AT-3s, from various arms dealers in Lebanon. Even if arms shipments from Iran ceased, it is estimated that Hezbollah has an arsenal that would enable it to continue its current level of military activity for at least five years.”

<sup>101</sup> Col. Ahaz Ben-Ari, then-head of the IDF’s international law branch, in a written communication to Human Rights Watch, May 18, 1994.

<sup>102</sup> See, e.g., David Bond, “Russian Rockets,” *Aviation Week & Space Technology*, September 4, 2006, p. 21; Paul Richter, “Focus on Mideast Arms Flow; U.S. and Israel, Fearing a Renewal of Fighting, Press Other Countries to Ensure That Their Weaponry Doesn’t Get into Hezbollah’s Hands,” *Los Angeles Times*, August 19, 2006, p. A8; David A. Fulghum and Douglas Barrie, “The Iranian Connection; New Operations, Advanced Weapons, Iranian Advisers Are Influencing the Course of Lebanon/Israel Conflict,” *Aviation Week & Space Technology*, August 14, 2006, p. 20.

<sup>103</sup> Eric Westervelt, “Israel Struggles with Hezbollah Rockets, Guerrillas,” audio report, NPR News—All Things Considered, August 4, 2006 (interview with Michael Cardash).

<sup>104</sup> Iran is known to produce the Noor and Hadid 40 tube 122mm MRL systems and the Arash version of the 122mm Katyusha MRL. Federation of American Scientists, “Iranian Artillery Rockets,” <http://www.fas.org/man/dod-101/sys/land/row/mrl-iran.htm> (accessed March 1, 2007). See also Anthony H. Cordesman, “Iranian Arms Transfers: The Facts, October 30, 2000,” <http://www.iranwatch.org/privateviews/CSIS/csis-iranarmstranf-103000.pdf> (accessed March 8, 2007).

<sup>105</sup> Human Rights Watch interview with Michael Cardash, October 4, 2007, and Erlich, “Hezbollah’s use of Lebanese civilians as human shields,” p. 142.

Unnamed US officials, cited by the press, claim that rockets are not the only military assistance Iran has given to Hezbollah. They argue that Iran has funneled as much as \$100 million a year in military assistance to Hezbollah, including large arms shipments and direct training from members of the Iranian Revolutionary Guards.<sup>106</sup>

According to US and Israeli officials, Iranian cargo jets typically delivered arms to Syria, from which they were then transported overland across the porous border with Lebanon.<sup>107</sup> Syria could have been more than just a transport point for Iranian weapons, according to unnamed Israeli officials cited by the press. They say the 220mm Uragan rockets used by Hezbollah were a type that Russia manufactures and has exported to Syria.<sup>108</sup> These 220mm rockets are the main type of weapon that Hezbollah fired at the city of Haifa during the 2006 conflict.<sup>109</sup> Longer-range 302mm rockets, allegedly manufactured by Syria,<sup>110</sup> reached Tirat Carmel south of Haifa, Afula, and points in the northern West Bank.

The Type-81 cluster munition rockets that Hezbollah fired into Israel are manufactured by China, the Israeli police say. It is not known how it obtained them.<sup>111</sup> Frederic Gras, a technical field manager for the non-governmental Mines Advisory Group told us that he examined cluster munitions in Lebanon that he identified as being Chinese-made.<sup>112</sup> Presumably, these cluster munitions were part of Hezbollah's arsenal.

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<sup>106</sup> "Hell From the Heavens," *U.S. News & World Report*; "Iran Shipping Arms to Hezbollah, U.S. Alleges," *Los Angeles Times*, April 18, 1996. The pan-Arab daily *Ash-Sharq al-Awsat* reported on July 16, 2006 that, according to a "source close to a high-ranking official in the Iranian Revolutionary Guard," Teheran has supplied Hezbollah with approximately 11,500 missiles and projectiles, and that more than 3,000 Hezbollah members have undergone training in Iran. Ali Nouri Zadeh, "Iran Provider of Hezbollah's Weaponry: Source," *Al-Sharq al-Awsat* English edition, July 16, 2006, <http://www.asharqalawsat.com/english/news.asp?section=1&id=5651> (accessed June 22, 2007).

<sup>107</sup> See, e.g., "Hell from the Heavens," *U.S. News & World Report*; "Iran Shipping Arms to Hezbollah, U.S. Alleges," *Los Angeles Times*.

<sup>108</sup> "Harsh Trajectories; Israel continues to attack Hezbollah's rocket arsenal, but larger and more destructive threats loom," *Aviation Week & Space Technology*, August 7, 2006.

<sup>109</sup> 39 of the 56 rockets that hit the city of Haifa itself during the conflict were 220 mm, according to Michael Cardash, deputy head of Israel Police's Bomb Disposal Division. E-mail communication with Human Rights Watch, June 21, 2007.

<sup>110</sup> Erlich, "Hezbollah's use of Lebanese civilians as human shields," p. 139.

<sup>111</sup> Human Rights Watch interview with Michael Cardash, Jerusalem, October 4, 2006.

<sup>112</sup> Human Rights Watch interview, Yohmor, Lebanon, October 26, 2006.

According to Israeli government officials, Iran and Syria continued to try to re-supply Hezbollah during the 2006 conflict but the Israeli air and sea blockade largely prevented this.<sup>113</sup>

## Hezbollah's Use of Cluster Munitions

In addition to using rockets with steel spheres, Hezbollah launched cluster munitions into populated areas of Israel. These weapons are notorious for causing civilian harm, and when used in populated areas should be presumed indiscriminate and in violation of international humanitarian law. The international community is in the process of drafting a convention that would outlaw the use of cluster munitions that cause unacceptable harm to civilians.

Hezbollah's deployment of the Chinese-made Type-81 122mm rocket was the first confirmed use anywhere of this particular model of cluster munition. Its use raises serious concerns about the increased proliferation of cluster munitions, both of new weapons and to new non-state actors. Human Rights Watch documented three civilian casualties and property damage from one such attack in the Galilee village of Mghar (discussed below.)<sup>114</sup> According to Israeli officials, Hezbollah launched at least 118 cluster rockets into northern Israel during the 2006 war.<sup>115</sup>

However, Hezbollah MP Hassan Hoballah denied the charge, without responding directly to the evidence presented by Human Rights Watch. He told the BBC, "We did not use these bombs. We don't have them." He added: "We reject the use of these bombs anywhere in the world because they hurt civilians, especially when dropped on residential areas. Our stance is consistent. It can never change."<sup>116</sup>

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<sup>113</sup> "Israel Says Syria, Not Just Iran, Supplied Missiles to Hezbollah," *Los Angeles Times*, August 31, 2006; "Hezbollah's Skill More Military Than Militia," *Los Angeles Times*, July 20, 2006.

<sup>114</sup> See "Lebanon/Israel: Hezbollah Hit Israel with Cluster Munitions during Conflict," Human Rights Watch, news release, October 19, 2006, <http://hrw.org/english/docs/2006/10/18/leban014412.htm>.

<sup>115</sup> Data sheet, dated October 3, 2006, provided by the Israeli National Police to Human Rights Watch, and updated from 113 to 118 in an e-mail communication from Michael Cardash, deputy head of the police's bomb disposal unit, to Human Rights Watch, June 21, 2007. Human Rights Watch sent a letter to Hezbollah dated October 31, 2006, in which it presented evidence of Hezbollah's cluster munition use and asked it to clarify whether it had used such weapons. We followed up with a meeting on December 26 in Beirut with Ali Fayad, head of the Hezbollah-affiliated Consultative Center for Studies and Development, at which we requested an answer to this query. As of this date, Hezbollah has not responded in any fashion.

<sup>116</sup> "Hezbollah Denies Cluster Bomb Use," *BBC News*, October 19, 2006, [http://news.bbc.co.uk/2/hi/middle\\_east/6068154.stm](http://news.bbc.co.uk/2/hi/middle_east/6068154.stm) (accessed April 27, 2007).

Cluster munitions are large weapons that contain dozens and often hundreds of small submunitions. Either air-dropped or ground-launched, cluster munitions open up in the air and release their submunitions over a wide area. The submunitions from air-dropped cluster munitions are called bomblets, and those from ground-delivered cluster munitions are called grenades. The submunitions often have both anti-personnel and anti-armor effects. With very few exceptions, both cluster munitions and submunitions are unguided weapons. All of Hezbollah's submunitions were unguided.

The military values cluster munitions because of their area effect; they can destroy broad, relatively soft targets, like airfields and surface-to-air missile sites. They can also be effective against targets that move or do not have precise locations, like people and vehicles. However, parties to a conflict must weigh the military advantages of cluster munitions against their documented harm to civilians both during and after strikes.

The humanitarian effects of a cluster munition attack are often more serious than those of other types of weapons. Because of the submunitions' wide dispersal, even if a cluster munition hits its target, the submunitions may kill or injure civilians within the footprint during strikes. If cluster munitions are used in an area where combatants and civilians commingle, civilian casualties are almost assured.

Cluster munitions also have problematic after-effects because many of the submunitions do not explode on impact as intended. While all weapons have a failure rate, cluster munitions are more dangerous because they release large numbers of submunitions and because certain design characteristics, based on cost and size considerations, increase the likelihood of submunitions' failure. Manufacturers and militaries have typically indicated failure rates for submunitions under test conditions ranging between 2 and 20 percent.<sup>117</sup> Actual failure rates in combat conditions have been higher.<sup>118</sup> As a result, every cluster munition strike

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<sup>117</sup> See, e.g., Human Rights Watch, *Ticking Time Bombs: NATO's Use of Cluster Munitions in Yugoslavia*, vol. 11, no. 6 (D), June 1999, Chapter Two, section entitled "High Dud Rate," <http://www.hrw.org/reports/1999/nato2/index.htm#TopOfPage>, p. 5.

<sup>118</sup> For example, UN Mine Action Coordination Centre South Lebanon (UNMACC SL) officials and NGO de-miners have frequently cited a 30 percent dud rate for Israel's submunitions in Lebanon. See, e.g., South Lebanon Cluster Bomb Info Sheet

leaves some unexploded ordnance. The dud, or initial failure, rate, that is, the percentage that does not explode upon immediate contact with the ground, not only reduces cluster munitions' military effectiveness but also puts civilians at great risk. Unexploded bomblets and grenades are often highly unstable and can explode at the slightest touch or movement, becoming de facto landmines that kill or injure civilians returning to the battle area after the attack.

The Type-81 rocket used by Hezbollah contains 39 MZD-2 or Type-90 submunitions. The rocket itself is an enhanced-range 122 mm rocket, similar to the ones Hezbollah launched carrying steel spheres. The individual submunitions resemble small cylindrical bells with a ribbon at one end. A plastic band full of 3mm steel spheres wraps horizontally around the middle of the cylinder. Inside is an armor-piercing "shaped charge." These spheres are much smaller than the steel spheres carried by Hezbollah's regular 122mm and 220mm rockets—that is, those that do not contain submunitions—which are 6mm in diameter.<sup>119</sup>

Nissim Levy, head of the Bomb Disposal Division of the Israel Police, told Human Rights Watch that the cluster rockets that Hezbollah fired at Israel during the conflict caused one death and 12 injuries in all: in Mghar one death and six injuries, in Karmiel three injuries, in Kiryat Motzkin two injuries, and in Nahariya one injury. Levy said the police discovered the first of these rockets on July 15 in the Upper Galilee village of Safsufa.<sup>120</sup> Two landed in Haifa, the police said.<sup>121</sup>

Human Rights Watch was unable to confirm these casualty figures but did visit with two persons in Mghar bearing superficial injuries apparently caused by the kinds of small spheres contained in MZD-2 submunitions. In Mghar, residents showed us ordnance they had collected in and near their village that included clearly identifiable pieces of submunitions and their casings, including shaped charges, ribbons, fuzes, and small steel spheres. Karmiel Police Chief Ephraim Partok on

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(undated, but information current as of Oct. 10, 2006, on file at Human Rights Watch); U.N. Office for the Coordination of Humanitarian Affairs, Lebanon: Cluster Bomb Fact Sheet, Sept. 19, 2006.

<sup>119</sup> "Lebanon: Hezbollah Rocket Attacks on Haifa Designed to Kill Civilians," Human Rights Watch news release, July 18, 2006, <http://www.hrw.org/english/docs/2006/07/18/leban013760.htm>.

<sup>120</sup> Human Rights Watch interview, Ramle, October 17, 2006.

<sup>121</sup> E-mail communication from Michael Cardash to Human Rights Watch, June 21, 2007.

October 9, 2006 showed Human Rights Watch physical evidence of a submunition from a Type-81 rocket that he said landed in Karmiel and that matched what we had seen one day earlier in Mghar.

A total of 118 Type-81 cluster munition rockets would contain 4,602 (118 x 39) individual submunitions. Police and army officials did not disclose to Human Rights Watch the estimated dud rate of the submunitions from the cluster rockets that they said they had handled, or whether duds had caused any injuries.

Human Rights Watch also researched the use of MZD-2 submunitions during a mission to Lebanon. An international de-miner from the nongovernmental Mines Advisory Group (MAG) told Human Rights Watch, “Hezbollah had [MZD-2 submunitions] and stockpiles were hit. They were not fired by Israel.”<sup>122</sup> A de-miner from BACTEC, an explosive ordnance disposal company, said the submunitions he found in Lebanon “looked like a kick out”—in other words, ordnance that spread out when hit by another weapon. But he admitted it was “difficult to say if they were fired or preparing to be fired.”<sup>123</sup> Human Rights Watch saw a live MZD-2 beside a road in Beit Yahoun, a village in south Lebanon, on October 24, 2006.

Human Rights Watch investigated only a small fraction of the 118 cluster munition strikes that Israeli authorities said Hezbollah fired. We saw evidence that they struck residential areas of the city of Karmiel far from any apparent fixed military objective. They also struck the town of Mghar; there are at least two military bases near Mghar but it is not known whether they were Hezbollah’s intended targets.

It is a violation of humanitarian law to target civilians or to attack them indiscriminately. As a means of combat, cluster munitions should be presumed indiscriminate when fired into the vicinity of populated areas; their indiscriminate effect is exacerbated when they are launched—as were the Hezbollah cluster munitions—from unguided rockets. The high dud rate of cluster munitions and the impact of duds on the civilian population also should be taken into account when determining whether a specific attack caused disproportionate harm to civilians. Individuals who fire cluster munitions with criminal

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<sup>122</sup> Human Rights Watch interview, Kfar Joz, Lebanon, October 25, 2006.

<sup>123</sup> Human Rights Watch interview, Tyre, Lebanon, October 25, 2006.

intent deliberately or indiscriminately at populated areas would be responsible for war crimes.

At least 65 countries possess 122mm rockets. Six of those are known to possess 122mm cluster munition rockets: China, Egypt, Russia, Slovakia, Sudan, and the United Arab Emirates. In addition to Hezbollah, non-state armed groups in Afghanistan (the Northern Alliance) and Croatia (the Serb militia) have used cluster munition rockets.

China and four other countries manufacture 122mm cluster munition rockets. China North Industries Corporation (NORINCO), a Chinese state factory, manufactures the Type-81 122mm cluster munition rocket, which contains 39 Type-90 dual-purpose submunitions. NORINCO also manufactures the Type-90A 122mm cluster munition rocket, which contains 39 submunitions.

Human Rights Watch is preparing a report on Israel's Use of Cluster Munitions during the 2006 conflict. It has issued shorter statements and papers on the subject, starting on July 24, 2006, that are online at [http://www.hrw.org/campaigns/israel\\_lebanon/clusters/index.htm](http://www.hrw.org/campaigns/israel_lebanon/clusters/index.htm).

The international community has recently recognized the need for a stronger and clearer legal instrument governing cluster munitions. On February 23, 2007, in Oslo, Norway, 46 countries agreed to conclude a treaty banning cluster munitions that cause unacceptable harm to civilians by 2008.<sup>124</sup> In May 2007, 68 countries attending a treaty conference in Lima, Peru reached a broad agreement on the framework of a future treaty and its main elements. In addition to the prohibition on new cluster munitions, the treaty will include requirements and deadlines for stockpile destruction and clearance of contaminated areas, as well as an obligation to provide victim assistance.

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<sup>124</sup> Oslo Conference on Cluster Munitions, "Declaration," February 22-23, 2007, [http://www.regjeringen.no/upload/UD/Vedlegg/Oslo%20Declaration%20\(final\)%2023%20February%202007.pdf](http://www.regjeringen.no/upload/UD/Vedlegg/Oslo%20Declaration%20(final)%2023%20February%202007.pdf) (accessed March 2, 2007).

## Case Studies

Human Rights Watch investigated rocket strikes in several Israeli cities, focusing on those incidents that killed civilians, as well as on other incidents that reveal aspects of Hezbollah's intentions. This is not a scientific or a representative sampling of cases. There is no publicly available comprehensive listing of where and when Hezbollah rockets fell; we do not know how many hit military objectives, away from public view, or landed in remote locations.

Nevertheless, the cases presented here confirm that in a significant portion of cases, Hezbollah fired on Israeli civilian areas in violation of international humanitarian law. These attacks coupled with Hezbollah statements that indicate criminal intent to target civilians strongly indicate individual responsibility for the commission of war crimes.

In some cases, Hezbollah appeared to be directly targeting civilians or civilian objects, a conclusion based on the finding that rockets repeatedly and over time hit a particular civilian area or object, in the absence of any finding of an evident military objective. One example is the rockets that hit or landed close to the Western Galilee (Nahariya) hospital during the course of the war. That hospital complex is visible from the border and towers above nearby structures. There was no military target to our knowledge anywhere near the hospital when these rockets struck.

In some cases, Hezbollah rockets hit a civilian object, sometimes repeatedly, but the presence in the vicinity of a military objective prevented a conclusion that the civilian object was the intended target. Even so, most of these attacks were indiscriminate in that Hezbollah fired unguided rockets that were incapable of being aimed so that they could distinguish between a military target and civilians. As such, the attacks constituted serious violations of the laws of war.

Hezbollah did not respond to our letters requesting information on the specific attacks described in this report. However, we cite in the case studies that follow the Hezbollah statements of which we are aware concerning specific attacks.

## Akko

On August 3, 2006, eight civilians died in two rocket attacks. Five of them died in a single attack in Akko, a coastal city 17 kilometers south of the border, with a mixed Arab-Jewish population totaling 46,000.<sup>125</sup> The rocket fell in a Jewish residential neighborhood. It was one of at least 32 rockets that hit Akko during the conflict, nine of them conventional 122 mm rockets and 23 enhanced-range 122 mm rockets, the police said.<sup>126</sup>

There was no military objective in the immediate vicinity, to our knowledge. Human Rights Watch researchers drove around the town of Akko immediately before and after the attack and noticed no troops or other mobile military targets.

The biggest military target near Akko is the complex of the Rafael Armament Development Authority, a public-sector defense corporation, south of the city and several kilometers from the site of the August 3 attack.

The five killed in Akko were Shimon Zaribi, 44; his 15-year-old daughter Mazal; Albert Ben-Abu, 41; Ariyeh Tamam, 50; and Ariyeh's brother Tiran, 39.

Human Rights Watch interviewed Ariyeh Tamam's wife, Tzvia, who was wounded in the attack, along with her sister-in-law, Simcha, and her eight-year-old daughter, Noa. Tzvia said:

It destroyed our entire family. My husband is dead. His brother is dead. Their sister is in a lot of pain. My disabled mother-in-law is devastated; Simcha also used to be her main caregiver. The kids are traumatized forever.

We don't have a bomb shelter in our building, so when the sirens started, we went to the shelter in my aunt's building on Ben Shushan

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<sup>125</sup> Except where noted, all population data for Israeli towns and cities is taken from the Israeli Central Bureau of Statistics' provisional data for December 31, 2006, [http://www.cbs.gov.il/population/new\\_2007/table3.pdf](http://www.cbs.gov.il/population/new_2007/table3.pdf) (accessed May 25, 2007).

<sup>126</sup> E-mail communication from Michael Cardash to Human Rights Watch, June 21, 2007. Another, earlier police tabulation stated that 106 rockets landed in the greater Akko area, of which 24 landed inside the city. "War in the North" Powerpoint presentation.

Street. After the first rocket fell, and the siren stopped, we went out of the shelter to have a look. My daughter was standing near me, at the entrance, but Ariyeh went closer to the street. Suddenly, there was another loud boom and pieces of metal flew everywhere. I didn't realize what had happened to me, but I rushed to the place where my husband was standing. All five people who were standing near the fence there were killed. There was blood everywhere; I tried to drag him away, and was screaming, 'Don't die; please don't die!' My son threw himself over his body, and was also screaming, 'Daddy, daddy, don't die!' Then the police and the ambulances came, and took us all to the hospital.<sup>127</sup>

The day before this fatal attack, another rocket strike in Akko injured civilians, although none fatally. Chaim Legaziel, who was visiting Akko that day from his hometown of Netua, recalled:

Because of the conflict, we have not seen the grandkids for three weeks. We thought there was a temporary ceasefire and it was relatively safe to go. But as we approached their house in northern Akko, a rocket hit the street some fifteen meters from the car. There was no siren; I just heard the blast and then saw my wife, Tziona, all covered in blood. She suffers from hemophilia, so the blood was streaming like a river. I don't remember much. I was in shock from the blast myself; I just threw her into the car. Another man was trying to clamp the wound in her stomach, and we rushed her to the hospital. Tziona suffered two shrapnel wounds in the stomach and one in her right arm.<sup>128</sup>

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<sup>127</sup> Human Rights Watch interview, Nahariya, August 4, 2006.

<sup>128</sup> Human Rights Watch interview, Nahariya, August 3, 2006.

## Arab al-Aramshe

Arab al-Aramshe is a village inhabited by about 1,100 Bedouins, located only 500 meters from the border fence with Lebanon. According to resident Sobhi Miz'il, the townspeople generally stayed put at the start of the war, even though the Israeli army was firing artillery rounds from cannons located 150 to 200 meters outside the village, and Hezbollah rockets were landing in or near their community. Then, on August 5, a rocket hit next to the house of the Jum`a family, killing Fadya Jum`a, 60, and her two daughters, Sultana, 31 and Samira, 33. The house is located inside the village, in an area of homes. A total of about twenty rockets fell on or next to the village during the war, Miz'il said.

Miz'il said that villagers complained to the regional council about the IDF firing artillery rounds from positions so close to the village, but were told that a war was going on and that the artillery had been placed at strategic positions.<sup>129</sup>

After that incident, many residents fled south to safer parts of Israel, staying with friends, relatives, or in hotels in Beer Sheva, Abu Ghosh, Kafr Kassem, and elsewhere. Some reluctantly returned before the hostilities ended, Miz'il said, because they could no longer afford to pay for lodging elsewhere.

As a party to an armed conflict, Israel is obligated under international humanitarian law to take all feasible precautions to protect the civilian population under its control against the effects of attack.<sup>130</sup> This includes avoiding locating military targets within or near densely populated areas<sup>131</sup> and removing civilians from the vicinity of military objectives.<sup>132</sup>

Lt. Col. David Benjamin, head of civil and international law at the IDF Judge Advocate General's office, said, "We are a small country. If you said you can't put an artillery piece within 30 kilometers of a village, we couldn't operate. The IDF has no policy of firing, purposely or negligently [in a way] that endanger[s] its own civilian population."<sup>133</sup>

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<sup>129</sup> Human Rights Watch interview, Arab al-Aramshe, September 30, 2006.

<sup>130</sup> See Protocol I, art. 58(c).

<sup>131</sup> See Protocol I, art. 58(b).

<sup>132</sup> See Protocol I, art. 58(a).

<sup>133</sup> Human Rights Watch interview, Tel Aviv, July 2, 2007.

To our knowledge, Hezbollah issued no statement indicating the intended target of its deadly attack on Arab al-Aramshe; it is not known whether it had been aiming at the IDF artillery cannon or simply firing toward the village. Either way, the question remains whether the IDF could have placed its artillery cannons at a farther remove from the village and whether Israeli authorities could have done more either to shelter the residents of Arab al-Aramshe from Hezbollah fire or to assist in their evacuation.

But even where Israel may have failed to take all feasible precautions to avoid endangering its own civilians by situating military assets in or near densely populated areas, Hezbollah would not have been justified under the laws of war to respond with indiscriminate attacks.

## Haifa

Haifa is Israel's third largest city and the main city in the country's north. Its population of 267,000 is about 13 percent Arab. Haifa is built mainly on the north-facing slopes of Mount Carmel and neighboring hills, which descend toward the bay of Haifa, a major industrial port.

There are slight variations in the official data regarding the number of rockets that fell on or near Haifa. According to one tally, the police recorded 93 rockets falling on or near the city, including offshore; 40 of these fell inside its boundaries.<sup>134</sup> The rockets killed 13 civilians, including two who died from heart attacks, wounded 251, and damaged 1,282 residential buildings and 700 cars, according to data provided by the city's police department.<sup>135</sup>

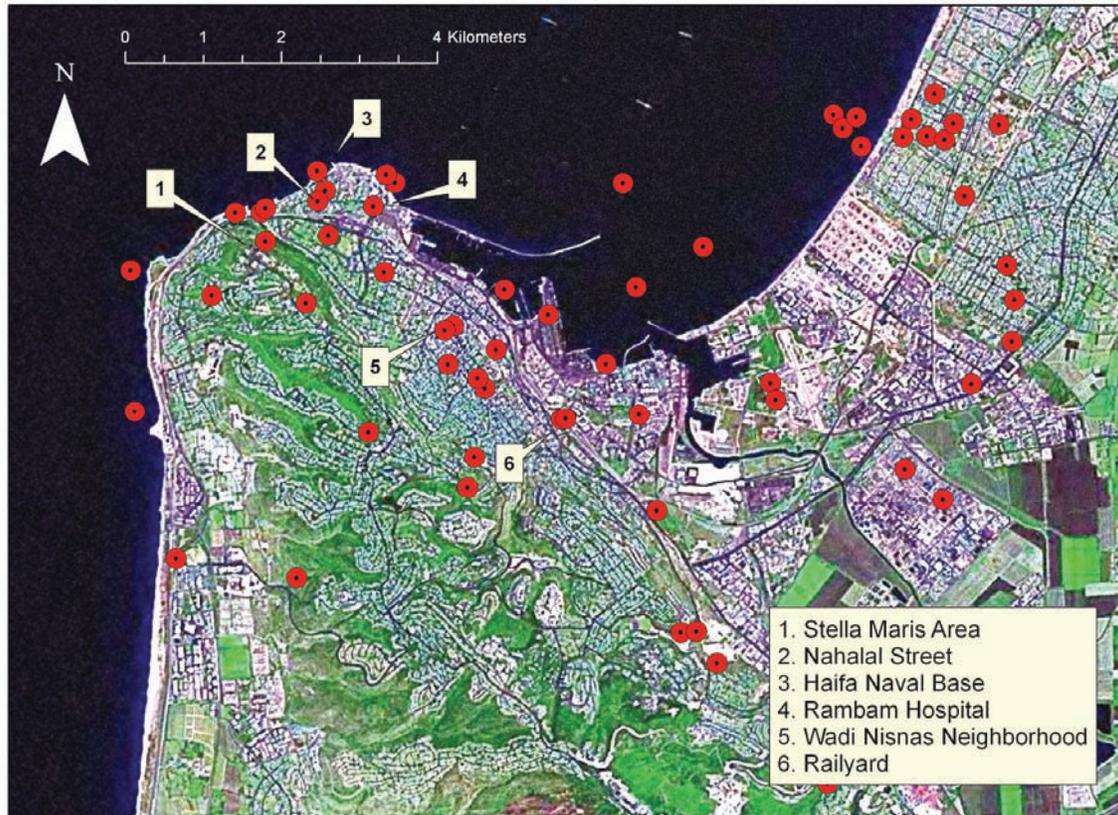
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<sup>134</sup> Israel police, "Rocket Strikes in Haifa," Powerpoint presentation, undated but probably late 2006, on file at Human Rights Watch; and Human Rights Watch interview with Nir Meri-Esh, Haifa police chief, Haifa, October 4, 2006.

Michael Cardash of the National Police gave slightly different figures for Haifa: 56 rockets total inside the city, of which 39 were 220mm, 2 were enhanced-range 122mm, 2 were 122mm submunition rockets, 3 were 302 mm and 10 were unknown. E-mail communication from Michael Cardash to Human Rights Watch, June 21, 2007.

<sup>135</sup> "War in Haifa, July–August 2006," PowerPoint presentation provided to Human Rights Watch by the Haifa Police, undated but late 2006.

Situated 30 kilometers south of the border, Haifa had no experience of being hit by rockets from Lebanon, although Iraqi Scud missiles reached it in January 1991, during the Gulf War between Iraq and a US-led coalition.<sup>136</sup>



Rocket strikes in Haifa during 2006 armed conflict according to data provided by Israel Police © 2007 Human Rights Watch

The first rocket of the 2006 conflict to reach Haifa struck on the evening of July 13, the war's second day. City Police Chief Nir Meri-Esh identified it as an enhanced-range 122mm rocket that landed near the Stella Maris monastery, about halfway up Mount Carmel, near the top of a hillside cable-car line. It caused no injuries or major damage.

In a statement issued at 2 p.m. that day, Hezbollah had threatened to attack Haifa and its surrounding areas if Beirut or its suburbs were attacked. After Israel reported the strike on Haifa, Hezbollah deputy leader Sheik Na`im Kassem initially denied the

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<sup>136</sup> See Human Rights Watch, *Needless Deaths in the Gulf War: Civilian Casualties during the Air Campaign and Violations of the Laws of War*, 1991, chapter 8, <http://www.hrw.org/reports/1991/gulfwar/CHAP8.htm>.

report. "Bombing Haifa," he explained in a phone interview with al-Jazeera television, "would be linked to any bombing of Beirut and its (mainly Shiite southern) suburbs .... It would be ... a reaction and not preemptive."<sup>137</sup>

Israeli officials called the attack on Haifa on July 13 "a major escalation." No further rockets hit Haifa until July 16, according to Police Chief Meri-Esh.

### *July 16 Attack Kills Eight Workers in Railroad Hangar*

On the morning of Sunday, July 16, just as the work week was beginning, a 220mm rocket penetrated the soft roof of a railroad maintenance hangar located in the port area, shooting out tens of thousands of steel spheres. Those projectiles killed eight railway workers and inflicted serious injuries on at least four others.

It was the first time Hezbollah had successfully fired a 220mm rocket into Israel. Until then it had relied on regular and enhanced-range 122mm rockets.

As already noted, Hezbollah had sent statements to the press beginning on July 13 threatening to hit Haifa if Israel attacked Beirut or its southern suburbs. On July 16, following the fatal attack on the railyard, Hezbollah said in a communiqué that the attacks on Haifa that day with "tens" of Raad-2 and Raad-3 rockets were a response to Israel's ongoing attacks on the Beirut suburbs and other regions and on ports and infrastructure, including the Jiyeh power plant. This may have implied that the attack on Haifa's rail hangar, located less than half a kilometer from a power plant in the port area, was specifically in retaliation for these attacks. Police Chief Meri-Esh speculated that the intended target of this attack was the power plant.<sup>138</sup> In a speech on July 16, Nasrallah stated that Hezbollah had refrained from hitting Haifa's petrochemical facilities so as to avoid a dangerous escalation, but that such restraint would not continue if the enemy's "practices its aggression without red lines."<sup>139</sup>

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<sup>137</sup> "Hezbollah Denies Firing Rockets on Israel's Haifa," Agence France-Presse, July 13, 2006.

<sup>138</sup> Human Rights Watch interview, Haifa, October 4, 2006.

<sup>139</sup> "Nasrallah: We are ready to face the ground assault," *an-Nahar*, July 17, 2006.

Israel's national railroad, of which this maintenance hangar is a part, is above all a transportation network for Israel's civilian population. While soldiers use it individually for transportation, the railroad contributed in no substantial way to Israel's war effort, and therefore cannot be considered a military target.

Human Rights Watch interviewed three injured railway workers at Rambam Hospital. One of them, Alek Vensbaum, 61, recalled:

There were three loud booms and I started running out of the depot .... One of the guys, Nissim, who was later killed, yelled at everyone to run to the shelter. The fourth boom got me when I was nearly at the door, and I was hit by shrapnel .... I was hit by ball bearing-like pieces of metal in my neck, hand, stomach and foot.<sup>140</sup>

Yaron Yitzhak, 37, added:

At around 9:30 I heard two booms, and the third caught us. I was working on track 6, and there were others working on track 5. The rocket fell on track 3 .... After the first two explosions, we all started running towards the "safe rooms," which were on the other side, and the third rocket caught me half-way across.

I was hit by shrapnel in both legs, my collarbone, a ball-bearing in my nose and another shattering my eye. I don't know how long I will remain in the hospital; I will probably need plastic surgery for my eye injuries.<sup>141</sup>

Sami Raz, 39, a railway electrician, said a steel sphere pierced his lung and lodged near his heart. "I had terrible difficulty breathing after I was hit," he said.<sup>142</sup>

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<sup>140</sup> Human Rights Watch interview, Haifa, July 17, 2006.

<sup>141</sup> Human Rights Watch interview, Haifa, July 19, 2006.

<sup>142</sup> Human Rights Watch interview, Haifa, July 17, 2006.

More than twenty rockets landed in or near Haifa on July 16, according to Police Chief Meri-Esh, but only the direct hit on the railway hangar caused any serious injuries.<sup>143</sup> He described the kind of rocket used in that attack:

The warhead of the 220mm rocket is very sensitive. Whatever it touches, it detonates. With the 122mm rockets, we had a lot of duds. But with the 220mm there were none. They all shot their ball bearings around. Some of the rockets that landed just offshore sprayed the balls into the nearby buildings. One of the 220mm rockets that hit the Carmel [the upper part of the city] brushed the top of a tree [and dispersed its steel balls] before landing on a roof. As a result, all the streets and sidewalks and cars nearby had hundreds of holes.

### *July 17 Attack Nearly Destroys 3-Story Apartment Building*

On July 17, Human Rights Watch researchers visited a three-story apartment building at 16 Nahalal Street in Haifa's Bat Galim neighborhood after a 220mm rocket heavily damaged its top two floors and wounded six residents, one seriously. The researchers collected steel spheres that had pierced the walls of the apartment building across the street and car windshields up to one block away.

Malka Karasanti, 70, was inside the apartment building that was hit:

I was taking a nap in my apartment on the second floor, when at around 2:30 in the afternoon I heard the siren go off. I went into my bathroom, which I use as a safe room [since there is no shelter in the building]. There was a loud boom, and then everything began to collapse. I was injured in my right shoulder bone, broke a left rib, and have a tear in my eardrum and don't hear well now. There were two sirens that went off within the hour, and the rocket hit after the second. After about 8 to 10 minutes, the police and firefighters arrived and rescued me.

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<sup>143</sup> E-mail communication with Human Rights Watch, June 23, 2007.

Malka's daughter, Mira, added that her mother sat on the toilet, which remained in place when the floor and walls collapsed, because the plumbing to which the toilet is connected supported it. Malka continued:

Most of the people living in the building were not at home at the time, or were injured lightly, except for one fellow who was on his balcony on the first floor when the rocket hit, throwing him off. He has serious head injuries and is here in the hospital.<sup>144</sup>

The apartment building is located about 100 meters from a major naval training base on the waterfront, and about half a kilometer from Rambam Hospital. The naval base is a legitimate military target.

International humanitarian law obliges Israel, as a warring party, to avoid, to the extent feasible, locating military objectives within or near densely populated areas, and to protect the civilian population under its control from the effects of attack.

Hezbollah may have been seeking, some of the time, to strike valid military objectives such as the naval training base. However, its unguided rockets were unable to target these objectives precisely and instead, in many cases, indiscriminately hit civilian neighborhoods and objects.

More than 45 rockets fell within 500 meters of Rambam hospital, according to data provided by the Haifa police department. The intended target of these rockets is not known; however, the naval base is across the street from the hospital campus.

According to Haifa police chief Meri-Esh, the IDF had emptied its soldiers from the base on the second day of the war. The base, whether staffed or emptied, constitutes a military objective. But being disused would affect the calculation for proportionality—an attack on an empty base would more likely have posed risks to civilian and civilian structures in the vicinity, such as Rambam hospital, that exceeded the expected military advantage from such an attack.

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<sup>144</sup> Human Rights Watch interview, Haifa, July 19, 2006.

Rambam, the largest hospital in northern Israel, provides specialized services for residents of the entire region and general care for Haifa residents. The fact that it also treated wounded soldiers, many of whom were flown in by helicopter from the Lebanese front, would not make the hospital a military target.

### *August 6 Attack Kills Three Elderly Persons*

If Hezbollah had indeed been targeting military or industrial objects in Haifa some of the time, it expressed no regret for the civilian casualties it was inflicting until its rockets first hit the majority-Arab neighborhood of Wadi Nisnas on August 6, killing two residents and seriously wounding a third. It was then that Hezbollah secretary-general Nasrallah went on television to urge Arab residents to leave the city. (See chapter below on “Hezbollah’s Justifications for Attacks on Civilian Areas.”)



A building in the Wadi Nisnas neighborhood of Haifa, housing the archives of *al-Ittihad* newspaper, after a rocket struck on August 6, 2006, killing two elderly persons next door. © 2006 Erica Gaston

Wadi Nisnas is located about one kilometer above the industrial waterfront. On August 6 Hana Hammam, 62, and Labiba Mazawi, about 67, were sitting on Hammam's ground-floor front porch, drinking coffee. An alarm sounded, but they did not seek shelter. The rocket struck the building next door, spraying steel spheres that mortally injured both of them. The building that was struck houses the archives of the Arabic-language communist daily newspaper *al-Ittihad*.

Saha Bahhar, a political activist who lives one flight up from the porch where the two were killed, recalled:

I was waiting for the evening news on TV. There was a siren a few seconds before, then a boom. I was thrown by the impact. After that I started running to the bathroom, afraid that another rocket would land. The windows were shattered. The man did not die immediately. He was taken away by ambulance. After a few hours, his daughter came up crying, and told me. Both of the victims died from the steel balls. Another downstairs neighbor suffered a spinal injury in the same attack, and is now on a wheelchair.<sup>145</sup>

At about the same time, another rocket—perhaps from the same volley—landed a few blocks away, destroying a one-family house at 6A Kaesarya Street. Resident Mohammed Saloum, an athletic 40-year-old at the time, was outside. When he ran in to rescue his sister and mother, cooking gas canisters exploded and inflicted on him extensive burns and injuries requiring the amputation of one leg. One year later, Saloum remained in the intensive care unit at Rambam Hospital, undergoing treatment for the burns and for infections in his lungs and blood.<sup>146</sup>

That evening, Hezbollah issued a communiqué stating that it had attacked Haifa at 8 p.m. with “tens of Raad-2 rockets” in response to Israel’s attacks earlier in the day on Beirut’s southern suburbs.

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<sup>145</sup> Human Rights Watch interview, Haifa, October 1, 2006.

<sup>146</sup> Fadi Eyadat, “Arab Katyusha Victim Marks Tortuous Year in Intensive Care,” *Ha'aretz*, July 5, 2007.

These were the only two rockets to hit the Wadi Nisnas neighborhood during the conflict.

The same day, an elderly Haifa resident died from a heart attack when rockets crashed near her home. Tamara Lucca was 84.

### *Targeting the Port Area*

The police map of rocket strikes shows three clusters of rocket landings in Haifa, all of them in the lower city: to the west, one encompassing the Bat Galim neighborhood of low-rise apartment buildings, the naval base, and the imposing Rambam Hospital complex; a second cluster in the central port area (including the rail hangar hit July 16) and the neighborhoods just above it; and a third that includes the chemical and fuel storage tanks and refineries at the eastern end of the port. Interviews with Jewish and Arab residents of the city confirmed this pattern.



A rocket hit this apartment building in the Bat Galim neighborhood of Haifa on July 17, 2006, wounding six residents. © 2006 Lucy Mair/Human Rights Watch

Haifa Police Chief Meri-Esh believes Hezbollah was aiming mostly at targets in the port area and that the relatively few rockets that reached the upper city were “over-shots.” The problem is that between the port area and the more affluent upper city neighborhoods on the hill are the lower residential neighborhoods, some densely populated. Thus, if Hezbollah was in fact trying to hit objects on the waterfront, its inaccurate rockets, flying a distance of thirty kilometers, stood a good chance of striking—and did indeed strike—residential and shopping neighborhoods just beyond.

Thus, a rocket slammed into a Bat Galim apartment building on July 17, as described above. Another hit a large post office in the Hadar neighborhood on July 21, injuring

thirty, including two seriously. Two days later, 220mm rockets killed sixty-year-old Shimon Glicklich, who lost control of the car he was driving east of Haifa after shrapnel hit it, and Habib Awad, 48, of Iblin, who died from internal injuries while working in a carpentry workshop in nearby Kiryat Ata (see HaKrayot section, below).<sup>147</sup>

Meri-Esh noted that most or all ships had been moved from Haifa's harbor during the war, something that city residents also confirmed. Whether ships and facilities were emptied during the conflict, Haifa's port is home to structures that are military facilities, such as the naval base, and potential dual-use facilities. Dual-use facilities are those that directly contribute to the war effort and if so can be targeted. Attacks on dual-use facilities are bound by the same prohibitions on indiscriminate and disproportionate attacks as attacks on purely military targets. Because dual-use facilities such as electrical power plants and civilian ports typically have significant civilian functions, there is a particular concern that their destruction will cause civilian harm in excess to the anticipated military gain and thus be disproportionate.

The conclusion that Hezbollah was targeting the waterfront is shared by Kobi Bachar, police chief for the adjacent Zvulon district, which includes the industrialized coastline just to the east and north of Haifa. (See separate section on HaKrayot.)

### **Karmiel, Majd al-Krum, and Deir al-Assad**

The 2006 conflict was the first time Hezbollah rockets had reached Karmiel, a city of 44,000 located in the central Galilee's Beit HaKerem valley, 18 kilometers south of the border. City Police Chief Ephraim Partok said the police identified 193 rocket strikes in and around the city, but more rockets could have fallen undetected in open areas.<sup>148</sup> Of the 193 that the police recorded, 67 were within the city itself, of which eleven directly hit homes, he said. Most of the rockets were loaded with steel spheres or submunitions.

While the rockets caused only one moderate injury in the Jewish city of Karmiel, they killed four residents of the adjacent Arab towns of Majd al-Krum and Deir al-Assad.

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<sup>147</sup> Hezbollah issued a communiqué that day stating it had attacked Haifa at 11 a.m. with a Raad-2 rocket, in response to Israeli "aggression" against Lebanon.

<sup>148</sup> Human Rights Watch interview, Karmiel, October 9, 2006.

Karmiel contains no significant military base or other fixed military target; nor was the IDF firing artillery rounds from inside the city, according to the town's security chief, Yair Koren.<sup>149</sup> Outside of town, Cyclone Aviation Products, a company producing both civilian and military aircraft components, has a large plant located in the Barlev industrial park, which it shares with civilian industries. It is located about four kilometers west of the outskirts of Majdal Krum and six kilometers west of the outskirts of Karmiel.

On at least fourteen days during the conflict—July 13, 17, 18, 20, 22, 23, 25, and 28, and August 2, 3, 4, 8, 10, and 12—Hezbollah issued communiqués announcing that it had attacked Karmiel earlier in the day. Those communiqués specified no target within the city and never cited, to our knowledge, the Cyclone Aviation plant west of the city. Hezbollah did not reply to requests for information from Human Rights Watch about its intended targets in Karmiel, Majd el-Krum, and Deir al-Assad.

When asked whether there were military targets in the vicinity, some residents of Majd al-Krum and Deir al-Assad said that the IDF had emplaced an artillery piece on a hilltop just north of their towns. Some also said that the Karmiel's industrial zone might have been considered to be a target. They could point to no other possible military targets in the vicinity of their towns.

But even if any military targets could be confirmed, this cannot explain the general dispersion of nearly 200 rockets in and around Karmiel, Majd al-Krum, and Deir al-Assad during 34 days. It appears much more likely that Hezbollah was deliberately aiming these rockets at the civilian population.

One apparent reason that Karmiel received such a heavy pounding is because it is one of the five Israeli cities with populations over 25,000 within striking distance of a standard 122mm rocket fired from Lebanon (the other four being Nahariya and Akko to the west, and Safed and Kiryat Shmona to the east).<sup>150</sup>

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<sup>149</sup> Human Rights Watch interview, Karmiel, October 4, 2006.

<sup>150</sup> Human Rights Watch interview, Jerusalem, October 4, 2006.

The rockets started landing in the area on July 13, with five hitting Majd al-Krum, Partok said. After that, they hit Karmiel regularly throughout the conflict. In the first few days, several rockets hit Majd al-Krum to the west and the industrial zone in the eastern sector of Karmiel. From then on, they seemed more dispersed throughout Karmiel and its surroundings.

The rockets caused few physical casualties in Karmiel itself, apparently because its residents were well-drilled in the use of shelters and safe rooms, or fled the city altogether. One-third of the population left town for part or all of the conflict, Partok said. The only resident to suffer more than a minor injury was Boris B., a fifty-seven-year-old Russian immigrant who asked that his family name be withheld. On the morning of July 22, 2006, a rocket went through the roof of the apartment building and blasted into his living room. Boris suffered moderate injuries to his arm and leg, as well as minor shrapnel wounds all over his body.

According to Koren, as many as 600 buildings in Karmiel sustained some damage, most of it light, from shrapnel and especially from the ball bearings that filled the warheads of many of the rockets. Koren said that the damage was worse from rockets that landed in open areas, because they caused a broader shower of shrapnel than when a rocket directly hit a building. "A rocket that fell in the open in one neighborhood could spray ball bearings into a four-story building in another neighborhood," he said.

Hezbollah hit Karmiel with three basic types of rockets: most were 122mm rockets, loaded either with steel spheres or with submunitions containing smaller steel spheres. About six 220mm rockets and six 240mm rockets also struck in and around Karmiel, Partok said. The latter had no fragmentation, but, he said, "have a lot more explosive power and their effects are horrifying." Koren noted that two or three of these larger rockets landed outside of the town in the last days of the war. Perhaps these were the same type of rocket that had hit Haifa earlier, he speculated, but Hezbollah could no longer reach Haifa due to having been pushed farther north from their positions closer to the border.

All of the 122mm rockets that the police were able to reach in and around Karmiel contained steel spheres or submunitions, Partok said. This stands in contrast to other cities such as Kiryat Shmona, which received mostly 122mm rockets with standard shrapnel.

According to Koren, Hezbollah first hit Karmiel with rockets containing steel spheres on Saturday, July 15, the day before a ball-bearing filled rocket hit the Haifa rail yard.

Israel Police say they recorded twenty-two cluster munition rockets that landed in Karmiel, more than any other single town or city.<sup>151</sup> A rocket containing submunitions fell toward the end of the second week of the war, Koren said, at the entrance to the electric power station, located just behind the municipal building. Most of its submunitions did not explode. The bomb squad originally wanted to remove it but when they saw all of the unexploded submunitions, they decided instead to carry out controlled explosions that night. They then poured concrete to fill the hole.

Karmiel faced special hazards due to the high percentage of unexploded ordnance with submunitions, Partok said. In contrast to rockets loaded with steel spheres, which rarely fail to explode, cluster rockets release submunitions that often fail to detonate upon impact. This presents a risk of explosion to anyone who touches a submunition at a later time. As a result, the police searched intensively to locate and destroy cluster duds, and public authorities conducted a campaign to educate residents to recognize and report them.

Also hard-hit was the nearby municipality of Majd al-Krum, whose 2.5 square kilometers encompass the Arab towns of Majd al-Krum, Deir al-Assad, and Bi'na, with twenty-six thousand people altogether. The edge of Deir al-Assad is several hundred meters west of the Lavon industrial park, north of Karmiel.

According to Salim Sleebi, an accountant and former Majd al-Krum city councilmember, the Israeli media stated that a total of 43 rockets struck the Majd al-

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<sup>151</sup> Handout provided to Human Rights Watch by Nissim Levy, head of the Police's Bomb Disposal Unit, Ramle, October 17, 2006.

Krum area, a number to which he gave credence. He said he had personally seen about 30 spots hit by rockets.<sup>152</sup>

A single rocket killed two men, Baha' Karim, 36, and Muhammad Subhi Mana`, 23, on August 4. Another rocket on August 10 killed Miriam Assadi, 26, of Deir al-Assad and her five-year son Fathi Assadi.

Karim, a school teacher, and Mana`, a physical therapist, were killed instantly by a rocket that landed in the street in front of Karim's house of eastern Majd al-Krum. Tal`at Hussein, 32, who operates a small shop on the street near where the rocket fell, said he was a long-time acquaintance of Karim and talked to him daily. At about 5 p.m. on August 10, Hussein said he was in back of his shop when he heard a warning siren go off. He grabbed his wife and ran inside the shop. About seven seconds later, he said, he heard a thud in the street and then some children shouting. He looked and saw children gathered near two cars, and upon approaching, discovered Karim lying on the street, about four meters away from the cars. Hussein recalled, "He was moving slightly, and there was saliva coming from his mouth, but he didn't answer me. I knew he was dying." Hussein said that he believed Karim died of shrapnel wounds in the back but he did not see the wounds. Then he found the body of Mana` about one meter from his car:

He had been driving. When he heard the alarm, he opened his door to flee, and then the rocket landed about two meters from him. He got all of the shrapnel from the rocket, and died immediately. Imagine that you know a person, then you see him, and you can no longer recognize him.<sup>153</sup>

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<sup>152</sup> Human Rights Watch interview, Majd al-Krum, September 30, 2006.

<sup>153</sup> Human Rights Watch interview, Majd al-Krum, September 30, 2006.



A pole on a sidewalk in Majdal Krum that was penetrated by steel spheres and shrapnel from a rocket that landed on the street nearby on August 4, 2006, killing two men. © 2006 Bonnie Docherty/Human Rights Watch

Visiting the site of the attack on September 30, Human Rights Watch saw a filled-over hole in the street that Hussein said the rocket had caused, as well as shrapnel damage on nearby poles and street signs.

Muhammad's father Sobhi said his son had graduated high school in Majd al-Krum but had had a life-long interest in Germany. He learned German and went to study physical therapy there. Muhammad eventually gave in to family pressure to return home in November 2005, and took a physical therapy job in Haifa. When war broke out in July 2006, his family urged him to leave the country, but this time Muhammad said he would not leave his family until the war was over. Sobhi showed Human

Rights Watch a sheath of letters of condolences and appreciation that the family had received from friends and colleagues of Muhammad, both in Germany and in Haifa. A lifelong postal worker, Sobhi said he could no longer focus on his work after his son's death and was considering early retirement.<sup>154</sup>

Miriam Assadi, an elementary school teacher, and her son Fathi were killed instantly by a direct rocket hit on their multi-story home in Deir al-Assad, at about 10:40 a.m. on August 10. Fathi's three-year-old brother Faris lost a leg in the attack, and his grandmother, Fatemeh Faris, 49, lost a leg and some of her hearing, according to Fatemeh's husband, Assadi Fathi. All of the family members were on the first floor of the house when the rocket hit. Miriam's brother-in-law, Mohammad Fathi, 18, showed Human Rights Watch a handful of the 6mm steel spheres he said sprayed from the rocket when it detonated. The family has since rebuilt the wall that was hit and resurfaced the shrapnel damage, but the scars are still visible on the trunk of a tree in their back yard.

Asked about potential military targets, Assadi Fathi mentioned that about two kilometers northeast of Deir al-Assad, atop a hill known as Har Chalutz, Israel had placed an artillery piece that fired constantly into Lebanon during the war. He speculated that rockets landing on his family home may have been over-shots aimed at the artillery piece. Then he added, "We're just citizens of Israel. What happens to the others happens to us."<sup>155</sup>

Hezbollah's wartime communiqués never mention attacks on the Arab towns of Majd al-Krum or Deir al-Assad. But an August 10 statement mentions an attack on nearby Karmiel at 11:20am, a time close to the time of the attack that killed Miriam and Fathi Assadi.

There were two other moderate to serious injuries in the Majd al-Krum area, including one on July 13, the first full day of the conflict. Eighteen-year old Aslan Hammoud, interviewed three days later in the hospital, described how shrapnel hit him in the shoulder, causing nerve damage: "It was around three in the afternoon, and I was in the house downstairs. It is a house on pillars, and there is an open area, a courtyard underneath the house. I heard an explosion and was hit with shrapnel." Aslan's mother

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<sup>154</sup> Human Rights Watch interview, Majd al-Krum, September 30, 2006.

<sup>155</sup> Human Rights Watch interview, Deir al-Assad, September 30, 2006.

said she was sleeping at the hospital with her son while her husband remained at home taking care of their other four children. The husband is a fishmonger and cannot just close his shop, since they need the money, she said.<sup>156</sup> A visit to the site on July 18 suggested that the shrapnel came from a rocket landing in a parking lot across the street.

More than twelve rockets landed in the eastern part of Majd al-Krum during the conflict, causing a few light injuries. According to Sleebi, the community activist and accountant, three of these landed on July 13—the first full day of the war—and four on August 13. One that landed between the house of Soheil Idriss and the house of a neighbor destroyed a wall and riddled his car with holes from steel spheres, and also slightly injured two of his children, who were inside the house at the time.

Other than Faris Assadi and Fatemeh Faris, the rockets that hit Majd al-Krum/Deir al-Assad caused serious injuries in one other case. A rocket that landed near the main road outside of Majd al-Krum on August 6 inflicted shrapnel wounds to the head of village resident Yassir Bshouti, 32, as he was driving by. Bshouti, who worked in the building trade, was paralyzed as a result of his injuries; the others in his car escaped injury.

## **Kiryat Shmona**

Since the 1960s, more rockets have hit Kiryat Shmona than any other Israeli city. Between 1968 and “Operation Grapes of Wrath” in April 1996 inclusive, a total of 3,839 rockets hit this city located three kilometers from the border, killing eighteen persons, injuring 310, and causing another 175 to seek treatment for shock, according to a city official.<sup>157</sup> Palestinian groups and not Hezbollah were responsible for some of these strikes, especially in the earlier period.

The 2006 conflict was no different: more rockets landed in the city than any other. However, Kiryat Shmona’s 22,100 residents, long accustomed to being under fire, suffered no fatalities. About half of the residents left the town, according to Danny

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<sup>156</sup> Human Rights Watch interview, Nahariya, July 16, 2006.

<sup>157</sup> Human Rights Watch interview with Yedidya Freudenberg, head of emergency services in the Kiryat Shmona municipality, June 1996 ([http://www.hrw.org/reports/1997/isrleb/Isrleb-02.htm#P635\\_149465](http://www.hrw.org/reports/1997/isrleb/Isrleb-02.htm#P635_149465)).

Kadosh, managing director of the municipality,<sup>158</sup> while the rest relied on “safe rooms” in their homes and the extensive network of shelters.

What made 2006 different from previous periods of rocket attacks—and what made it hard to endure—was its duration and intensity. Never before had the city been hit with so many rockets and over such a long period of time. According to the tally provided by the IDF, 1,017 rockets landed in or near Kiryat Shmona, 248 of them inside the city. Hezbollah’s wartime communiqués listing rocket attacks on Israel mentions Kiryat Shmona as a target on more than twenty occasions, more than any other town or city.

122mm rockets made up the vast majority of weapons hitting Kiryat Shmona. There were also 15 to 20 mortar shells, and one 240mm rocket, according to Kadosh. There were no cluster munitions or steel-sphere-loaded rockets.

Forty-five residents sustained physical injuries, including twelve who suffered internal injuries, Kadosh said. “We had people hit by shrapnel, who were first diagnosed as having light wounds; then it turned out they had shrapnel embedded in their heart or other organs, and required re-hospitalization.” About 380 persons received treatment for trauma or shock, he added. About 2,000 buildings in and around Kiryat Shmona were damaged, mostly surface damage from shrapnel that sprayed out from the point of impact.

The eastern side of town was hit more than the west, Kadosh said. He speculated that this is because of the shape of the mountain that separates the city from the border. Rockets fired from Lebanon are more likely to fly over western Kiryat Shmona, which clings to the side of the mountain, and land beyond it in the eastern part of the city.

Kadosh said there was a small base attached to the IDF command located inside the city, as well as an IDF medical facility. “The nearest fighting base is based in Metullah,” he said.

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<sup>158</sup> Human Rights Watch interview, Kiryat Shmona, October 1, 2006.

Humanitarian law requires that military and civilian medical units used exclusively for medical purposes be respected and protected in all circumstances.<sup>159</sup> “Medical units” include “hospitals and other similar units, blood transfusion centers, preventive medicine centers and institutes, medical depots and the medical and pharmaceutical stores of such units.”<sup>160</sup> However, military command centers are legitimate targets.

During the war, the fighting base in Metullah, a border village 7 kilometers to the north, moved some of its operations to the outskirts of Kiryat Shmona, Shimon Kamari, the city’s deputy mayor said.<sup>161</sup> Human Rights Watch, on a visit to the city on July 23, 2006, saw an artillery battery firing into Lebanon from a location northeast of the intersection between the main north-south highway (No. 90) and the road heading east to the Golan Heights (No. 99). Although located outside of Kiryat Shmona, it was close to housing on the city’s northern edge. Deputy Mayor Kamari explained, “Since recent events started, even before Katyushas fell on Kiryat Shmona, an artillery battery was moved from the border down to here. They make more noise and frighten the people here more than the Katyushas, but there is no choice: They were attacked when they were on the border. That is why they moved them down here.”

International humanitarian law obliges Israel, as a warring party, to the extent feasible, to avoid locating military objectives within or near densely populated areas, and to protect the civilian population under its control from the effects of attack.

Hezbollah may have known the location of the artillery cannon firing from near Kiryat Shmona, which was on the easier-to-hit eastern side of the town. But the widespread dispersion of strikes in and around this border city throughout the conflict strongly indicates that Hezbollah’s target was the city itself. If Hezbollah was in fact trying to hit the city’s small IDF command base or the nearby artillery piece some or all of the time, its fire was indiscriminate.

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<sup>159</sup> The protection due hospitals and other medical units is found in both customary international law and treaty law, including the 1907 Hague Regulations in art. 27, the First and Fourth Geneva Conventions (arts. 19 and 18 respectively), and Protocols I and II (arts. 12 and 11 respectively).

<sup>160</sup> ICRC, *Customary International Humanitarian Law*, p. 95.

<sup>161</sup> Human Rights Watch interview, Kiryat Shmona, July 23, 2006.

## HaKrayot

HaKrayot, Hebrew for “the towns,” refers to the coastal suburbs between the city of Haifa to the southwest and Akko to the north. HaKrayot’s population is about 300,000, exceeding that of Haifa. It includes both vast industrial zones as well as residential areas. HaKrayot towns make up most of the Zvulon police district, which also includes some smaller inland towns.

According to government statistics, 124 rockets landed in the Zvulon district, sixty of them inside cities. Zvulon Police Chief Kobi Bachar said that rockets fell on the region throughout the 34 days of the conflict. In addition to the 122mm and 220mm rockets, three 240mm Fajr-3 type rockets and one 302mm “Khyber” rocket landed in the district, he said. The latter landed in the inland Arab village of Ras ’Ali, south of Shfar’Am.

Rockets killed one and injured about eighty civilians in HaKrayot, Bachar said, not counting some three hundred who required treatment for shock or anxiety. Bachar added the casualties were not higher because the residents are well-trained to use shelters and safe rooms, and because a large percentage fled the region for part or all of the war.

Bachar said the pattern of rocket landings in the district indicates that Hezbollah was trying at times to hit industrial plants and at times civilian-populated areas.<sup>162</sup> There were direct hits on houses in Nesher (southeast of Haifa) and Kiryat Yam, and hits in residential areas of Kiryat Tiv’on, Kiryat Bialik, Kiryat Motzkin, and Kiryat Chaim.

Hezbollah hit the Delek oil terminal near Kiryat Chaim on July 16. On that day, Nasrallah gave a speech on al-Manar television in which he claimed that, while Hezbollah was able to strike Haifa’s chemical and petrochemical plants, it had refrained from doing so in order to avoid “pushing matters into the unknown.”<sup>163</sup>

In the view of both Bachar and Haifa Police Chief Meri-Esh, Hezbollah sought to hit Kiryat Chaim’s ammonia and ethylene storage facilities as well. Bachar said a

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<sup>162</sup> Human Rights Watch interview, Kiryat Chaim, October 5, 2006.

<sup>163</sup> “Nasrallah: We are ready to face the ground assault,” *an-Nahar*, July 17, 2006.

number of rockets landed within a 500 meter radius of these facilities, including many that fell in the sea nearby. He said the stocks in these tanks had been emptied at the start of the war to minimize the hazards if a rocket struck them. Ethelyne is combustible, while ammonia is an irritant gas that could create a public health emergency if released into the atmosphere. But a danger remained since neither could be emptied entirely.

As noted in the subsection on Kiryat Yam below, Bachar also believes Hezbollah was trying to hit the Rafael Armament Development Authority complex that starts at the northern limits of that city.

Industries may or may not be military objectives, depending on whether they directly contribute to the war effort: An ammunition factory is a target; an automobile factory is one only if it is producing vehicles for military use.

The only rocket fatality in the Zvulon district was Habib Awad, killed when a rocket hit the carpentry shop in Kiryat Ata where he worked. David Siboni, 60, owner of the carpentry shop, described the July 21 incident:

At around 10:45 a.m. today, I was in my office upstairs, when I heard the siren go off. There were about eight other workers here then. Normally, there are 15. I told them all to head to the safe room near the front of the shop. Three other workers and I were still upstairs when a [220mm rocket] hit us directly. [Awad] peeked out of the door and was killed from the blast. His body was in one piece; all of his injuries were internal. One other man was seriously hurt, another moderately. The others were lightly injured.<sup>164</sup>

Most of the rockets landing in the Zvulon district were loaded with steel spheres, either the 220mm rockets like the ones that hit Haifa or 122mm rockets loaded with submunitions. The 122mm rockets contained 39 grenades containing tiny steel spheres, according to Bachar, who said the police found 13 rockets with submunitions

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<sup>164</sup> Human Rights Watch interview, Kiryat Ata, July 23, 2006.

in the district. As noted above, steel-sphere loaded rockets are effective against soft targets, such as human beings, but of little use against hard targets.

One of the worst-hit Krayot towns was Kiryat Yam, a working-class, heavily immigrant community of 37,400, situated 27 kilometers south of the border. About forty rockets fell in Kiryat Yam, according to town spokesperson Nati Silverman.<sup>165</sup> The rockets first hit on July 15, he said, and continued until the end of the conflict. They tended to hit between 10 and 12 in the morning and between 3 and 5 in the afternoon, he said.

The rockets, most of them loaded with steel spheres, caused “a few tens” of injuries, four or five of them serious, the remainder mostly shock. Steel spheres were responsible for all of the physical injuries, Silverman said.

According to Silverman, the IDF has no base in or next to Kiryat Yam. Just north of the city, however, is a large complex belonging to the Rafael Armament Development Authority, a legitimate military target. Kobi Bachar, the police commander for the Zebulun district, said he believed that Hezbollah was trying to hit Rafael. He said that his command responded to three rockets that landed inside the complex, and that Kiryat Yam’s northern Savyonei Yam neighborhood, near the Rafael plant, took a large number of hits. He added that additional rockets could have hit the Rafael complex that were handled by IDF bomb removal units rather than by the police.

Hezbollah strikes on the Rafael complex do not explain the scattershot distribution of rocket landings throughout Kiryat Yam. To our knowledge, the city hosted no other significant military objectives during the war. The distribution of rocket strikes throughout the 5-square kilometer town—assuming that the aerial photograph of the town displayed in the mayor’s office represents them accurately—leaves little doubt that Hezbollah was firing indiscriminately, even if it had hoped to hit the Rafael complex.

Kiryat Yam mayor Shmuel Sisso said he was certain that the hits on the town were deliberate. “If you aim and you miss [your target], then you correct your fire,” he said. “Kiryat Yam had places that were hit twice during the war, weeks apart. Maybe those rockets were launched from the same place.” Sisso speculated that the many

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<sup>165</sup> Human Rights Watch interview, Kiryat Yam, October 5, 2006.

rockets that fell into the sea just west of the town were aimed at Haifa, but had fallen short. This was not the case for the rockets that struck inside Kiryat Yam, he said, since the town was not situated along the usual path of the rockets traveling from Lebanon toward Haifa. “The only conclusion is they were trying to hit the town itself,” said Sisso.<sup>166</sup>

Another indication of Hezbollah’s intentions was that nearly all of the rockets fired on Kiryat Yam were loaded with steel spheres, according to Sisso. Steel spheres are an anti-personnel weapon. “If they had wanted to hit the Rafael plant, they wouldn’t have used the steel spheres. There aren’t a lot of workers there. They would have used explosives.”

Human Rights Watch visited “HaMiflasim” (the road-builders) public elementary school in Kiryat Yam, which a steel-sphere loaded rocket hit on the afternoon of August 13. The rocket slammed into an outer wall of the school, damaging classrooms and causing the characteristic round steel-sphere puncture marks on the school’s exterior wall, the basketball backboard in the courtyard, the perimeter fence and the steel dumpster just outside. The school is located in the city’s neighborhood “Dalet” and is surrounded by low-rise apartment buildings and small houses. In August, school is not in session, but during the 2006 conflict children attended a morning daycare program in the basement. At the time that the rocket hit, however, the children had gone home, and no one was injured.

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<sup>166</sup> Human Rights Watch interview, Kiryat Yam, October 5, 2006.



A wall of the elementary school “HaMiflasim” in Kiryat Yam, damaged by steel spheres from a rocket that hit an adjacent classroom on August 13, 2006. © 2006 Bonnie Docherty/Human Rights Watch

Hezbollah provided no specific information about its attacks on Kiryat Yam or its intended targets there; it has not replied to Human Rights Watch requests for information about these attacks.

### **Ma’alot-Tarshiha and Me’ilia**

The town of Ma’alot-Tarshiha (population 21,100) sits on seven square kilometers on hills about ten kilometers south of the Lebanese border. The town is the result of a merger between the Jewish development town of Ma’alot, built alongside the older and more compact Arab town of Tarshiha. The population of the merged towns is about three-quarters Jewish.

Hezbollah rockets had hit Ma’alot-Tarshiha prior to the 2006 war. During this conflict, the town sustained more rocket hits than any other city beside Kiryat Shmona and

Nahariya, according to official statistics.<sup>167</sup> These included a single fatal strike that killed three youths. Rockets hitting the town also caused a handful of light physical injuries and shock to scores of others.

According to records provided by the municipality, the first rocket hit Ma'alot-Tarshiha on July 16 and from that day until August 13, one or more rockets landed on 21 of the 34 days that the war lasted.<sup>168</sup> They landed mostly in the far larger, Jewish town of Ma'alot, hitting homes, restaurants, shops open areas, streets, and a community center. There were no injuries and almost no property damage in the town of Tarshiha.

August 3, the day with the highest number of hits on Ma'alot-Tarshiha—11—was also the only day on which rockets killed civilians. The victims were three friends from Tarshiha: Shanati Shanati, 17, Amir Na'eem, 19, and Muhammad Fa'our, 17. Fa'our was a high school student; Shanati helped his father in farming, and Na'eem was a part-time laborer. At about 4 p.m., the three were driving in a car on a road surrounded by open fields, just west of Tarshiha and about 10 kilometers south of the border, when a rocket struck their car. They fled on foot toward a large boulder in a field by the road when a second rocket exploded in their midst, inflicting deadly shrapnel wounds on all three. According to Shanati's father As`ad Shanati, who was in a nearby field at the time of the attack, the fatal rocket was one of about seven that landed in this small area outside of town during a fifteen-minute period.

Shanati Shanati, just shy of his eighteenth birthday, was As`ad Shanati's third child. "But he was everything to me," the father told Human Rights Watch. "A son can bury a father, but for a father to bury a son is the hardest thing to do," he said.<sup>169</sup>

As`ad Shanati and several Tarshiha residents noted that during the war, the IDF had installed an artillery piece on a hilltop about 500 meters north of the site of the deadly strike. They said it was the only military target they were aware of in the town's immediate vicinity. Ahmed Fa'our, the father of Muhammad, said that the

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<sup>167</sup> The chart lists the area as Me'ona, a district centered on Ma'alot-Tarshiha.

<sup>168</sup> A copy is on file at Human Rights Watch.

<sup>169</sup> Human Rights Watch interview, Ma'alot-Tarshiha, October 1, 2006.

rockets started landing in and around Tarshiha only after Israel started firing artillery from the nearby hilltop. The municipality's records show no rockets landing in or adjacent to Tarshiha until July 29.

After Israel began firing artillery from near Tarshiha, "there was lots of noise, and the houses shook day and night," recalled Ahmed, a forty-two-year-old driver. "There were orders for everyone to remain in shelters. But Muhammad was 17, and there was no keeping him inside. This is a house, not a prison. So he went out that day and at about 4 in the afternoon it happened."

"Muhammad was the oldest, a model for his brothers and sisters. It took a piece from me," Ahmed said. "I have 5 other children, but I feel the house is empty. Muhammad was also a model for his friends. His friends won't leave the family."<sup>170</sup> On the day that Human Rights Watch visited the Fa'our home, several of Muhammad's friends were in the yard, laying out a decorative sidewalk in his memory.<sup>171</sup>

Hezbollah may have aimed the volley of rockets that afternoon at the hilltop artillery piece and over-shot it. Just before those strikes, a rocket hit for the first time the Arab village of Me'ilia (population 2,700; see below), two kilometers north of where the rocket killed the three youths. While the presence of this artillery piece on a hill outside of Ma'alot-Tarshiha might explain this particular volley, it cannot explain the rocketing of the populated neighborhoods of Ma'alot throughout the war.

Resident Maha Morani described the attack on Me'ilia:

It was around 3:30 p.m. yesterday .... We live on the third floor in a three-floor apartment building. We left kids at home and went out just for a few minutes to buy some food. My daughter was sleeping in her room in a cradle, and our son was in the living room. Suddenly, the siren went off, and my husband—I don't know how he felt it—tore at full speed to the house, and just flew up the stairs to the room where Nura was sleeping. He grabbed her and rushed down, and just a

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<sup>170</sup> Human Rights Watch interview, Ma'alot-Tarshiha, October 1, 2006.

<sup>171</sup> They had also created a website about him, [www.rip-mohammed.tk](http://www.rip-mohammed.tk).

minute after they left the house, the rocket hit straight into the room where Nura had been sleeping. She was injured in the eye by pieces of concrete that flew all around. Thank God, our son was in another room, so he was not injured physically, but he was in shock. Since the attack, he has not talked at all, not a single word.<sup>172</sup>

Hezbollah never disclosed the intended target of any of these strikes, to the best of our knowledge; nor did it reply to our request for this information.

### **Mazra: Mental Hospital hit**

On Saturday July 29, at 3p.m., a rocket hit a residential ward of Mazra Mental Health Center, the only mental hospital in northern Israel. It is located in the village of Mazra (population 3,400), about 13 kilometers from the border, and just south of Nahariya. The hospital has a psycho-geriatric ward that includes Holocaust survivors, the only such ward in northern Israel.

Hospital Director Dr. Ilana Tal said she knew of no military base or other fixed military objective near the hospital.<sup>173</sup> She added that the IDF did not fire into Lebanon from the vicinity at any time during the war.

The rocket, which was loaded with steel spheres, caused trauma among patients and staff members, but no physical injuries. According to Dr. Tal, staff had moved the patients to the back of the building after a warning siren had sounded. The shelters on the campus can only accommodate a small fraction of the in-patient population.

Dr. Tal said that by the day of the rocket strike, the in-patient population had been reduced from its capacity of 300 to 216 because of the war. Immediately after the strike, the staff began transferring all 216 patients to Abrabanel and Sha'ar Menashe hospitals in central Israel, a process that was completed by July 30.

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<sup>172</sup> Human Rights Watch interview, Nahariya, August 4, 2006.

<sup>173</sup> Human Rights Watch interview, Mazra, October 8, 2007.

On the morning of July 30, while the evacuation was under way, Tal said, five or six more rockets struck on or near the hospital campus, which is about 0.15 square kilometers in size. Only one of these caused some physical damage; the others landed on open areas. The fact that the same hospital was struck twice on consecutive days suggests that the first strike was no accident.

## Mghar

About forty rockets hit in or near the hilltop town of Mghar in the eastern Galilee, according to Afif Hinou, a schoolteacher and Mghar resident whose sister was one of two villagers killed by the rockets.

Located twenty kilometers south of the border, the mixed Druse-Muslim-Christian town of 19,000 was hit more than other villages in the vicinity.

Although Mghar itself contains no military targets, to our knowledge, it is located in a militarized area. There is a sizable IDF base near its entrance, Machve Alon, and another base between Mghar and Eilabun six kilometers to the south that, according to Hinou, is stocked with ammunition. It is not known whether and how often Hezbollah was targeting either of these military objectives; however, in an August 5 communiqué, Hezbollah said that at 6:40 p.m. it had attacked Hamoul [sic] and Eilabun military bases “with tens of rockets ... in response to ongoing Zionist aggression.”

International humanitarian law obliges Israel, as a warring party, to the extent feasible, to avoid locating military objectives within or near densely populated areas, and to protect the civilian population under its control from the effects of attack. According to a report by Israel’s State Comptroller, the Mghar regional council indicated that half of the region’s 19,000 residents had no access to protected shelters.<sup>174</sup>

Hinou described what happened on August 4, the day a rocket killed his younger sister, Manal Azzam, 27:

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<sup>174</sup> Israel State Comptroller, “The State of the Home Front and its Functioning during the Second Lebanon War,” (He'archut Ha'oref vetifkudo bemilhemet Levanon Hashniya) in Hebrew at <http://www.mevaker.gov.il/serve/contentTree.asp?bookid=493&id=188&contentid=&parentcid=undefined&sw=1280&hw=954>, July 18, 2007 (accessed July 21, 2007).

We were at our house. We heard the siren. We heard an explosion nearby and we knew it was in our area. I ran to the automobile. I figured someone needed help. My brother, who is also a neighbor, and I went up to a higher house, and looked and saw a pillar of smoke and dust, and we saw it was rising from our parents' house below. We ran there; it was about 2:05 p.m. The bomb had hit the neighboring house. No one was inside, but Manal lived in one of our family apartments next door. When I got there, I saw that my father had already entered and left the apartment. He told me that Manal was "gone." She had received a serious injury to her head.

Tens of people started arriving. I entered the apartment and found her on the floor, dead. I did not see two children Qanar, who is six, and Adam, who is two. One of the neighbors had already come and taken them. After five minutes, they brought the children to the ambulance. They had been lightly wounded by fragments in their body. They were brought to Poriah Hospital [in Tiberias] and treated and released the same day. An ambulance took Manal to Abu Kabir [Forensic Institute in Jaffa]. She was buried the following day, the 5<sup>th</sup> of August.

Manal was 27 years old. She was killed as she was waiting to go to a wedding. Her husband was supposed to return from work and pick her up.

For my parents, this was the second tragedy: we had a brother who was a lieutenant in the IDF who was killed in an automobile accident in 1997.<sup>175</sup>

The other Mghar resident killed by a Hezbollah rocket was Doua Abbas, 15, who was inside her home when a rocket hit it on July 25.

The rockets that hit Mghar included some cluster munitions with anti-personnel capabilities. Israel police stated that the one Israeli killed by a cluster munition rocket during the conflict was a resident of Mghar. Human Rights Watch was unable

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<sup>175</sup> Human Rights Watch interview, Mghar, October 8, 2007.

to confirm that a cluster rocket killed either Abbas or Azzam; however, we did collect evidence that cluster munitions hit the town and caused some injuries.

Jihad Ghanem, 43, a factory manager, showed us 3mm steel spheres and pieces of metal that he said he collected in front of his house after a rocket hit it between 2:15 and 2:30 p.m. on July 25, the same day that a rocket killed Doua Abbas. The pieces of metal were consistent with the top of MZD-2, or Type-90 submunitions. Ghanem also said he found in his yard a canister with small weapons stacked on top of each other.



A man holds pieces of MZD-2 cluster submunitions that he said landed in his courtyard in Mghar, on July 25, 2006. On the left are the 3mm steel spheres of the type that injured three members of his family. On the right are pieces of the top of such a submunition. © 2006 Bonnie Docherty/Human Rights Watch

Ghanem's house is in the western part of Mghar, and faces two other houses occupied by family members. The July 25 rocket lightly injured his son Rami, 8, his brother Ziad, 35, and his sister Suha, 33. Rami's arms bore irregular scars caused by pieces of shrapnel as well as smaller round marks that Jihad said were caused by steel spheres.

The light injuries and the canister Ghanem found suggest that the submunitions may not have deployed properly.

According to other villagers, the rocket that hit the Ghanem's property was part of a volley of some 10 to 12 rockets that landed in or near Mghar that afternoon, one after the other. Human Rights Watch could not determine how many of the rockets in this volley contained submunitions, but witnesses said that at least one of the other rockets was a cluster munition. Amal Hinou, 42, a brother of Afif Hinou and of Manal Azzam, showed Human Rights Watch pieces of it on October 8, 2006. Amal Hinou, who makes plate-glass products for construction, said that he collected them in an open field in the Hariq area just outside town. These included several clearly identifiable pieces of submunitions and their casings.

MZD-2 submunitions are easy to identify. They resemble small cylindrical bells with a ribbon at one end. A plastic band full of 3mm steel spheres wraps horizontally around the middle of the cylinder. Inside is an armor-piercing "shaped charge." The steel spheres carried by Hezbollah's regular 122mm and 220mm rockets—that is, those that do not contain submunitions—are 6mm in diameter.

Hezbollah did not respond to the queries submitted by Human Rights Watch concerning its use of cluster munitions, its intended targets, or the precautions it took to spare civilians.

It is not known whether Hezbollah rockets hit any of the IDF bases situated near Mghar. Given the known inaccuracy of the rockets that Hezbollah used, there was a substantial risk that even if aimed at these bases, the rockets would land in nearby towns. The decision by Hezbollah to fire these rockets when they were loaded with submunitions, whose area effect makes them especially dangerous in populated areas, exacerbates the indiscriminate nature of these attacks.

## **Nahariya**

An examination of the pattern of rockets falling on the city of Nahariya and public Hezbollah statements leaves little doubt that Hezbollah targeted the city itself rather than any military objective. On at least twelve separate days during the conflict,

Hezbollah issued communiqués stating it had attacked Nahariya earlier in the day, providing no details on what had been targeted within the city.

Nahariya is a coastal city of 50,500 residents, living in a mix of houses and multi-story apartment buildings. The city is the northernmost coastal city, only 10 kilometers south of the border. It is 10.5 square kilometers in size. Its population is nearly 100 percent Jewish. To the best of our knowledge, there was no significant military presence or activity inside the city during the conflict.

At least 880 Hezbollah rockets struck the Nahariya area during the 2006 conflict, according to official statistics, killing two persons and wounding 94 or 95 others. The most casualties occurred on July 13, when 28 civilians were injured. A handful of the injuries were moderate or serious, including one that required amputation of a leg. The relatively few fatalities and serious injuries can be attributed to civil defense measures: the city's residents, accustomed to rocket attacks from the past, were well-rehearsed in retreating to public shelters, neighborhood shelters, and private safe rooms. Some relocated during the war to other parts of the country, while the authorities bused others out for short respites.

Hezbollah had hit Nahariya with rockets in the past, but “nothing like this,” said Galia Mor, the city's director of public relations.<sup>176</sup> Proximity to the border and being within range of rockets had over the years harmed the city's tourist industry and curtailed investment, she said, forcing some property owners to convert hotels to housing.

On July 13, the day after the start of hostilities, rockets started hitting Nahariya. That morning, a rocket hit the roof of an apartment building and penetrated into an apartment below, killing Argentinean immigrant Monica Seidman, 40. The building is located in the residential Neve Yitzhak Rabin neighborhood, east of the city center. A Hezbollah rocket killed one other Israeli civilian that day, Nitzo Rubin, 33, in the city of Safed.

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<sup>176</sup> Human Rights Watch interview, Nahariya, October 3, 2006.

After July 13, rockets landed in Nahariya almost daily, surpassing the number that landed in any other city except Kiryat Shmona. Of these, 195 hit cars, houses, or other structures directly, Mor said. Residents and property-owners reported rocket-inflicted damage to 1,500 houses and small businesses, and to 155 cars, she added.

Most of the rockets that hit Nahariya were 122mm rockets, according to Kobi Bachar, police commander for the Zvulon region. Some of these were outfitted with steel spheres. A few 240mm rockets also hit the city during the course of the war, according to Michael Cardash, deputy head of Israel Police's Bomb Disposal Division.<sup>177</sup>

One possible military target was the factory of Blades Technology, Ltd. (still known locally by its former name, Iscar), in the northern part of the city. The company is a major international manufacturer of blades for jet turbine engines. According to Mor, a number of rockets hit the Blades Technology compound during the conflict. While she said that the northern part of the city was hit more than the southern part, residential neighborhoods around the city were struck again and again.

A schematic map of rocket landings, as drawn by Mor, showed that the hits were sufficiently scattered as to indicate that Hezbollah was firing at the 10.5 square kilometer city itself, whether or not it sought to target the Blades Technology factory.

Nahariya may have been well-prepared, but the persistent rocket attacks took a psychological and physical toll on the populace. When Human Rights Watch visited bomb shelters in Nahariya, in July, most were stiflingly hot and overcrowded. Many local residents had been spending days and nights in the shelters since the conflict began.

Nahariya resident Rosa Guttman, 52, described the difficulties for the elderly of using shelter: "Access for the elderly is hard with all the stairs," she said. "It is difficult for them to quickly get down into the shelter and later to climb back out. The shelters are cramped and there isn't enough room for everyone."<sup>178</sup>

Another woman who was staying in the same shelter as Guttman said:

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<sup>177</sup> Human Rights Watch interview, Jerusalem, October 4, 2006.

<sup>178</sup> Human Rights Watch interview, Nahariya, July 18, 2006.

We are in the shelter all the time, since the day things started. We only leave when the emergency services announce on the loudspeaker that we can go out. Sometimes we stay at the shelter during the day and go home to sleep at night. Yesterday we went home at around midnight to sleep but around 2 a.m. rockets started falling and at 5 a.m. we'd had enough, and returned to the shelter. We need more mattresses for everyone to sleep here. It is especially hard for the children. They are bored and scared.

In addition to Monica Seidman, Nahariya's other fatality was Andrei Zlanski, 37, who was killed just outside a shelter in the Ragum neighborhood on the evening of July 18. Human Rights Watch researchers arrived on the scene just after the attack and spoke with eyewitness Eliav Sian, 34:

The guy put his wife and child into the bomb shelter and then went out; I'm not sure why. There was no siren at the time, just a general warning to enter and stay in the shelters. I was standing near the entrance of the shelter, and the guy was just a few meters away. All of a sudden, I heard a whistling sound, and quickly ran back inside. The guy didn't make it and was killed instantly by the rocket.

Zlanski, Human Rights Watch later learned, had stepped out of the shelter to get a blanket for his daughter. "There used to be about 70 people in the shelter but after he was killed, many people left town, especially those with kids," said Yoav Zalgan, 35, a single man who remained in the shelter. "And now 30 people are usually here."

The same day, Nahariya resident Moshe Zamir, 56, witnessed a rocket strike on his neighbor's house. "Around 6 p.m., I went outside to sit on my front porch," he said. "All of a sudden, I heard a huge boom, and I quickly crouched down on the ground. I saw debris flying all over the place, and I ran back inside my house." The rocket hit the house of the neighboring Akuka family, who had already left town, he said.<sup>179</sup>

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<sup>179</sup> Human Rights Watch interview, Nahariya, July 18, 2006.

On the evening that the rocket killed Zlanski, Hezbollah announced in a communiqué that it had attacked the “settlement” of Nahariya, among others, “in response to the Zionist enemy’s attacks on regions in Lebanon.”

## **Nahariya Hospital**

The Western Galilee Hospital, more commonly known as Nahariya Hospital, sits just outside of town, about three kilometers east of the city center. It is surrounded by open fields; there are no military assets nearby, to our knowledge. The hospital is a large and modern multi-story facility, visible from the Lebanese border. It serves the half-million residents of the western Galilee, from Karmiel to the coast. During the 2006 war it received 1,872 patients, including 343 soldiers, according to hospital spokesperson Ziv Farber.<sup>180</sup> The hospital years ago had adapted its basement to accommodate medical wards so that it could operate underground when necessary, protected from rocket attacks.

When a rocket slammed into the north-facing, fourth-floor ophthalmology wing at about 5:30 p.m. on July 28, no one was injured because the patients and the service had already been transferred to the hospital’s basement. The rocket, which contained steel spheres, left a gaping hole in the outer wall and destroyed eight rooms, along with beds, equipment, and various systems installed in the ceilings and walls.

The hit on the hospital looks intentional when viewed in the context of the many near-misses during the war. Dr Jack Stoloro, director of the hospital’s emergency room, worked at the hospital continuously from July 12 until August 4. “I am sure that they were trying to hit the hospital,” he said. “All around the hospital at least ten rockets fell during the war, from the early days to the final days. The same morning that the hospital was hit, there was one that landed right next to the hospital parking lot.”

From the smashed windows of the ophthalmology wing, one can easily see the hills on the Lebanese side of the border from which the rockets had been fired. “There are

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<sup>180</sup> Human Rights Watch interview, Nahariya, October 3, 2006. Under humanitarian law, the presence of wounded soldiers at a hospital does not transform the facility into a military target. See, for example, First Geneva Convention, art. 19; Protocol I, art. 12.

no military bases around here, nothing military at all,” said Farber. “I believe they know perfectly well they are firing at a hospital.”

## Nazareth

On July 19, two steel-sphere-filled rockets hit the Arab city of Nazareth. The first killed two small boys on the city’s edge and the second caused extensive damage to a downtown auto dealership, narrowly avoiding injuries. These were the only two rockets that during the war caused any damage in Nazareth, a predominantly Arab city of 65,000, some 40 kilometers from the border with Lebanon. According to official Israeli statistics, an additional four rockets fell in the vicinity of Nazareth but outside the city limits, and one fell in the neighboring Jewish city of Nazareth Illit (Upper Nazareth).

The father of the two boys, Abd al-Rahim Talouzi, an unemployed painter, described the events on the afternoon of July 19. He was napping at his home on the hillside neighborhood of Safafra when an explosion at about 4:45 p.m. awakened him. He and his wife Nouhad immediately began looking for their eight children. He discovered that two of the older boys, Mohtaz, 14 and Ala’, 13, had taken two of the younger ones, Mahmoud, four, and Rabi`, eight, out to play. The four boys had been walking down a steep alley near the house when a rocket slammed into the roadbed. The older boys were farther down the hill and escaped injury, but Rabi` and Mahmoud, five and eight meters away from the impact respectively, died on the scene, their bodies blackened by the rocket’s explosion. Rabi`’s chest was riddled with holes caused by steel spheres, and Mahmoud sustained wounds from the rocket’s shrapnel.<sup>181</sup>

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<sup>181</sup> Human Rights Watch interview, Nazareth, October 7, 2006.



The frame of a traffic mirror in Nazareth that was pierced by 6mm steel spheres from a rocket that landed nearby on July 19, 2006 killing Mahmoud Talouzi, age four, and his brother Rabi` Talouzi, age eight. © 2006 Bonnie Docherty/Human Rights Watch

According to Nazareth residents, less than one minute after the rocket landed, another landed in downtown Nazareth, hitting the automobile dealership and garage owned for the past 35 years by Ased Abu Naja Ased. The blast destroyed the garage, an office with computers, diagnostic machines, several cars being serviced in the shop, and three new cars for sale that had arrived that day. The attack took place on Wednesday, the day of the week that the garage and other local businesses closed early. Otherwise, at least 20 workers would have been in the garage, Abu Naja said.<sup>182</sup>

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<sup>182</sup> Human Rights Watch interview, Nazareth, July 20, 2006.

Zohar Muslai of the Israeli police said, “The two sites that were struck by rockets are one and-a-half to two kilometers apart, as the crow flies. By coincidence the local police chief and I were on patrol about 50 meters from where the two brothers were killed in the Safafra neighborhood. There was immense damage and shrapnel at the site, caused by a 220mm rocket.”<sup>183</sup>

When asked about potential military targets in Nazareth that Hezbollah may have been trying to hit, Abd al-Rahim Talouzi said he believed that the rocket that killed his two sons had been intended for the al-Qashli police station, a large older building that sits atop a hill, approximately 100 meters above the steep alley hit by the rocket. Talouzi said he believed the police station was a military target because it housed sophisticated communications equipment. Human Rights Watch was unable to confirm or refute this assertion.

There is a military base a few hundred meters from the auto dealership, in the Bir al-Amir neighborhood of the city, in the Jabal ad-Dawla area. In the region surrounding Nazareth and nearby Arab villages, there are various IDF defense industries and military bases, including the Kfar Ha-Horesh camp about one-half a kilometer south of the city, and the Ramat David (Nahalal) air force base twelve kilometers west of town.

Hezbollah leader Nasrallah apologized publicly for the rocket that claimed the lives of Rabi’ and Mahmoud Talouzi. In an interview on al-Jazeera TV the following day, he said, “To the family that was hit in Nazareth—on my behalf and my brothers, I apologize to this family .... Some events like that happen. At any event, those who were killed in Nazareth, we consider them martyrs for Palestine and martyrs for the nation. I pay my condolences to them.” However, Hezbollah never explained what the intended target of the fatal strike had been, to the best of our knowledge.<sup>184</sup>

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<sup>183</sup> Human Rights Watch interview, Nazareth, July 20, 2006.

<sup>184</sup> Quoted in “Hezbollah Leader Apologizes for Attacks Child Victims,” *CNN*, July 21, 2006, <http://www.cnn.com/2006/WORLD/meast/07/20/nasrallah.interview/> (accessed June 6, 2007).

## **Kibbutz Saar**

Kibbutz Saar sits slightly northeast of Nahariya and seven kilometers from the border. The vast majority of its 450 residents, including all children, had departed during the first week of the conflict, and those who stayed spent most of their time in bomb shelters.

On August 2, a rocket killed kibbutz member David Lalchuk, 52, who had stayed in the kibbutz to look after the citrus orchards. At about 1 p.m., he left home by bicycle to check the gardens, but turned back when a warning siren sounded. He had almost made it back to the house when a rocket struck the yard, sending out large shrapnel that pierced his body. Lalchuk died on the spot. He had immigrated years earlier from the United States; his wife and children had left the kibbutz during the conflict.

Kibbutz secretary Yair Boymal said the day after the killing that during the three previous weeks, seven rockets had fallen on the kibbutz itself and many more in the agricultural gardens and fields belonging to the kibbutz. He added:

For three weeks we have not been able to take care of our citrus and avocado plantations, as well as the fields. The irrigation systems factory here has been almost shut down. We are losing money, we are losing clients, but we cannot even leave the shelters most of the time, let alone continue the work.<sup>185</sup>

Hezbollah did not disclose the intended target of this strike, to the best of our knowledge, and did not respond to a request from Human Rights Watch for this information. Human Rights Watch did not ascertain whether there were military objectives near the site of this rocket strike.

## **Safed (Tzfat)**

Safed, a city of 28,100 in the eastern Galilee, is located on hills 13 kilometers south of the border. According to Israeli statistics, 74 rockets hit the city and another 397 landed nearby. Safed suffered one fatality, Nitzo Rubin, 33, who was killed by a rocket that hit the street near him on July 13.

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<sup>185</sup> Human Rights Watch interview, Kibbutz Saar, August 3, 2006.

The rockets landed throughout the city but there were two clusters, according to Israel Police's Michael Cardash: one near the IDF's Northern Command headquarters on the northeast outskirts of the city and one near Ziv Hospital in the southwest part of the city, about three kilometers away.<sup>186</sup> The hospital treats mostly civilians, but also soldiers wounded in Lebanon, who are often flown in to the hospital's helipad. The IDF Northern Command is a legitimate military target; the hospital is not, regardless of whether it treats soldiers along with civilians.

A rocket struck next to the northwestern corner of the hospital at 11 p.m. on July 17, about five meters from the hospital wall. The blast broke windows and blew others out from the first to the fourth floors, causing damage to the surgical, internal medicine, and pediatrics wards. It also damaged a reinforced concrete platform that holds some of the hospital's water and gas-processing systems.

Hospital patient Roni Peri, 37, described what happened:

In the evening we were watching TV in our room. But just seconds before the rocket had hit we had gone out to the balcony on our floor. Suddenly something hit the wall below and there was a huge flash of yellow light and glass flying. There was a boy in a wheelchair with us on the balcony, and glass hit him in the head. We had gone to the balcony to have a cigarette. There was a helicopter flying overhead, and then we heard a siren and tried to get back in, but the rocket came too fast, and we had not made it inside yet. There were three of us out on the balcony—me, another guy, and the kid in wheelchair. You really can see, hear, and feel the explosion simultaneously. The explosion physically picks you up, and we landed on the other end of the balcony. Both of my arms and legs have cuts from the glass, and a piece of metal hit the balcony. It was the shrapnel, not the pressure from the blast, that broke the windows.<sup>187</sup>

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<sup>186</sup> Human Rights Watch interview, Jerusalem, October 4, 2006.

<sup>187</sup> Human Rights Watch interview, Safed, July 18, 2006.

Natan Snuf, head of security at the hospital said that after the blast, the administration moved patients underground, to the south-facing wings of the hospital, or discharged them if possible. The rocket broke windows in 50 to 60 rooms, he said. Dr. Amer Hussain, head of the hospital's emergency department, said that because of the rocket attacks, many members of the hospital staff had sent their families to the center of the country while they themselves slept at the hospital.<sup>188</sup>

In a communiqué issued late on the evening of the strike near the hospital, Hezbollah announced that at 10:15 p.m. it had attacked Safed, as well as several other towns and cities. It announced separately an attack at 10:10 p.m. on the IDF's Northern Command in the city.

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<sup>188</sup> Human Rights Watch interview, Safed, July 18, 2006.

## Hezbollah's Justifications for Attacks on Civilian Areas

Many of Hezbollah's wartime statements strongly indicate that Hezbollah's leaders believed that deliberate attacks on Israeli civilians were legitimate in certain circumstances. The justifications it offered for such attacks—compelling Israel to stop its indiscriminate attacks and forcing Israel into a ground war—do not make the attacks legal under international humanitarian law.

Hezbollah claimed, both before and during the conflict, to have both the preference and the technical means to direct its fire at military targets. When the war erupted on July 12, 2006, Hezbollah initially began announcing what it said were successful military strikes. On July 13, it claimed on al-Manar television to have hit the IDF base on Mount Meron, "which was severely damaged and set on fire." Hezbollah leader Nasrallah was later to claim that Hezbollah had destroyed the base completely.<sup>189</sup>

But on July 13 Hezbollah also threatened to target Israeli civilians if Israel continued to target Lebanese civilians. On that day it began firing on Israeli cities such as Safed and Nahariya, inflicting the first two Israeli civilian fatalities of the conflict.

Hezbollah nevertheless continued to maintain that it was directing much of its fire, successfully, at military targets. Nasrallah stated after the fighting had ended that "the declared number by Israel is 4,000 rockets, but the real number is bigger than that, but I want to clarify that the larger number did not fall on settlements but on military installations, camps and military gathering points."<sup>190</sup> Hezbollah claimed to have fired some 8,000 rockets into Israel,<sup>191</sup> explaining the discrepancy of 4,000 rockets as the result of an Israeli media blackout on news concerning hits on military targets. "We assert to you," Nasrallah declared on al-Manar television on August 9,

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<sup>189</sup> "The resistance fighters have destroyed the [Mount] Meron base completely, and it is one of the most notable strategic bases in Israel." Interview published in *As-Safir* Lebanese daily (Arabic), September 5, 2006.

<sup>190</sup> Interview on New TV on August 27, 2006. The transcript of this interview can be found in *Yawmiyyat Al-Harb Al-Isra'iliyya 'ala Lubnan*, 2006 ("Diary of the Israeli War on Lebanon 2006"), Beirut: As-Safir and the Arabic Information Center, 2006, in Arabic, page 267.

<sup>191</sup> "One senior Hezbollah official told Amnesty International that the number of rockets fired was around 8,000." Amnesty International, "Under Fire: Hezbollah's Attacks on Northern Israel," AI Index: MDE 02/025/2006, September 14, 2006, footnote 4. <http://web.amnesty.org/library/Index/ENGMDE020252006?open&of=ENG-366> (accessed March 15, 2007).

“that these rockets were guided by God and are guided technically and are not fired indiscriminately.”<sup>192</sup>

After the war he elaborated on this assertion:

They have imposed a restriction [or ban] on targeting of military goals. That is the meaning of the blackout imposed on 4,000 rockets .... Most of the rockets that hit Haifa and beyond Haifa reached military targets and we have intelligence information on losses in bases, military camps, airports, and some sensitive infrastructure.”<sup>193</sup>

Human Rights Watch could not verify these claims. The Israeli authorities did not confirm any damaging rocket strikes on military objects inside Israel during the conflict, although Michael Cardash of the Israel Police’s Bomb Disposal Division acknowledged that “dozens of” rockets hit the slopes of Mount Meron.<sup>194</sup> In addition, a 122 mm enhanced-range rocket loaded with steel spheres scored a direct hit on August 6 on a group of soldiers gathered outside the entrance to Kibbutz Kfar Giladi, killing twelve of them.

But alongside the strikes on military targets, Hezbollah made abundantly clear that it was also aiming rockets at villages, towns, cities, moshavs and kibbutzes in northern Israel, through statements aired on its al-Manar television station and through communiqués sent to news organizations.

Hezbollah justified these attacks by charging that Israel, in its bombardment of southern Lebanon, was disregarding the April 1996 understanding whereby both sides undertook to spare civilians from attack.<sup>195</sup> Hezbollah argued that it sought a

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<sup>192</sup> An English transcript of this speech is at <http://www.aimislam.com/forums/index.php?showtopic=457&st=40> (accessed March 15, 2007).

<sup>193</sup> Interview with Hussein Nasrallah, signed by Hussein Ayoub, *As-Safir* Arabic-language daily (Beirut), September 5, 2006. The transcript of this interview can be found in *Yawmiyyat Al-Harb Al-Isra’iliyyat `ala Lubnan*, 2006 (“Diary of the Israeli War on Lebanon 2006”), Beirut: As-Safir and the Arabic Information Center, 2006, page 267.

<sup>194</sup> Human Rights Watch interview, Jerusalem, October 4, 2006.

<sup>195</sup> That understanding, reprinted below in the chapter, “Historical Background to the 2006 Conflict,” includes, among other things, an undertaking to spare civilians as the target of attack.

reinstatement of that understanding. Hezbollah continued to invoke the 1996 understanding as the frame of reference for its conduct as the conflict was winding down. Nasrallah declared on August 12 on al-Manar television, “We naturally adhere to the ‘April Understandings’ [against targeting civilians], and we call upon the enemy to adhere to these understandings.”<sup>196</sup>

During the fighting Hezbollah repeatedly warned that it would either escalate or halt its firing at Israeli civilians depending on Israel’s actions vis-à-vis Lebanese civilians. It also claimed that when it did fire at Israeli civilians in response to Israeli provocations, it did so in a measured and graduated fashion.

Human Rights Watch examined 89 Hezbollah communiqués sent out during the course of the war that listed the places in Israel that Hezbollah purportedly hit with rockets that day. Only a small minority of these places are specified as military objectives. For example, a July 17 communiqué reported attacks on the IDF Northern Command headquarters in Safed and on the aerial command base on Mount Meron. The vast majority of these communiqués merely lists the names of civilian areas that Hezbollah claims to have attacked. For example, a July 23 communiqué reports that at 5:15 p.m., Hezbollah fired hundreds of rockets at “the cities” of Akko and Safed and on “the settlements” [Arabic: *musta`mirat*] of Tiberias, Karmiel, Kiryat Shemona, Hanania, Ma’alot, Shlomi, Ramot Naftali, Yeftah, Sde Eliezer, Zuel Haylon [as rendered in Arabic] and Gonen. If Hezbollah had been directing its fire at military targets rather than at civilians in these places, it was making no effort to communicate that. This was in contrast to the small number of its statements where it specified the military objectives it claimed to be attacking.

Hezbollah’s most common justification for firing at civilians was that this was the only way to pressure Israel to abandon its assault on Lebanese civilians. For example, Secretary-General Nasrallah stated in a speech aired on al-Manar television on July 29, two weeks into the conflict:

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<sup>196</sup> As translated by Middle East Media Research Institute, <http://www.memritv.org/Transcript.asp?P1=1234> (accessed June 4, 2007).

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 be a target in the beyond Haifa stage if the barbaric aggression against our homeland, people, and villages continues.<sup>197</sup>

Hezbollah also explained that by continuing to fire rockets into Israel, demonstrating the failure of Israel’s air bombardment to prevent them, it was forcing Israel to undertake a ground war in which Hezbollah enjoyed tactical advantages.<sup>198</sup>

Even if Hezbollah’s rocketing of Israeli civilians contributed to Hezbollah’s military objective of forcing Israel to shift from an air war to a ground war, the attacks still violated international humanitarian law. Attacks are lawful only when carried out against military objectives, such as a person, object or place 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 a protected object into a military objective; civilians remain immune from attack under the laws of war so long as they do not directly participate in the hostilities. Instead, such statements are strong evidence of criminal intent necessary to establish individual criminal responsibility for war crimes.

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<sup>197</sup> “Hezbollah chief vows to strike Israeli ‘cities’ in 29 July speech,” *BBC Monitoring Middle East*, July 30, 2006.

<sup>198</sup> For example, Nasrallah declared on al-Manar television on July 26:

We are not a classic army, and we do not put up a classic line of defense. We wage a guerrilla warfare, a method known to all. What is important in the ground war is the number of losses we inflict upon the Israeli enemy. I say to you: No matter the extent of the ground incursion that the Israeli enemy might accomplish—and this enemy has great capabilities in this area—it will not accomplish the goal of this incursion, which is to prevent the shelling of the settlements in the north of occupied Palestine...The arrival of the army of the Zionists in our country will enable us to inflict more harm on it, its soldiers, its officers, and its tanks; it will allow us a larger and bigger opportunity to conduct direct confrontations, and to conduct a war of attrition against this enemy, instead of it continuing to hide behind its fortifications on the international border and relying on its air force to attack villages and town and killing children, women and civilians. In the confrontations, we will have the upper hand. In the ground confrontations, the criterion is our attrition of the enemy, rather than what territory does or does not remain in our hands, because we are not fighting with the method of a regular army. We will definitely regain any land occupied by the enemy, after inflicting great losses upon it.

Translated by Human Rights Watch. Another English translation is available at <http://memri.org/bin/articles.cgi?Page=countries&Area=syria&ID=SP121406> (accessed May 30, 2007).

The more commonly articulated defense of Hezbollah tactics was that targeting Israeli civilians was the most effective way to defend Lebanese civilians. On July 14, in his first address since hostilities erupted started two days earlier, Nasrallah threatened that because Israel had been hitting Lebanese civilians, Hezbollah would not spare Israeli civilians:

To the Zionists, to the people of the Zionist entity at this hour, I say to them: .... The equation has now changed. I will not say today that if you strike Beirut, we will strike Haifa. I will not tell you that if you hit the southern Beirut suburbs, we will hit Haifa. You wanted to get rid of that equation, so now we and you have got rid of it in actuality. You wanted open warfare, and we are going into open warfare. We are ready for it, a war on every level. To Haifa, and, believe me, to beyond Haifa, and to beyond beyond Haifa. Not only we will be paying a price. Not only our houses will be destroyed. Not only our children will be killed. Not only our people will be displaced. Those days are past. That was how it was before 1982, and before the year 2000.<sup>199</sup>

On July 16, after a Hezbollah steel sphere-loaded 220mm rocket killed eight railway workers in Haifa that morning, Nasrallah went on television to announce that Israel had forced it to abandon the efforts it had made during the conflict's first few days to spare Israeli civilians:

First, concerning field operations, we tried from the start to act calmly and carefully and without any haste. We issued clear positions, and clear warnings. 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. Despite this, we maintained our patience, and directed our fight

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<sup>199</sup> English transcript of speech at [www.aimislam.com/forums/index.php?showtopic=457](http://www.aimislam.com/forums/index.php?showtopic=457) (accessed May 29, 2007).

against soldiers and military sites in the north of occupied Palestine [i.e., present-day Israel]....

Our patience in the early days seems to have been misunderstood by the enemy, for we in fact were patient with the aggression and we responded only on the military for the sake of making it clear that our battle was with it; and we considered that everybody was a partner [sic], but as long as we do not have to bomb civilian targets, why resort to the bombing of civilian targets?....

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....

We will resort to any means that will allow us to defend [our nation and people]; as long as the enemy undertakes its aggression without limits or red lines, we will respond without limits or red lines....

In the next phase we will continue as long as they have chosen this open war. We will be careful, to the extent possible, to avoid civilians unless they force us to [target them]. During the past period, even when we were forced to target civilians, we focused on the major settlements and cities even though we are capable of reaching any settlement, any village or any city in northern occupied Palestine, at the least, but we have preferred to use matters within the limits of pressuring the government of this enemy.<sup>200</sup>

Hezbollah could argue that it pursued a graduated response to the Israeli campaign in Lebanon. It had the means to hit Haifa, northern Israel's largest city, from the beginning of the war, as it showed by hitting the city's Stella Maris area on July 13,<sup>201</sup> the only hit in Haifa during the first four days of the war. It was not until July 16 that

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<sup>200</sup> "Nasrallah: We are ready to face the ground assault," *an-Nahar*, July 17, 2006.

<sup>201</sup> Haifa Police Chief Nir Meri-Esh said the rocket that landed on July 13 was an enhanced-range 122mm rocket. Human Rights Watch interview, Haifa, October 4, 2006.

Hezbollah began regularly hitting Haifa, starting with the attack that killed eight railway workers.

However, Hezbollah's claims of having spared civilians during the war's first days are not credible. From July 13 on there was no phase of the conflict, except for a two-day-long lull in the fighting on July 31 and August 1, when Hezbollah rockets were not striking civilian areas inside Israel.

Throughout the conflict, Hezbollah issued lists of Israeli villages, towns and cities it claimed to have attacked that day—usually prefacing the list with an explanation that it had carried out the attacks in response to enemy actions in Lebanon. Many Hezbollah communiqués claimed success in hitting not only military targets but also civilian communities. For example, on July 18, Hezbollah issued at least three such statements listing Israeli “settlements”<sup>202</sup> targeted earlier that day, noting the times of the attacks and the weapons used, and explaining in all three cases that the attacks were reprisals for actions of the Israeli army. Here is a fairly typical selection of short communiqués that Hezbollah issued during the course of one hour on August 2:

At 11:45 a.m.:

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.

At 11:58 a.m.:

In response to the continuing Zionist enemy aggression against Lebanese civilians, the Islamic Resistance bombed, at 11:40 a.m., the

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<sup>202</sup> Hezbollah identified as “settlements” towns that are located inside the state of Israel and not in the Occupied Palestinian Territories.

settlements of Goren, Eilon, Ma'alot, Kfar Vradim and Elkosh with tens of rockets."

At 12:16 p.m.:

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

Further to the previous statement on targeting `Ayn Hamour military base, which is considered one of the most important Zionist military bases, casualties were reported to have been incurred at that base.<sup>203</sup>

In these communiqués detailing the day's military activities, Hezbollah listed the predominantly Jewish towns it claimed to have hit with rockets, but routinely omitted the names of majority Arab communities that it had also hit. However, in some cases Nasrallah apologized when Arab communities were hit and expressed condolences to the families of Arab victims of rocket fire.

On August 9, three days after Hezbollah rockets killed Arab residents of Haifa for the first time, and three weeks after they had begun killing and injuring Jewish residents, Nasrallah publicly urged Arab residents of the city to flee for their own safety, further demonstrating that Hezbollah saw Jewish Israeli civilians as legitimate targets:

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.<sup>204</sup>

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<sup>203</sup> English translation of this communiqué at <http://www.groupsrv.com/religion/about196180.html> (accessed May 29, 2007).

<sup>204</sup> English transcript of the speech at <http://www.aimislam.com/forums/index.php?showtopic=457&st=40> (accessed May 1, 2007).

This statement indicates that Hezbollah's rocket attacks were either directed at Haifa's Jewish residents or that they were knowingly endangering the city's civilians but that Hezbollah did not care so long as the victims were Jews—indicating criminal intent to target civilians or recklessly subject them to indiscriminate attack.

Some commentators have noted that statements such as this one about impending rocket attacks could be interpreted as warnings to all civilians, not just Arab Israelis, to flee or seek protection.<sup>205</sup> Humanitarian law encourages parties to a conflict to give effective advance warnings of an attack that may affect the civilian population.<sup>206</sup> However, such warnings do not transform an otherwise unlawful direct or indiscriminate attack on civilians or civilian objects into a lawful one. Moreover, where such “advance warnings” are primarily intended to spread terror among the civilian population rather than to give effective warning, as may have been the case here, they violate international law, even if the attack is never carried out.<sup>207</sup>

Speaking on August 3, after the resumption of hostilities that followed a two-day lull, Nasrallah said on al-Manar television:

Regarding the rockets and the settlements, I would like to confirm that our shelling of the settlements, in the north or beyond Haifa or Tel Aviv, and since the issues are now clearer, is a reaction and not an action. If you attack our cities, villages and capital, we will react. And any time you decide to stop your attacks on our cities, villages and infrastructure, we will not fire rockets on any Israeli settlement or city. Naturally, we would rather, in case of fighting, fight soldier to soldier on the ground and battlefield.<sup>208</sup>

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<sup>205</sup> See, e.g., Jonathan Cook, “Hypocrisy and the Clamor against Hizbullah” *Counterpunch*, August 9, 2006, <http://www.counterpunch.org/cooko8092006.html> (accessed May 29, 2007). Hezbollah could not, as the IDF did in Lebanon, airdrop leaflets on Israeli towns urging civilians to flee in advance of military operations. But the radio and television broadcasts carrying the Hezbollah statements reached viewers in Israel, either directly or via Israeli media that conveyed their contents in Hebrew and other languages.

<sup>206</sup> See Protocol I, art. 57.2(c).

<sup>207</sup> 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).

<sup>208</sup> English transcript of this speech at <http://www.informationclearinghouse.info/article14470.htm> (accessed May 1, 2007).

International humanitarian law defines reprisals as an otherwise unlawful action that is considered lawful when used as an enforcement measure in reaction to an adversary's unlawful acts.<sup>209</sup> Current humanitarian law does not permit reprisal attacks on civilians in any circumstances, in part because attacks ostensibly launched as reprisals often spur counterattacks on civilians by the other side, and there is no end to the cycle of civilian injury and death.<sup>210</sup>

The development of Hezbollah's arguments during the war—at first, declaring that it would refrain from targeting civilians; next, threatening to retaliate against Israeli attacks against civilians with its own attacks against Israeli civilians; and finally, explaining that such attacks were a last resort to pressure Israel to stop its attacks—mirror Hezbollah's explanations of its conduct during prior conflicts with Israel.

For example, in 1993, Hassan Hoballah, head of the international relations section of Hezbollah's political bureau, told Human Rights Watch that at the start of "Operation Accountability" earlier that year, "Israel targeted civilians, and we responded. We fired at Israeli settlements to press them to stop the shelling."<sup>211</sup>

Shortly before the outbreak of the 2006 conflict, Nawaf al-Moussawi, Hezbollah's director for international relations, presented what he described as the evolution of the party's philosophy with respect to targeting civilians since the early 1990s. We present his remarks here without attempting to measure them against Hezbollah's actual conduct, but rather to show that Hezbollah considers its actions to have been consistent over time.<sup>212</sup>

"We believe protecting civilians in wartime is very important," al-Moussawi said. "Hezbollah solely targets the Israeli military. Our arms are pure. We never target civilians." By contrast, Israel, he said, habitually "punishes" civilians after each operation against its soldiers.

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<sup>209</sup> See International Committee of the Red Cross (ICRC), *Customary International Humanitarian Law* (Cambridge: Cambridge University Press, 2005), p. 513.

<sup>210</sup> See Protocol I, art. 51.6, "Attacks against the civilian population or civilians by way of reprisals are prohibited."

<sup>211</sup> Interview, Beirut, October 20, 1993. Cited in Human Rights Watch, *Civilian Pawns: Laws of War Violations and the Use of Weapons on the Israel-Lebanon Border*, May 1996, [http://hrw.org/reports/1996/Israel.htm#P902\\_269733](http://hrw.org/reports/1996/Israel.htm#P902_269733).

<sup>212</sup> Human Rights Watch interview, Beirut, July 1, 2006.

Moussawi said that in the early 1990s, Hezbollah decided under the circumstances that it “needed to harm enemy civilians to achieve a better balance.” But even after Hezbollah made this decision, “the harm [we inflicted on civilians] was not comprehensive; [we used] warning shells. It is not our cause, not in our interest as a resistance force, to kill Israeli civilians. It is to target occupiers of our land. We fired warning shells in order to prevent casualties among our civilians.”

Moussawi claimed that Israel agreed to its 1993 unwritten understanding with Hezbollah only “when Israelis sensed we are able to harm their civilians.” Israeli violations of the understanding to spare civilians after 1993 forced Hezbollah once again to “retaliate”, which led to the “excellent” April 1996 agreement. Moussawi said that the statistics from April 1996 until May 1999 show that there were about 300 Israeli violations of the understanding, and only three by Hezbollah.<sup>213</sup>

Referring to this period in the late 1990s, Moussawi claimed that Hezbollah had the means to aim its rockets with some degree of accuracy. Despite the constant Israeli violations of the understanding, he said, Hezbollah fire was “restricted to non-civilian locations. Our rockets landed in agricultural areas. This was not due to any inability to target but to our desire to send a warning.” Moussawi claimed that Hezbollah had refined its rockets to the point where their margin of error was “less than 50 meters.”

Hezbollah’s second-in-command, Deputy Secretary-General Na`im Qassem, also defended Hezbollah’s targeting of Israeli civilians prior to 1993 despite Hezbollah’s professed adherence to the principle that civilians should be spared. According to Qassem, Hezbollah targeted Israeli civilians as a defensive and reciprocal reaction to Israeli attacks on Lebanese civilians:

When the enemy persisted in exceeding his bounds during combat through continuous bombardment of civilian targets, the Resistance resorted to aiming Katyusha rockets at the northern Israeli settlements. The formula of hurting the enemy through direct targeting of Israeli

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<sup>213</sup> Ibid. As noted above, we present these remarks to illustrate Hezbollah’s discourse over time and not to affirm their veracity.

soldiers was proving insufficient to deter Israeli targeting of Lebanese civilian targets. As such, direct bombardment of Israeli civilian areas was a reaction, a reciprocal to what was initiated by the Israeli army. These measures helped achieve the July 1993 Accord and thereafter the April 1996 Accord, in both of which it was agreed that civilian areas should fall within a sphere of neutrality, a fact that is only appropriate and harmonious with the objectives and approach of the Resistance.<sup>214</sup>

Contrary to the above statements, international humanitarian law categorically prohibits all parties to a conflict from deliberately targeting civilians. This prohibition is in effect at all times, regardless of whether the other party is also targeting civilians or if the targeting of civilians is justified as a reprisal.

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<sup>214</sup> Na`im Qassem, *Hizbullah: The Story from Within* (London: Saqi Books, 2005), p. 74.

## Israel's Obligations to Take Precautions against the Effects of Attacks

International humanitarian law obligates all parties to an armed conflict to take all feasible precautions to protect the civilian population under their control against the effects of attack.<sup>215</sup> Feasible precautions have been defined as “those precautions which are practicable or practically possible taking into account all circumstances ruling at the time, including humanitarian and military considerations.”<sup>216</sup> This includes avoiding locating military targets within or near densely populated areas<sup>217</sup> and removing civilians from the vicinity of military objectives.<sup>218</sup> Israel has incorporated these norms into its military manuals.<sup>219</sup>

“Shielding” refers to the *intentional* use of the presence of civilians to render certain points, areas, or military forces immune from attack.<sup>220</sup> Taking over a family’s house and not permitting the family to leave for safety so as to deter the enemy from attacking is a simple example of using “human shields.” We found no evidence that Israeli authorities or the IDF intended to use civilians in northern Israel in this fashion during the 2006 conflict with Hezbollah.

However, the prohibition on shielding is distinct from the requirement that all warring parties take “constant care” to protect civilians during the conduct of military operations by, among other things, taking all feasible precautions to avoid locating military objectives within or near densely populated areas.<sup>221</sup> In firing rockets toward Israel, Hezbollah violated its obligation to aim exclusively at military objectives and to do so only when it could distinguish between military objectives and civilian

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<sup>215</sup> See Protocol I, art. 58(c).

<sup>216</sup> Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III), 1342 U.N.T.S. 171, 19 I.L.M. 1534, entered into force Dec. 2, 1983, art. 1(5).

<sup>217</sup> See Protocol I, art. 58(b).

<sup>218</sup> See Protocol I, art. 58(a).

<sup>219</sup> The IDF *Laws of War on the Battlefield*, p. 38, notes it is prohibited to “mingl[e] military targets among civilian objects, as for instance, a military force located within a village or a squad of soldiers fleeing into a civilian structure.” Also, “[o]ne should try and remove the civilian population from military targets.” *Ibid.* p. 39.

<sup>220</sup> Protocol I, art. 51(7).

<sup>221</sup> Protocol I, arts. 57, 58.

objects. It fired rockets at all of the main Jewish cities of the north irrespective of whether there were military objectives within or adjacent to these cities. Given that indiscriminate fire, there is no reason to believe that Israel's placement of certain military assets within these cities added appreciably to the risk facing their residents. That said, Israel should, to the extent feasible, relocate military assets away from populated areas, and enhance, where warranted, the protection it provides to all civilians residing near military assets.

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, across the street from Rambam Hospital and adjacent to Bat Galim, a neighborhood of low-rise apartment buildings. The Rafael Armament Development Authority, a public-sector corporation that produces weapons and technology for the IDF and for export, has a major complex on the coast, between the towns of Kiryat Yam and Akko; numerous other defense plants in the north are located next to Jewish and Arab settlements.

During the conflict, the IDF presence in the north surged as the army concentrated its forces near and across the border. In some instances, the IDF fired artillery into Lebanon from locations quite near to residential communities, such as just outside the border village of Arab al-Aramshe, and near the town of Ma'alot-Tarshiha (see chapters above on these two locations). Two significant military bases are located near the village of Mghar (population 19,000) in the eastern Galilee, which Hezbollah hit with about forty rockets. Over the years, Arabs in several Galilee towns and villages, including Sakhnin<sup>222</sup>, have protested against the construction or expansion of IDF and defense industry facilities in their immediate vicinity.

When Human Rights Watch on July 23 visited the Jewish village of Zarit, located some 750 meters from the border, we watched the IDF firing 155mm shells from 109 howitzer cannons parked on a residential street. The same day, we observed an artillery platoon firing into Lebanon from atop a hill just beyond a residential area of northern Kiryat Shmona (population 22,100).

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<sup>222</sup> "Palestinians Protest on 'Land Day,'" *Salt Lake Tribune*, March 31, 2000.

Col. Kuperstein, in charge of the IDF's Department of Physical Protection, denied that the IDF placed artillery batteries next to or in civilian neighborhoods, claiming that they were all placed in open places. But when asked about the artillery unit Human Rights Watch had seen firing from a street in Zarit, Col. Kuperstein replied, "I think we could call it an open space. It's a village on the northern border."<sup>223</sup>

Lt. Col. David Benjamin, head of the civil and international law branch at the IDF Judge Advocate General's office, said, "We are a small country. If you said you can't put an artillery piece within 30 kilometers of a village, we couldn't operate. The IDF has no policy of firing, purposely or negligently [in a way] that endanger[s] its own civilian population."<sup>224</sup>

Israel can also point to the extensive efforts it takes in wartime to shelter or evacuate civilians in northern Israel, in order to protect them from belligerent attacks while it conducts its own military operations in the region. Israel's elaborate civil defense program includes publicly and privately maintained reinforced shelters, secured hospital wings, warning sirens, public education programs, and evacuation plans. These programs almost certainly helped to reduce the number of civilian casualties inflicted by rockets fired by Hezbollah during this and earlier conflicts.

Nevertheless, the incidents described above raise questions as to whether Israel complied at all times with the international humanitarian norm requiring it, to the extent feasible, to avoid locating military objectives within or near densely populated areas, and to protect the civilian population under its control from the effects of attack.

For example, the IDF fired artillery cannons during the war from the outskirts of the Bedouin border village of Arab al-Aramshe. Hezbollah rockets hit Arab al-Aramshe several times during the war. On August 5, one of them struck a house and killed three women. To our knowledge, Hezbollah issued no statement indicating the intended target of this deadly attack; it is not known whether it had been aiming at the IDF artillery cannon or simply firing toward the village. Either way, the question

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<sup>223</sup> Human Rights Watch interview, Ramle, October 4, 2007.

<sup>224</sup> Human Rights Watch interview, Tel Aviv, July 2, 2007.

remains whether the IDF could have placed its artillery cannons at a farther remove from the village and whether Israeli authorities could have done more either to shelter or evacuate the residents of Arab al-Aramshe while troops were firing from nearby fields.

By the same token, by situating major military assets such as the IDF northern command headquarters in the city of Safed and the Navy Training Base next to Rambam Hospital and the Bat Galim neighborhood of Haifa, Israel exposes the civilian neighbors of these bases to the danger of enemy attacks on these assets. The obligation under international humanitarian law to take all feasible precautions to protect the nearby population means ensuring that an adequate civilian protection plan is in place for the population living nearby, or relocating those assets away from densely populated areas.

But even where Israel situated military assets in or near densely populated areas, Hezbollah would not have been justified under the laws of war to respond with indiscriminate attacks. International humanitarian law requires warring parties even in such circumstances 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.

### **Protection of civilians during wartime and the Principle of non-discrimination**

While Israel has invested heavily in civilian protection, Arab residents of northern Israel raise legitimate questions about whether Israel discriminates against them in terms of the degree of protection it provides them from belligerent attacks. The complaints were louder than ever during the 2006 conflict because it was the first time that Arab communities and not just Jewish communities had come under

extensive fire from Hezbollah rockets.<sup>225</sup> Arabs accounted for eighteen of the forty-two Israelis killed in the attacks.

The Arab citizens and nongovernmental organizations who alleged discrimination contended that the state provided inadequate Arabic-language information, insufficient alarm systems in Arab areas, and fewer public shelters.<sup>226</sup> Government officials denied that Arab communities had unequal access to public information and contended that decisions on building public shelters and “safe rooms” in private homes depended to some extent on municipalities and individual property owners respectively. If these protected spaces were less common in Arab communities than in Jewish ones, officials told Human Rights Watch, it was because, until 2006 many Arabs, assuming that their communities would not come under attack, had chosen not to allocate the substantial resources required to construct and maintain these safe areas.<sup>227</sup>

However, an audit prepared by Israel’s state comptroller, Micha Lindenstrauss, criticized the inadequacies of shelters and other protection for the non-Jewish population in northern Israel. His 582-page report on the Home Front’s performance during the Lebanon war, released July 18, 2007, noted, with respect to the “non-Jewish sector”:

In the 13 municipalities for which the state comptroller’s office has gathered information, more than 150,000 residents (over 70% of the residents in these localities) had no solutions in terms of shelters and protection.

The situation described above indicates a severe neglect on the part of the central government and the local authorities, in handling matters

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<sup>225</sup> See, for example, Sharon Roffe-Ofir, “Nazareth: No one told us, the Arabs, to take shelter,” *Ynet News*, July 19, 2006, <http://www.ynetnews.com/articles/0,7340,L-3278550,00.html#n> (accessed May 31, 2007); the Mossawa Center (Haifa, Israel), “The Arab Citizens of Israel and the 2006 War in Lebanon: Reflections and Realities,” August 2006, [http://www.mossawacenter.org/files/files/File/Reports/2006/The%20Arab%20Citizens%20of%20Israel%20and%20the%202006%20War%20in%20Lebanon\(2\).pdf](http://www.mossawacenter.org/files/files/File/Reports/2006/The%20Arab%20Citizens%20of%20Israel%20and%20the%202006%20War%20in%20Lebanon(2).pdf). (accessed May 1, 2007).

<sup>226</sup> *Ibid.*

<sup>227</sup> Human Rights Watch interview with Col. Yechiel Kuperstein, head of the IDF’s Physical Protection Department, Ramle, October 5, 2006.

pertaining to shelters for residents in the Non-Jewish sector: The ministry of finance and the ministry of the interior, the home front command and the local authorities did not allocate a budget for this purpose; public institutions had very few shelters, and the shelters that did exist lacked fundamental equipment. There was also a shortage of private shelters and shelters for educational institutions. As a result, thousands of residents in the non-Jewish sector in the north have no shelters for emergency situations.<sup>228</sup>

The office of Prime Minister Ehud Olmert rejected the State Comptroller's findings.<sup>229</sup>

Human Rights Watch did not investigate whether Israel discriminated among Jewish and Arab residents of the north in the protection it provided from Hezbollah attacks. We note, however, that international human rights law would prohibit such discrimination on the basis of religion or ethnicity.<sup>230</sup>

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<sup>228</sup> Israel State Comptroller, "The State of the Home Front and its Functioning during the Second Lebanon War," (He'archut Ha'oref vetifkudo bemilhemet Levanon Hashniya) in Hebrew at <http://www.mevaker.gov.il/serve/contentTree.asp?bookid=493&id=188&contentid=&parentcid=undefined&sw=1280&hw=954>, July 18, 2007 (accessed July 21, 2007).

<sup>229</sup> Aron Heller, "Government Watchdog Slams Olmert, Army for Handling of Homefront during Lebanon War," Associated Press, July 18, 2007.

<sup>230</sup> International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976, art. 26.

## **Historical Background to the 2006 Conflict**

The armies of Lebanon and Israel have not fought a conventional war since 1948. However, the government of Lebanon has allowed, or failed to control, armed groups that have launched attacks on Israel from within Lebanese territory.

In 1982, Israel launched a major invasion it called “Operation Peace for Galilee” for the stated purpose of destroying the Palestine Liberation Organization’s military and political apparatus in Lebanon. Israel’s aerial bombardments killed thousands of civilians as its forces laid siege to Beirut. The United Nations Security Council issued resolutions calling for a total, immediate and unconditional withdrawal of troops from Lebanon. Israel, citing overriding political and military objectives, continued to occupy large parts of the country.

The Israeli occupation led to the creation of a Shi`a resistance based primarily in the southern suburbs of Beirut, the Bekaa valley, and the villages of southern Lebanon. In 1985, a Lebanese group calling itself Hezbollah formally announced itself and declared an armed struggle to end the Israeli occupation of Lebanon. When the Lebanese civil war ended in 1990 and other warring factions agreed to disarm, Hezbollah and the South Lebanese Army (SLA), a pro-Israel militia, refused. Hezbollah cited as its reasons Israel’s continued occupation of Lebanese territory and its holding of Lebanese prisoners.

The government of Lebanon allowed Hezbollah to maintain its weapons. In 1992, Hezbollah participated in Lebanon’s national elections, and the candidate list it supported won twelve seats in parliament. In 2005 it entered the government for the first time and obtained ministerial portfolios.

Hezbollah and Israel have clashed sporadically along the Israeli-Lebanon border and inside Lebanon since the 1980s. Hezbollah has fought against the occupation army, fired rockets and mortar shells into Israel, and staged cross-border commando raids. The IDF has conducted ground operations in Lebanon, fired artillery shells and

conducted air raids for the stated purpose of eliminating the danger to Israel posed by Hezbollah and other armed militia based in Lebanon.

Twice during the 1990s, Israel launched major air and ground operations, for the declared purpose of ending Hezbollah rockets being fired into Israel and to make it difficult for Hezbollah to continue using southern Lebanon as a base for attacking Israeli forces.

The first such operation, in late July 1993, labeled “Operation Accountability” by Israel, lasted seven days. Israeli operations resulted in the deaths of some 120 Lebanese civilians, injured close to 500, and temporarily drove an estimated 300,000 villagers and Palestinian refugees from their homes. That week Hezbollah fired 151 rockets across the border, according to Israeli authorities, killing two civilians and wounding 24.<sup>231</sup>

The 1993 fighting ended in an informal, unwritten set of rules between Israel and Hezbollah prohibiting attacks on civilians. But by 1996 these rules had completely broke down, with both sides accusing the other of repeated violations.

On April 11, 1996 Israeli initiated a major military operation in Lebanon, dubbed “Operation Grapes of Wrath.” By the time it ended on April 27, Israeli military operations resulted in 154 civilian deaths and injured another 351. Hezbollah fired 639 rockets into Israel, according to Israeli officials.<sup>232</sup> There were no Israeli civilian deaths, although sixty-two civilians were injured, including three seriously, and sixty-five were treated for shock, according to the IDF.<sup>233</sup>

The conflict ended in a written agreement between Syria, Lebanon and Israel, compliance with which the United States and France would monitor. The agreement, according to the U.S. understanding of it, stated:

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<sup>231</sup> See Human Rights Watch, *Civilian Pawns: Laws of War Violations and the Use of Weapons on the Israel-Lebanon Border*, May 1996, [http://hrw.org/reports/1996/Israel.htm#P902\\_269733](http://hrw.org/reports/1996/Israel.htm#P902_269733).

<sup>232</sup> Cited in Human Rights Watch, *Operation Grapes of Wrath: The Civilian Victims*, September 1997, vol. 9, no. 8(E), [http://hrw.org/reports/1997/isrleb/isrleb-02.htm#P642\\_151307](http://hrw.org/reports/1997/isrleb/isrleb-02.htm#P642_151307).

<sup>233</sup> *Ibid.*

1. Armed groups in Lebanon will not carry out attacks by Katyusha rockets or by any kind of weapon into Israel.
2. Israel and those cooperating with it will not fire any kind of weapon at civilians or civilian targets in Lebanon.
3. Beyond this, the two parties commit to ensuring that under no circumstances will civilians be the target of attack and that civilian populated areas and industrial and electrical installations will not be used as launching grounds for attacks.
4. Without violating this understanding, nothing herein shall preclude any party from exercising the right of self-defense.<sup>234</sup>

The frequency of violent incidents declined following the agreement.

By May 2000, Israel withdrew its troops from southern Lebanon, saying it had ended its eighteen-year-long occupation. The Lebanese authorities considered that Israel's withdrawal was incomplete, referring to the disputed Shebaa Farms area, and to Israel's continued holding of Lebanese prisoners, justifications that Hezbollah then used to continue resistance.

### **The Start of the July-August 2006 Conflict**

At about 9 a.m. on July 12, 2006, Hezbollah fighters crossed into Israeli territory and attacked an IDF convoy patrolling the border, killing three IDF soldiers and taking two captured IDF soldiers back into Lebanon. Shortly before the incursion, Hezbollah fired rockets and mortar shells at military positions and nearby civilian communities along the border, including the town of Shlomi and the moshav (cooperative community) of Zarit. With hindsight, these attacks appear to have been diversionary maneuvers for its incursion and assault on the IDF convoy. The Hezbollah rockets launched that day—24, according to the IDF Home Front Command—caused light physical injuries to two civilians.<sup>235</sup>

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<sup>234</sup> Israel-Lebanon Ceasefire Understanding, April 26, 1996, [http://telaviv.usembassy.gov/publish/peace/documents/ceasefire\\_understanding.html](http://telaviv.usembassy.gov/publish/peace/documents/ceasefire_understanding.html) (accessed May 6, 2007).

<sup>235</sup> IDF Home Front Command, PowerPoint presentation, undated, probably late 2006, on file at Human Rights Watch.

Almost immediately after the attack, an IDF Merkava tank sent into Lebanon to rescue the captured soldiers ran into a massive anti-tank mine that killed three IDF soldiers and wounded a fourth. An eighth IDF soldier was killed in fighting around efforts to retrieve the injured and the dead from the tank.<sup>236</sup>

Dubbed “Operation Truthful Promise” by Hezbollah, the raid fulfilled Hezbollah Secretary-General Nasrallah’s longstanding aim to take IDF soldiers hostage in order to pressure Israel to release remaining Lebanese prisoners in Israeli prisons, and to return the disputed Shebaa Farms area to Lebanese control.<sup>237</sup> Immediately following the raid, Hezbollah stated that it would return the abducted soldiers to Israel through “indirect negotiations” resulting in a “trade” with Lebanese prisoners held in Israeli prisons.<sup>238</sup>

While international humanitarian law allows belligerent parties to exchange prisoners, capturing and using nationals of a belligerent party in order to compel that party to release prisoners is considered hostage-taking in violation of humanitarian law.<sup>239</sup>

After the abduction of the two soldiers, Hezbollah perhaps expected a response from Israel limited to several days of airstrikes on Hezbollah targets followed by a prisoner exchange negotiation, as had happened during prior hostage-taking incidents.<sup>240</sup> Instead, Israel mounted a full-scale military offensive not only to retrieve the captured soldiers, but to clear Hezbollah from its northern border.

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<sup>236</sup> Ibid.; Nicholas Blanford, “Hizbollah and the IDF: Accepting New Realities along the Blue Line,” *The MIT Electronic Journal of Middle East Studies*, vol. 6, Summer 2006, <http://web.mit.edu/cis/www/mitejmes/intro.htm> (accessed July 17, 2007). See also Amos Harel, “Hezbollah kills 8 soldiers, kidnaps two in offensive on northern border,” *Ha’aretz*, July 13, 2006.

<sup>237</sup> For an overview of the Shebaa Farm dispute, see Asher Kaufman, “Size Does Not Matter: The Shebaa Farms in History and Contemporary Politics,” *The MIT Electronic Journal of Middle East Studies*, vol. 6, Summer 2006, <http://web.mit.edu/cis/www/mitejmes/intro.htm> (accessed July 17, 2007).

<sup>238</sup> Chris McGreal, “Capture of soldiers was ‘act of war’ says Israel,” *Guardian* (London), July 13, 2006.

<sup>239</sup> The International Convention against the Taking of Hostages (1979) in article 1 defines hostage-taking as the seizure or detention of a person (the hostage), combined with threatening to kill or injure or continue to detain the hostage, in order to compel a third party to do or refrain from doing something as a condition for the hostage’s release. The various provisions of international humanitarian law that prohibit hostage-taking do not limit the offense to the taking of civilians, but apply it to the taking of any person. See ICRC, *Customary International Humanitarian Law*, p. 336 and Human Rights Watch, “Gaza/Israel/Lebanon: Release the Hostages,” July 5, 2007, <http://hrw.org/english/docs/2007/07/05/isrlpa16354.htm>.

<sup>240</sup> In 2004, Israel negotiated a prisoner exchange with Hezbollah after the latter kidnapped Elhanan Tannenbaum, an Israeli businessman and former IDF colonel, and three IDF soldiers. Ian Fisher and Greg Myre, “Israel and Hezbollah Trade Prisoners and War Dead in Flights To and From Germany,” *The New York Times*, January 30, 2004.

Thus began the campaign Hezbollah labeled “Truthful Promise.” Israel labeled its campaign “Operation Just Reward” but later renamed it “Operation Change of Direction.” Some Israeli and other commentators and others have argued that the Israeli offensive in Lebanon triggered by Hezbollah’s capture of its soldiers on July 12 had been long in preparation,<sup>241</sup> Hezbollah had also been preparing for war long before that day.<sup>242</sup>

Immediately following the Hezbollah operations of July 12, the IDF began firing on southern Lebanon, hitting suspected Hezbollah positions and infrastructure, and causing civilian casualties. After losing five troops that afternoon in an unsuccessful foray into southern Lebanon to rescue the two captured soldiers, the IDF quickly broadened its aerial bombardment of targets in Lebanon. The attacks killed at least 55 civilians and wounded more than 100 by July 13, according to media reports at the time.

Hezbollah leader Nasrallah claimed that its operation to capture soldiers was justified by Israel’s having broken an agreement to release Lebanese prisoners.<sup>243</sup> Israeli Prime Minister Ehud Olmert called Hezbollah’s July 12 attack an act of war, and held the government of Lebanon responsible.<sup>244</sup>

On July 13, Hezbollah fired an estimated 120 rockets into Israel, according to Israel’s tally, hitting some twenty towns, including, for the first time ever, the city of Haifa, which is 30 kilometers from the border. That day, Hezbollah rockets claimed their first two civilian fatalities of the conflict.

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<sup>241</sup> See, for example, Matthew Kalman, “Israel set war plan more than a year ago: Strategy was put in motion as Hezbollah began increasing military strength,” *San Francisco Chronicle*, July 21, 2006; Seymour M. Hersh, “Washington’s Interest in Israel’s War,” *New Yorker*, August 21, 2006. However, the Winograd commission, appointed by the Israeli government to investigate its handling of the war, criticized the country’s leaders, in its interim report issued April 30, 2007, for embarking on a war for which they were not prepared. A summary in English of the commission’s interim report is at <http://www.mfa.gov.il/MFA/Government/Communiques/2007/Winograd+Inquiry+Commission+submits+Interim+Report+30-Apr-2007.htm> (accessed June 5, 2007).

<sup>242</sup> On August 17, 2006, at the end of the conflict, Sheikh Na`im Qassem, the deputy secretary-general of Hezbollah, told al-Manar television that “over the past six years, we have been working day and night to prepare, equip, and train because we never trusted this enemy [Israel].” Cited in Blanford, “Hizbullah and the IDF: Accepting New Realities along the Blue Line.”

<sup>243</sup> Nasrallah said, “The prisoners will not be returned except through one way—indirect negotiations and a trade.” Greg Myre and Steven Erlanger, “Clashes Spread to Lebanon as Hezbollah Raids Israel,” *The New York Times*, July 13, 2006.

<sup>244</sup> Greg Myre and Steven Erlanger, “Clashes Spread to Lebanon as Hezbollah Raids Israel,” *The New York Times*, July 13, 2006. “I want to make clear that the event this morning is not a terror act, but an act of a sovereign state that attacked Israel without reason,” Mr. Olmert said. “The government of Lebanon, of which Hezbollah is a part, is trying to shake the stability of the region.”

## Acknowledgements

This report is based on fieldwork conducted in Israel in July through October 2006. The principal researchers were Eric Goldstein, research director of the Middle East and North Africa Division (MENA), of Human Rights Watch, and Bonnie Docherty, researcher in the Arms Division of Human Rights Watch. Eric Goldstein was the principal writer of the report; Bonnie Docherty wrote portions of the report.

Lucy Mair, Human Rights Watch researcher for Israel and the Occupied Palestinian Territories, and Anna Neistat, senior emergencies researcher, conducted extensive field work for this report. Erica Gaston, a student in the International Human Rights Clinic at Harvard Law School's Human Rights Program, conducted legal and field research, and Jonathan Fox, a consultant to Human Rights Watch, conducted field research and assisted with translation.

The report was edited by Sarah Leah Whitson, MENA executive director, James Ross, legal and policy director, Joe Saunders, deputy program director, Kenneth Roth, executive director, and Bonnie Docherty.

Mark Hiznay, senior researcher in the Arms Division, conducted research and provided input and analysis on issues related to arms.

Shir Alon, an intern at Human Rights Watch, and Noam Hofstatter, a consultant, assisted with research; Human Rights Watch associates Assef Ashraf and Tarek Radwan assisted with research and administrative support. Michael Yagupsky, a consultant to Human Rights Watch, served as an interpreter and translator.

Assef Ashraf, Tarek Radwan, Andrea Holley, director of publications, Grace Choi, publications specialist, and Fitzroy Hepkins, mail manager, prepared this report for publication.

## HUMAN RIGHTS WATCH

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## Appendix

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April 30, 2007

### MIDDLE EAST AND NORTH AFRICA DIVISION

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Sayyid Hassan Nasrallah  
c/o Ali Fayyad, Director  
Consultative Center for Studies and Development  
Beirut, Lebanon

Dear Sayyid Nasrallah,

Human Rights Watch is writing to you today with respect to the conflict that occurred between Hezbollah and Israel in July-August 2006. As an independent and impartial organization dedicated to monitoring and promoting compliance with international human rights and humanitarian law, Human Rights Watch published extensively on Israel's violations of its obligations under humanitarian law in its bombardment of Lebanon, as well as on Hezbollah's violations in its rocketing of Israel.

Those publications include *Fatal Strikes: Israel's Indiscriminate Attacks against Civilians in Lebanon* (attached to this letter, and online in Arabic at <http://www.hrw.org/arabic/reports/2006/lebanono8o6/>), published August 3, 2006, and *Hezbollah Must End Attacks on Civilians* (attached, and online in Arabic at <http://hrw.org/arabic/docs/2006/08/05/lebano13922.htm>), published August 5, 2006. All of our publications on the 2006 conflict can be viewed online at [http://www.hrw.org/campaigns/israel\\_lebanon/](http://www.hrw.org/campaigns/israel_lebanon/). We also published a report on the 1993 conflict, *Civilian Pawns: Laws of War Violations and the Use of Weapons on the Israel-Lebanon Border* (online at <http://hrw.org/reports/1996/Israel.htm>), published May 1, 1996; and on the 1996 conflict, *Operation Grapes of Wrath: The Civilian Victims* (online at <http://www.hrw.org/reports/1997/isrleb/>), published September 1, 1997.

Human Rights Watch’s specialized personnel—including humanitarian law, weapons, and battle damage assessment experts—have long-standing expertise in evaluating the conduct of military operations. Human Rights Watch researchers carried out extensive studies of the wars in Yugoslavia (published as *Civilian Deaths in the NATO Air Campaign*) and Iraq (published as *Off Target: The Conduct of the War and Civilian Casualties in Iraq*), among others.

To supplement the reports we have already issued, Human Rights Watch is now preparing more comprehensive reports on the Israel-Hezbollah conflict of last summer.

The information we seek from Hezbollah will be an important element in our assessment of Hezbollah’s conduct. Human Rights Watch is able to investigate, on the ground in Israel, civilian casualties, the destruction of civilian infrastructure, and the presence of military targets nearby. Only Hezbollah officials, however, can explain exactly what military objective they were targeting during a particular strike and any precautions they took to prevent civilian casualties during that strike. Such information will help us in our task of measuring compliance with the legal requirement that warring parties, in directing their operations, distinguish at all times between the civilian population and combatants, and between civilian objects and military objectives.

We have already sent a letter similar to this one to Israeli authorities, requesting information on Israel’s targeting strategies during the conflict.

What follows are questions that we wish to ask Hezbollah that are derived from our field research and our monitoring of Hezbollah’s public positions.

We hope very much that Hezbollah will reply to these questions, so that our final report can reflect Hezbollah’s positions and information that it considers relevant to the subject matter. All pertinent information that we receive by May 11 will be reflected in our final report.

We have first several general questions, and then a series of questions connected to specific incidents that we have researched.

## I. General Questions

1. Does Hezbollah consider itself bound, in its armed conflict with Israel, by the laws of war (international humanitarian law), as defined by the Geneva Conventions of 1949 and their Additional Protocols?
2. In a number of statements made during and after the conflict, Hezbollah claimed to have hit military targets inside Israel far more frequently than has been reported. Hezbollah attributed this discrepancy to Israeli censorship. Please provide details about the dates, locations, and targets of Hezbollah's strikes on military objects inside Israel.
3. On October 19, Human Rights Watch issued a report that Hezbollah fired cluster munition rockets into Israel that landed in civilian areas. As we wrote in our October 31 letter to Hezbollah (copy attached), we met with villagers who on July 25 had been injured by a rocket that contained submunitions in Mghar, in the eastern Galilee. Based on our examination of the ordnance we concluded that Hezbollah fired into Mghar Chinese-made Type-81 rockets containing 39 MZD-2 or Type-90 submunitions. Our letter sought Hezbollah's response to our evidence that Hezbollah had fired these submunitions during the conflict. On December 26, Human Rights Watch's Beirut director, Nadim Houry, raised the subject of our letter and our hope for a reply with Ali Fayad, head of the Hezbollah-affiliated Consultative Center for Studies and Development. We have still received no oral or written reply to this letter. Can you provide one?
4. Hezbollah rockets hit three hospitals, Safed Hospital (July 17), the Western Galilee (Nahariya) Hospital (July 28), and Mazra Mental Hospital (July 29). Did Hezbollah intentionally target these facilities? If so, why? If not, what were the intended targets? More than 45 rockets landed within 500 meters of Rambam Hospital in Haifa during the course of the conflict, according to the police

department of that city. Although none hit the hospital itself, was Hezbollah targeting Rambam Hospital? If so, why? If not, what was the intended target?

5. Rockets hit the city of Kiryat Shmona more than any other city in Israel, according to official Israeli statistics. 1,017 rockets landed in or near the city, 248 of them inside built-up areas, according to those statistics. Was Hezbollah targeting the city of Kiryat Shmona itself? If so, why? If not, what were the intended targets? What precautions, if any, were taken to minimize the risks to Israeli civilians when directing fire at these targets?
6. Our field research indicates an effort by Hezbollah to strike refineries and storage tanks in the port of Haifa, such as the Delek oil refineries, which were hit by rockets on July 16. Is it correct that Hezbollah targeted refineries and storage industrial sites in the Haifa and HaKrayot industrial zones? If so, do you consider these objects to be legitimate military targets for attack under international humanitarian law and, if so, why?
7. After two rockets landed in Haifa on August 6, killing two elderly Arabs and seriously wounding two others, you said on al-Manar television, “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.” Is this statement urging Arabs to evacuate Haifa an indication that Hezbollah wished to minimize Palestinian-Israeli civilian casualties but not Jewish-Israeli civilian casualties? If not, how should this statement be interpreted?

## II. Specific Incidents

What follows is a list of incidents involving civilian casualties and civilian infrastructure that we have investigated in Israel. The information, based on our field investigation of the sites and witness accounts, includes the date and location of the rocket attack and the civilian toll it caused. Please note that the letter we sent to the IDF includes a request for information on 97 separate strikes that accounted for over 500 deaths in Lebanon.

For each of the incidents listed below, we would welcome the following information from Hezbollah:

- a) The specific objective of the attack and the target selection and review process.
- b) Any specific precautions taken to ensure that the object of the attack was a military objective, if it was, and to avoid indiscriminate and/or disproportionate civilian casualties.
- c) Efforts taken, if any, to select a method of attack and weapon to limit indiscriminate and/or disproportionate civilian casualties.
- d) Any post-strike battle damage assessment undertaken to review the results of the particular strike and the results of that assessment.

### *Incidents*

1. July 12 (morning)—Rockets landed in or near the border communities of Zarit and Shlomi, injuring two civilians.
2. July 13 (morning)—A rocket landed on the roof of an apartment building in downtown Nahariya, killing Monica Seidman.
3. July 13 (about 3 p.m.)—A rocket landed in Majd al-Krum, across from the home of Aslan Hammoud, 18, who was injured.

4. July 16 (about 9:30 a.m.)—A 220 mm rocket containing steel spheres hit the roof of a railyard in the Haifa port area, killing eight workers.
5. July 17 (about 2:30 p.m.)—A 220 mm rocket containing steel spheres hit a building in Haifa's Bat Galim neighborhood, situated in the western port area, near Rambam hospital. The rocket damaged the two top floors at 16 Nahalal Street and wounded six civilians.
6. July 17 (about 11p.m.)—A rocket landed on the grounds of Safed Hospital, injuring several patients, breaking windows and causing minor damage to the hospital.
7. July 18—A rocket landed near a civilian shelter in Nahariya, killing Andrei Zlanski, 37.
8. July 19—Two rockets containing steel spheres hit the city of Nazareth. The first landed at about 4:45 p.m. in an alley in the Safafra neighborhood, killing two brothers, Rabi' and Mahmoud Taluzi, aged eight and four respectively. The second landed less than one minute later, hitting a downtown auto dealership and causing extensive damage but no injuries.
9. July 21—A 220 mm rocket hit a road east of Haifa. The rocket killed Shimon Glicklich, 60, who was driving his car.
10. July 21 (about 10:45 a.m.)—In Kiryat Ata, just east of Haifa, a 220 mm rocket killed Habib Awad, 48, of Iblin, when it hit the carpentry workshop where he was working.
11. July 25 (afternoon)—A rocket struck the home of Doua Abbas, 15, in the town of Mghar, killing her.
12. July 25 (about 2:30 p.m.)—A rocket containing cluster munitions landed in the yard between houses belonging to the extended family of Jihad Ghanem in

- western Mghar, injuring his son Rami, 8, his brother Ziad, 35, and his sister Suha, 33.
13. July 28 (about 5:30 p.m.)—A rocket hit Nahariya (Western Galilee) Hospital, extensively damaging the ophthalmology wing on the fourth floor but causing no injuries. Several rockets landed close to the hospital, including one in the parking lot.
  14. July 29 (about 3 p.m.)—A rocket loaded with steel spheres hit a ward of the Mazra Mental Hospital in the village of Mazra, causing damage but no injuries. The following morning, five or six more rockets landed on or near the hospital grounds.
  15. August 2 (about 1 p.m.)—A rocket landed in Kibbutz Saar near Nahariya, inflicting fatal shrapnel injuries on David Lalchuk, 52.
  16. August 3—A rocket landed in a residential neighborhood of Akko, killing Shimon Zaribi, 44; his 15-year-old daughter Mazal; Albert Ben-Abu, 41; Ariyeh Tamam, 50; and Ariyeh's brother Tiran, 39.
  17. August 3 (about 4 p.m.)—A rocket landed slightly west of Tarshiha, killing civilians Shanati Shanati, 17, Amir Na'eem, 18, and Muhammad Fa'ur, 17.
  18. August 3 (about 3:30 p.m.)—A rocket hit the third-floor bedroom of the Morani family in the village of Me'ilia, injuring a child, Nura Morani.
  19. August 4 (about 5 p.m.)—A rocket hit a street of Majd al-Krum, killing Baha' Karim, 32, and Muhammad Subhi Mana', 23.
  20. August 4 (about 2 p.m.)—A rocket hit a home in the town of Mghar, killing Manal Azzam, 27, in a neighboring home.

21. August 5—A rocket hit the home of the Jum’a family in the border village of Arab al-Arramshe, killing Fadia Jum’a, 60, and her two daughters, Sultana, 31 and Samira, 33.
22. August 6 (evening)—A 220 mm rocket containing steel spheres hit the building housing the archives of the Arabic language Communist party newspaper *al-Ittihad* in Haifa, killing Hana Hammam, 62, and Labiba Mazawi, 67.
23. August 10 (about 10:40 a.m.)—A rocket containing steel spheres hit the home in Deir al-Assad of Mariam Assad, 26, and her son Fathi Assadi, 5, killing both of them, and severing the leg of Fathi’s three-year-old brother Faris, and of Fathi’s grandmother Fatemeh, 49.
24. August 13 (afternoon)—a rocket containing steel spheres hit HaMiflasim public elementary school in the “Dalet” district of Kiryat Yam, causing damage but no injuries.

Human Rights Watch realizes that it will require a significant commitment to provide the information we have requested, but we feel that the effort will be a crucial contribution to a realistic understanding of the Israel-Hezbollah conflict.

Thank you for your consideration. We hope that you will provide responses to the preceding questions by May 11, so we can take them into account our final report.

We would welcome a meeting to discuss these questions, as well as any other issues you wish to raise.

Sincerely yours,  
Kenneth Roth  
Executive Director

## Civilians under Assault

### Hezbollah's Rocket Attacks on Israel in the 2006 War

During its 2006 armed conflict with Israel, Hezbollah fired at least 3,900 rockets into northern Israel. Hezbollah leaders claimed that its rockets were aimed primarily at military targets, while justifying its attacks on civilian areas as a legitimate response to Israel's indiscriminate fire into Lebanon and as a way to draw Israel into a ground war. Human Rights Watch investigations found that 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 contrary to international humanitarian law.

This report, based on extensive research in northern Israel, and a review of more than one hundred Hezbollah statements, shows that while Hezbollah at times aimed at military targets in northern Israel, it also repeatedly launched rockets toward populated areas without any apparent effort to distinguish between civilians and military objectives, and even targeted civilian areas deliberately. Hezbollah rockets killed at least 39 Israeli civilians and seriously wounded 33 others.

Hezbollah's weaponry made matters worse. All of its rockets were unguided and thus highly inaccurate. Many of those that landed in civilian areas sprayed out thousands of ball-bearing-like spheres – weapons that are devastating against humans but unlikely to inflict serious damage to hard military structures or matériel.

Human Rights Watch has reported extensively on both Hezbollah's and Israel's compliance with the laws of war during the 2006 conflict and in earlier conflicts. Human Rights Watch measures each party's compliance with its obligations under the laws of war, rather than 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 side.

*Residents of Kyriat Shmona in northern Israel stay in shelters because of Hezbollah rocket attacks. July 17, 2006.*

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