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War Crimes: Evidence of Israeli 'cowardly blending' comes to light

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In-depth Report: PALESTINE

It apparently never occurred to anyone in our leading human rights organisations or the Western media that the same moral and legal standards ought be applied to the behaviour of Israel and Hizbullah during the war on Lebanon 18 months ago. Belatedly, an important effort has been made to set that right.

A new report, written by a respected Israeli human rights organisation, one representing the country's Arab minority not its Jewish majority, has unearthed evidence showing that during the fighting Israel committed war crimes not only against Lebanese civilians — as was already known — but also against its own Arab citizens. This is an aspect of the war that has been almost entirely neglected until now.

The report also sheds a surprising light on the question of what Hizbullah was aiming at when it fired hundreds of rockets on northern Israel. Until the report's publication last month, I had been all but a lone voice arguing that the picture of what took place during the war was far more complex than generally accepted.

The new report follows a series of inquiries by the most influential human rights groups, Amnesty International and Human Rights Watch, to identify the ways in which international law was broken during Israel's 34-day assault on Lebanon. However, both organisations failed to examine, except in the most cursory and dismissive way, Israel's treatment of its own civilians during the war. That failure may also have had serious repercussions for their ability to assess Hizbullah's actions.

Before examining the report's revelations, it is worth revisiting the much-misrepresented events of summer 2006 and considering what efforts have been made subsequently to bring the two sides to account.

The war was the culmination of a series of tit-for-tat provocations along the shared border following Israel's withdrawal from its two-decade occupation of south Lebanon in 2000. Almost daily for those six years Israel behaved as though the occupation had not ended, sending war planes into Lebanese air space to create terrifying sonic booms and spy on the country. (After the war, it resumed these flights almost immediately.)

In response Hizbullah, a Shia militia that offered the only effective resistance during Lebanon's period of occupation, maintained its belligerent posture. It warned repeatedly that it would capture Israeli soldiers, should the chance arise, in the hope of forcing a prisoner exchange. Israel had held on to a handful of Lebanese prisoners after its pullback.

Hizbullah also demanded that Israel complete its withdrawal from Lebanon in full by leaving a fertile sliver of territory, the Shebaa Farms. Israel argues that the area is Syrian territory, occupied by its army along with the Golan Heights in 1967, and will be returned one day in negotiations with Damascus. UN catrographers disagree, backing Hizbullah's claim that the area is Lebanese.

The fighting began with a relatively minor incident (by regional standards) and one that was entirely predictable: Hizbullah attacked a border post, capturing two soldiers and killing three more in the operation. Hizbullah's leader Hassan Nasrallah proposed a prisoner swap. Israel declared war the very same day, unleashing a massive bombing campaign that over the next month killed nearly 1,200 Lebanese civilians.

An editorial in Israel's leading newspaper Haaretz noted again this week that, by rejecting Hizbullah's overtures, "Israel initiated the war".

In the last days of the fighting, as a UN-brokered ceasefire was about to come into effect, Israel dropped more than a million cluster bombs on south Lebanon, of which several hundred thousand failed to detonate. Since the end of the war, 39 Lebanese civilians have been killed and dozens more maimed from these small landmines littering the countryside.

Israel's own inquiry into its use of the cluster munitions wrapped up last month by exonerating the army, even while admitting that many of the bombs had been directed at civilian population centres. In Israel's books, it seems, international law sanctions the targeting of civilians during war.

Veteran Israeli reporter Meron Rapoport recently noted that his newspaper, Haaretz again, has evidence that the army's use of cluster munitions was "pre-planned" and undertaken without regard to the location of Hizbullah positions. The only reasonable conclusion is that Israel wanted south Lebanon uninhabitable at any cost, possibly so that another ground invasion could be mounted.

Human Rights Watch, which has carried out the most detailed examination of the war, was less forgiving than Israel's own investigators — as might have been expected in the case of such a flagrant abuse of the rules of war. Still, it has failed to condemn Israel's actions unreservedly. In a typical press release it noted the wide dispersal of cluster bombs over civilian areas of south Lebanon but concluded only that their use by Israel "may violate the prohibition on indiscriminate attacks contained in international humanitarian law".

In this and other respects, HRW's reports have revealed troubling double standards.

During the war two charges were levelled against Hizbullah, mainly by Israel's supporters, and investigated by the human rights group: that the Shia militia fired rockets on northern Israel either indiscriminately or in a deliberate attempt to target civilians; and that it hid its fighters and weapons among its own Lebanese civilians (thereby conveniently justifying Israel's bombing of those civilians).

Hizbullah was found guilty of the first charge, with HRW arguing that it was irrelevant whether or not Hizbullah was trying to hit military targets in Israel as its rockets were not precision-guided. All its rockets, whatever they were aimed at, were therefore considered indiscriminate by the organisation and a violation of international law. Worthy of note is that

HRW expressed certainty about the impermissibility of Hizbullah firing imprecise rockets but not about Israel's use of even less precise cluster bombs.

On the second charge Hizbullah was substantially acquitted, with HRW failing to find evidence that, apart from in a handful of isolated instances, the militia hid among the Lebanese population.

Regarding Israel, the human rights organisations investigated the charge that it violated international law by endangering Lebanese civilians during its bombing campaigns. Given that Israel's missiles and bombs were supposed to have pinpoint accuracy, the large death toll of Lebanese civilians provided indisputable evidence of Israeli war crimes. HRW agreed.

Strangely, however, after submitting both Israel and Hizbullah to the same test of whether their firepower targeted civilians, HRW deemed it inappropriate to investigate Israel on the second allegation faced by Hizbullah: that it committed a war crime by blending in with its own civilian population. Was there so little prima facie evidence of such behaviour on Israel's side that the organisation decided it was not worth wasting its resources on such an inquiry?

HRW produced two lengthy reports in August 2007, one examining events in Lebanon and the other events in Israel. But the report on what happened inside Israel, "Civilians under Assault", failed to examine Israel's treatment of its own civilians and focused instead only on proving that Hizbullah's firing of its rockets violated international law.

HRW did made a brief reference to the possibility that Israeli military installations were located close to or inside civilian communities. It cited examples of a naval training base next to a hospital in Haifa and a weapons factory built in a civilian community. Its researchers even admitted to watching the Israeli army firing shells into Lebanon from a residential street of the Jewish community of Zarit.

This act of "cowardly blending" by the Israeli army — to echo the UN envoy Jan Egeland's unwarranted criticism of Hizbullah — was a war crime. It made Israeli civilians a potential target for Hizbullah reprisal attacks.

So what was HRW's position on this gross violation of the rules of war it had witnessed? After yet again denouncing Hizbullah for its rocket attacks, the report was mealy-mouthed: "Given that indiscriminate fire [by Hizbullah], 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."

In other words, Israel's culpability in hiding its war machine inside civilian communities did not need to be assessed on its own terms as a violation of international law. Instead Israel was let off the hook based on the assumption that Hizbullah's rockets were incapable of hitting such positions. It is dubious, to put it mildly, whether this is a legitimate reading of international law.

An additional criticism, one that I made on several occasions during the war, was that Israel failed to protect its Arab communities from rocket attacks by ensuring they had bomb shelters or early warning systems — unlike Jewish communities. On this issue, the HRW report had only this to say: "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."

Of Hizbullah's indiscrimination, HRW was certain; of Israel's discrimination, it held back from judgment.

Fortunately, we no longer have to rely on Human Rights Watch or Amnesty International for a full picture of what took place during what Israelis call the Second Lebanon War. Last month the Arab Association for Human Rights, based in Nazareth, published its own report, "Civilians in Danger", covering the ground its much bigger cousins dared not touch.

The hostile climate in Israel towards the fifth of the population who are Arab has made publication of the report a risky business. Azmi Bishara, Israel's leading Arab politician and a major critic of Israel's behaviour during the Lebanon war, is currently in exile under possible death sentence. Israel has accused him of treason in helping Hizbullah during the fighting, though the secret services have yet to produce the evidence they have supposedly amassed against him. Nonetheless they have successfully intimidated most of the Arab minority into silence.

Also, much of the report's detail, including many place-names and maps showing the location of Hizbullah rocket strikes, has had to be excised to satisfy Israel's strict military censorship laws.

But despite these obstacles, the Human Rights Association has taken a brave stand in unearthing the evidence to show that Israel committed war crimes by placing much of its military hardware, including artillery positions firing into Lebanon, inside and next to Arab towns and villages. These were not isolated instances but a discerible pattern.

The threat to which this exposed Arab communities was far from as theoretical as HRW supposes. Some 660 Hizbullah rockets landed on 20 Arab communities in the north, apparently surprising Israeli officials, who believed Hizbullah would not target fellow Arabs. Of the 44 Israeli civilians killed by the rockets, 21 were Arab citizens.

Israel has cited these deaths as further proof that Hizbullah's rocket fire was indiscriminate. The Human Rights Association, however, reaches a rather different conclusion, one based on the available evidence. Its research shows a clear correlation between an Arab community having an Israeli army base located next to it and the likelihood of it being hit by Hizbullah rockets. In short, Arab communities targeted by Hizbullah were almost exclusively those in which the Israeli army was based.

"The study found that the Arab towns and villages that suffered the most intensive attacks during the war were ones that were surrounded by military installations, either on a permanent basis or temporarily during the course of the war," the report states.

Such findings lend credibility to complaints made during the war by Israel's Arab legislators, including Bishara himself, that Arab communities were being used as "human shields" by the Israeli army — possibly to deter Hizbullah from targeting its positions.

In early August 2006, Bishara told the Maariv newspaper: "What ordinary citizens are afraid to say, the Arab Knesset members are declaring loudly. Israel turned the Galilee and the

Arab villages in particular into human shields by surrounding them with artillery positions and missile batteries."

Such violations of the rules of war were occasionally hinted at in reporting in the Israeli media. In one account from the front line, for example, a reporter from Maariv quoted parents in the Arab village of Fassuta complaining that children were wetting their beds because of the frightening bark of tanks stationed outside their homes.

According to the Human Rights Association's report, Israel made its Arab citizens vulnerable to Hizbullah's rockets in the following ways:

* Permanent military bases, including army camps, airfields and weapons factories, as well as temporary artillery positions that fired thousands of shells and mortars into southern Lebanon were located inside or next to many Arab communities.

* The Israeli army trained soldiers inside northern Arab communities before and during the war in preparation for a ground invasion, arguing that the topography in these communities was similar to the villages of south Lebanon.

* The government failed to evacuate civilians from the area of fighting, leaving Arab citizens particularly in danger. Almost no protective measures, such as building public shelters or installing air raid sirens, had been taken in Arab communities, whereas they had been in Jewish communities.

Under the protocols to the Geneva Conventions, parties to a conflict must "avoid locating military objectives within or near densely populated areas" and must "endeavour to remove the civilian population … from the vicinity of military objectives". The Human Rights Association report clearly shows that Israel cynically broke these rules of war.

Tarek Ibrahim, a lawyer and the author of the Association's report, says the most surprising finding is that Hizbullah's rockets mostly targeted Arab communities where military installations had been located and in the main avoided those where there were no such military positions.

"Hizbullah claimed on several occasions that its rockets were aimed primarily at military targets in Israel. Our research cannot prove that to be the case but it does give a strong indication that Hizbullah's claims may be true."

Although Hizbullah's Katyusha rockets were not precision-guided, the proximity of Israeli military positions to Arab communities "are within the margin of error of the rockets fired by Hizbullah", according to the report. In most cases, such positions were located either inside the community itself or a few hundred metres from it.

In its recommendations, the Human Rights Association calls for the removal of all Israeli military installations from civilian communities.

(Again noteworthy is the fact that Israel has built several weapons factories inside Arab communities, including in Nazareth. Arab citizens are almost never allowed to work in Israel's vast military industries, so why build them there? Part of the reason is doubtless that they provide another pretext for confiscating Arab communities' lands and "Judaising" them.

But is the criticism by Arab legislators of “human shielding” another possible reason?)

The report avoids dealing with the wider issue of whether the Israeli army located in Jewish communities too during the war. Ibrahim explains: “In part the reason was that we are an Arab organisation and that directs the focus of our work. But there is also the difficulty that Israeli Jews are unlikely to cooperate with our research.”

Israel has longed boasted of its “citizen army”, and in surveys Israeli Jews say they trust the military more than the country’s parliament, government and courts.

Nonetheless, the report notes, there is ample evidence that the army based itself in some Jewish communities too. As well as the eyewitness account of the Human Rights Watch researcher, it was widely reported during the war that 12 soldiers were killed when a Hizbullah rocket struck the rural community of Kfar Giladi, close to the northern border.

A member of the kibbutz, Uri Eshkoli, recently told the Israeli media: “We deserve a medal of honor for our assistance during the war. We opened our hotel to soldiers and asked for no compensation. Moreover, soldiers stayed in the kibbutz throughout the entire war.”

In another report, in the Guardian newspaper, a 19-year-old British Jew, Danny Young, recounted his experiences performing military service during the war. He lived on Kibbutz Sasa, close to the border, which became an army rear base. “We were shooting missiles from the foot of this kibbutz,” he told the paper. “We were also receiving Katyushas.”

So far the Human Rights Association’s report has received minimal coverage in the Hebrew media. “We are facing a very difficult political atmosphere in Israel at the moment,” Ibrahim told me. “Few people inside Israel want to hear that their army and government broke international law in such a flagrant manner.”

It seems few in the West, even the guardians of human rights, are ready to hear such a message either.

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