

**Lebanon-Israel:
The "July war" from a Human Rights Perspective
(July-August 2006)**



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Reports produced by "Nouveaux Droits de l'Homme" in partnership with "L'Association Libanaise pour l'Education et la Formation" on the conflict that opposed Hizbullah and the State of Israel; covering the violations of the International Humanitarian Law by both parties and the situation of Internally Displaced Persons in Lebanon.

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Foreword

In the midst of the military operation that ravaged Lebanon in July-August 2006, most of the international and national NGO as well as other CSO were mobilized to respond to the acute humanitarian crisis that resulted from the forced displacement of almost one fourth of the population; where thousands of families sought safe havens in the Central and Northern parts of the country.

NDH-ALEF, as a Human rights based group, identified two challenges: the first was related to the nature of the conflict and monitoring of the International Humanitarian Law violations (IHL) committed by both parties to the conflict (Hizbulah & Israel), the second was more focused on monitoring the situation of the displaced individuals and families with reference to the UN guiding principles on displacement.

The conflict itself was initiated by a non-state actor (Hizbulah), from the territory of a sovereign state (Lebanon -without the endorsement of its central government) against another state (Israel). The disproportionate Israeli retaliation targeted not only the aggressor but the population and the civilian infrastructure at large. The country (Lebanon) was subject to collective punishment, described to be the worst and severest seen in decades. The counter-retaliation engaged by Hizbulah was not confined to the Israeli military bases/personnel but also extended to target civilians and civilian infrastructure.

The reports produced by NDH-ALEF cover the nature of the conflict and the major violations to IHL that happened in Lebanon and Israel. Both parties were responsible for massive violations of IHL. The international community (through the UN Security Council) was not able to impose a settlement on belligerent parties, uncovering a shameful submission to political pressures exerted by major powers. The large numbers of civilian casualties were partly due to the impunity inspired form the international impotency of the UN Security Council to act for peaceful settlements of disputes and conflicts.

The reports reflect as well the findings of our field teams who monitored the situation of the displaced through field visits and interviews with

stakeholders. The shocking revelation was the absence of any structured contingency plan with clear repartition of tasks. A complete chaos was observed in the emergency response and a multitude of private/small/local initiatives appeared here and there. Even the relief INGO who rushed to Lebanon complained of the absence of coordination, and ineffective exchange of information.

NDH-ALEF regrets the lack of transparency that characterized the performance of the government all through the crisis. This did not only affect the efficiency and the impact of the various relief efforts, but has also undermined the reputation of the Lebanese authorities vis-à-vis the international donors, the majority of whom insisted to pay directly the beneficiaries or to condition their aid by the creation of a special independent fund.

NDH-ALEF will deploy all efforts possible to make the best use of the reports; it will highlight the lessons learnt, pinpoint the shortcomings, and initiate dialogue amongst stakeholders. We are fully aware of our limited influence on the overall political/military developments; we believe however that the civil society is a corner stone in all efforts aiming at alleviating the impact of assaults on civilians.

NDH – ALEF considers these reports as a stone in the wall to defend Human dignity and Human values; together with other stakeholders ... we will act for Human Rights.

NDH-ALEF team – Lebanon (January 2007)

Acknowledgements

NDH-ALEF would like to acknowledge all persons, groups or institutions who contributed, either directly or indirectly to the process that lead to these publications. While it is impossible to list them all, we would like however to mention:

- Pax Christi – Netherlands and Cordaid for the financial support
- The volunteers who dedicated their time, effort and heart to support the work of NDH-ALEF team
- The Lebanese political parties/key figures who facilitated the field visits
- The Lebanese CSO who were involved in the management of the hosting centres
- The media and journalists who contributed to further disseminate the reports and uncover the violations.

NDH-ALEF

Officially registered in 2004, “L’Association Libanaise pour ’Education et la Formation (Lebanese Association for Education and Training) ALEF” is a youth lead; volunteer based non-governmental organization, which aims at the monitoring, protection and promotion of human rights in Lebanon.

Nouveaux Droits de l'Homme – International (New Human Rights - International) is a volunteer based INGO based in Paris and operates several programs worldwide. Since the launching of its operations in Lebanon in 1996, Nouveaux Droits de l'Homme -International (NDH) monitors and protects human rights through advocacy and lobbying activities. In order to synergize efforts, NDH-International established in Lebanon a strategic long term partnership with Association Libanaise pour l'Education et la Formation (ALEF).

NDH-ALEF believes in the absolute value of Human being. Thus the ultimate “raison d'être” of any societal structure is to reflect this belief in attitudes and actions. NDH- ALEF’s mission is to trigger and contribute to a cumulative process of changing values and attitudes incompatible with the universal values of human rights proclaimed in the Universal Declaration of Human Rights.

Strategic Goals

In harmony with the mission statement, NDH- ALEF’s team set up the following strategic goals for the long term:

- Become a reference institution in the field of human rights and related topics, not only to identify and denounce violations, but also to play the role of a think tank at the service of decision and legislation makers in Lebanon; to become a proponent of national policies in human rights related matters .
- To change the present popular perception that human rights issues are idealistic and elitist. Through NDH- ALEF projects, the human rights values will be brought to become part of the popular scale of values, applicable in every day's perceptions, attitudes and behaviors .
- Share the experience acquired in Lebanon at the regional level, after consolidating the Lebanese structure.

Policy of Action

- NDH- ALEF's policy is to operate on a need & right basis, trying always to conceive projects where other actors are not involved, in order to avoid duplication .
- Empowering the civil society is a must in the framework of the cumulative process of change. Therefore, NDH- ALEF strives to interact with the other components of the civil society .
- Impartiality is the key to credibility which is the corner stone of efficiency. NDH-ALEF strongly believes in the freedom of belief, conscience and religion. This of course applies to its volunteers and staff members. Moreover, NDH-ALEF encourages its members to be involved in political and civil activities and structures. However, NDH-ALEF requires that no judgmental approaches based on political or religious beliefs are made when handling human rights issues .
- NDH- ALEF considers the youth as the main actors of change and a reservoir for volunteers for what they represent in terms of potential multiplying effect .
- NDH- ALEF is committed to give a special attention to the most vulnerable groups (in terms of rights), especially if their vulnerability is the result of a social pressures or inequalities.

Since 1997, **NDH-ALEF** volunteer team has monitored very closely the human rights situation in Lebanon. This team, consisting of 15-20 members, worked on several programs to respond to the emerging needs:

1- Researches and Publications which consists of editing and publishing human rights monitoring reports, studies, and other publications on various human rights related issues. The following reports were published to date:

- Annual reports on monitoring human rights practices in Lebanon (1997, 2001, and 2002)
- An alternative report submitted, in partnership with the Foundation for Human and Humanitarian Rights to the human rights commission during its session on Lebanon (New York, 1997)
- A report on the status of the Palestinian refugees in Lebanon, in partnership with the Foundation for Human and Humanitarian Rights (1999)
- A report on the legislative elections held in the year 2000
- A report on the human rights situation in the formerly occupied area in Southern Lebanon after the Israeli withdrawal (2000)
- A report on censorship (media, books, arts...) in Lebanon (2002)
- A comparative study on the newly adopted decree governing youth organizations in Lebanon (2003)
- A comparative study on Transitional Justice in post conflict areas (February 2006)
- Three Legal papers on International Humanitarian Law violations in the conflict opposing Hezbollah to the State of Israel (August 2006)
- Three reports regarding the human rights situation of the Internally Displaced Persons during and after the conflict opposing Hezbollah to the State of Israel (August 2006)

2- Education and Training

- At University level, a Human Rights course is being delivered in three faculties of two Universities: St Joseph University (USJ) and the Lebanese University (LU)
- Human rights education at school level through a network of HR clubs (3D clubs) established in six schools

- Delivering the Human Rights course in the technical (vocational) schools of La Sagesse (Achrafieh) and Moussa Al Sadr institution (Tyr).
- Non-formal education on human rights by holding customized courses to interested groups (political, social, cultural, religious...etc.)
- A training program on citizenship for juvenile offenders detained in the central prison of Roumieh
- A project thanks to which **NDH-ALEF** was charged by the Council of Europe to translate into the Arabic language “COMPASS”, a training handbook on human rights education published in 2002. The project was implemented in partnership with the Foundation for Human and Humanitarian Rights. Among the same line, a member of NDH – ALEF team is a part of the development team of “COMPASSITO”, a child-friendly manual for human rights education in out-of-school activities that is prepared by the Council of Europe,

3- Assistance and Intervention consisting of a legal counseling component and an individual intervention component along with networking and advocacy at various levels; such as media, INGO, UN agencies protection mechanisms, diplomats, governmental stakeholders, parliamentary relevant commissions...etc

4- Partnerships

Main institutional partners:

- Foundation for Human and Humanitarian rights (Lebanon)
- European Commission
- Council of Europe (Strasbourg/Budapest)
- Save the Children – US (Jordan's office)
- Friederich Ebert Foundation Germany (Lebanon’s office)
- IKV -- Pax Christi -- Netherlands

Other partnerships and affiliations:

- Member of the COMPASS reference group (training handbook on human rights education) reference group formed by the Directorate of Youth- Council of Europe in 2001
- Member of the COMPASITO Editorial team (child-friendly manual

for human rights education in out-of-school activities) development team formed by the Directorate of Youth- Council of Europe in 2006

- Active member of the Youth Advocacy Process launched by Save the Children-US in 2001
- Appointed in the Youth policy ad-hoc committee formed by the Minister of Youth and Sports in 2002
- Member of the Lebanese Coalition for the observation of the legislative elections in 2005
- Member of the Euromed Youth platform
- Member of the Lebanese Network for the Anna Lindh Euro Mediterranean Foundation for the Dialogue between Cultures (ALF)

In addition to these programs, NDH-ALEF is conducting further activities:

1. **“Youth Building Reconciliation”:** In partnership with Save the Children’s organization and funded by Ford Foundation, ALEF is implementing a project entitled “*Youth Building Reconciliation*”. Its aim is to contribute to a cumulative process of peace building through reconciliation and trust building activities among the Lebanese youth. The project encourages joint problem solving by enabling critical thinking and analysis to address shared concerns. It also aims at building cross-cultural, religious and political connections and finding positive outlet to promote inter-communal peace.

2. **“Torture Prevention and Monitoring in Lebanon”:** Funded by the European Union under the program of the European Initiative for Democracy and Human Rights (EIDHR) and within the campaign of “Fostering Human Rights” conducted by the European Commission, NDH-ALEF is implementing the project on Torture prevention and reduction of torture cases in Lebanon, through the mobilization of the local community. The project consists of three complementary actions:

- A community mobilization component
- A reporting component
- An advocacy component

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**International Humanitarian Law violations
in the current conflict opposing Hezbollah
(Lebanon) to the State of Israel**

Preliminary report

August 1st, 2006

Introduction

The Lebanese-Israeli conflict which started on July 12, 2006 has sparked loud criticisms regarding violations of International Humanitarian Law. NDH-ALEF's will be issuing a series of reports covering International Humanitarian Law violations within the conflict.

This first report will examine specificities of the ongoing international armed conflict and the laws which govern it. It will also examines the relation of Hezbollah, the guerilla group, to international humanitarian law, the issue of the treatment of prisoners of war, the protection of civilians and its two correlates: Indiscriminate attacks and access to humanitarian relief.

The legal issue of "military objectives" and "civilian property" will be examined later on. This report will be updated as and when necessary. It will be complemented by another one on the "respect of the Human rights of the displaced persons."

The Lebanese-Israeli conflict which started on July 12, 2006

On July 12, 2006, Hezbollah, the Lebanese Shiite armed group, launched an attack on Israeli positions, captured two Israeli soldiers on the other side of the Blue Line (the UN embarked line after the Israeli withdrawal from Lebanon on 25 May 2000). Nine Israeli soldiers were also killed. In response, Israel launched a large scale operation on Lebanon.

The death toll of the ongoing conflict has mounted as of August 1st to 800 Lebanese civilians killed and 51 Israeli civilians killed (casualties from sources differ). The Israeli army has been accused of disproportionate and indiscriminate attacks in its operations in Lebanon. The Israeli Defense Forces have said that they were doing "everything to minimize" civilian casualties in Lebanon. Hezbollah randomly launched its rockets on targets within Israel and has been accused targeting civilians and civilian objects within Israel.

Specificities of the conflict

Air and missile warfare. Both parties to the current conflict use rockets and missiles. Hezbollah's missile arsenal remains low tech, while Israel is using high precision guided missiles, launched from Israeli military vessels, fighter jets and military helicopters. But such means of combat cannot be employed without intelligence information from the ground necessary to distinguish between a civilian object and a military objective. This mean of war is not infallible and NDH-ALEF believes many civilian casualties haven fallen because of the false qualification of civilian objects as military objectives.

The use of aerial and missile technology as a strategic means for warfare has developed tremendously in recent years while the impact of this development has not been adequately reflected in the current legal framework. No manual compared to the San Remo manual (applicable to maritime warfare) exists to develop IHL rules specific to this type of warfare. Yet, the principles of humanitarian law remain applicable.

Guerrilla warfare. The type of organization of Hezbollah and relation with the population is close to that of a guerrilla force, but also reflects its social and political role within the Shiite community. This has led to the targeting of dual-use objectives by the Israeli Defense Forces, without necessarily qualifying as military objectives according to IHL principles. Hezbollah is leading a guerrilla warfare against IDF currently operating on the Lebanese side of the Lebanese-Israeli of the border. Guerrilla warfare has been apprehended by additional protocol 1.

Access to information. Insufficient and some inaccurate media coverage of ongoing hostilities and of Israeli targets in Lebanon made access to information hard. Secrecy and psychological war (propaganda) are two aspects of this conflict. The distinction between the "military" and the "civilian" becomes difficult to establish without ground investigation, due again to dual-use objectives. We have tried in our report to take into account these difficulties and will point out ambiguities. NDH-ALEF calls upon the Government of Lebanon, medics, media and civil society organizations to clearly investigate the nature of Israeli targets in Lebanon and the relation of Hezbollah to these targets in order to facilitate the role of jurists investigating IHL violations.

Human rights. The core section of human rights law remains applicable during these exceptional circumstances, but NDH-ALEF, as human rights NGOs, advocate for the respect of the full scope of human rights in areas in Lebanon less

affected by the conflict, notably in institutions hosting internally displaced persons all over the country.

An international armed conflict

The Appeal Chamber of the International Criminal Tribunal for the former Yugoslavia established in the 1995 Tadic case that an international armed conflict exists whenever there is a resort to armed force between States. The Israeli-Lebanese conflict that has started 12 July 2006 is not between two States, but between the State of Israel and Hezbollah, a non state Lebanese armed group. Yet, the conflict remains an international armed conflict due to the following elements:

1. The cross border attacks and the targeting by the Israeli army of Lebanese infrastructure and regions, affecting all the population, not just Hezbollah.
2. The State of Israel has affirmed on several occasions since hostilities began on July 12 that it considers itself to be responding to the actions of the sovereign state of Lebanon, not just Hezbollah.
3. The legal status of Hezbollah within Lebanese governmental structure and practice; Hezbollah has always been accepted as a legitimate Lebanese resistance movement working for the liberation of Shebaa farms and to free Lebanese prisoners in Israeli jails. This has been the case in the governmental declaration of the current cabinet, as well as of past cabinets; despite the fact that the government has declared itself not accountable for Hezbollah's actions on July 12.

Applicable law

The full scope of international humanitarian law governs this conflict. Lebanon has ratified all four Geneva conventions and its two additional protocols. The *Islamic Resistance*, Hezbollah's military wing, is bound by these rules being a Lebanese armed group launching attacks from within the Lebanese territory.

Israel has not ratified the additional protocol 1, but remains bound by the full scope of international customary law governing international armed conflict. Most rules governing international armed conflict have acquired customary law status, as documented by the ICRC's two-volume publication on customary international humanitarian law (Cambridge University Press, 2005). Israel recognizes the authority of additional protocol 1, as demonstrated in the latest communiqué by

the Israeli Ministry of Foreign Affairs on July 25th, where it implicitly defends the conformity of its actions to its principles in its conflict against Lebanon.

Is the Lebanese army a party to the conflict? Despite recurrent attacks by Israeli Air Force against Lebanese army installations and bases, the Lebanese army has not responded except for limited anti crafts shootings. The ongoing hostilities are presumed to be still limited to date to Israel and Hezbollah. Lebanese army members will be presumed in our report as being non-combatants and thus enjoy the immunity of non-combatants.

Hezbollah, the guerilla group

Guerrilla fighters and tactics have been taken into account by the protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol 1 - 1977). Islamic Resistance fighters qualify as combatants according to article 44, paragraph 3, of Additional Protocol 1 which takes into account the guerrilla modus operandi¹.

They are bound as such by the full scope of international humanitarian law and they are also protected by it. Violations of IHL rules by Islamic Resistance combatants shall not deprive any of them of his right to be a combatant or, if he falls into the power of an adverse Party, of his right to be a prisoner of war, as long as he respects the conditions of article 4, paragraph 3 of additional protocol 1.

What about Hezbollah's institutions other than the *Islamic Resistance*?

Hezbollah is a political party represented in the government and has deputies in the parliament. It runs social, welfare and medical institutions. It also has its own media institutions. Israel seems to be targeting the Shiite movement as a whole,

¹ Article 44, paragraph 3, of Additional Protocol 1 “In order to promote the protection of the civilian population from the effects of hostilities, combatants are obliged to distinguish themselves from the civilian population while they are engaged in an attack or in a military operation preparatory to an attack. Recognizing, however, that there are situations in armed conflicts where, owing to the nature of the hostilities an armed combatant cannot so distinguish himself, he shall retain his status as a combatant, provided that, in such situations, he carries his arms openly:

- (a) During each military engagement, and
- (b) During such time as he is visible to the adversary while he is engaged in a military deployment preceding the launching of an attack in which he is to participate.”

labeling it a “terrorist organization”, and not distinguishing between its combatants (according to article 44 of AP 1) and Hezbollah party members who do not participate to hostilities and considered to be civilians.

NDH-ALEF would like to highlight the following three remarks:

1. Only combatants can be attacked. Combatants are determined by article 44 of the additional protocol. Civilians shall enjoy the protection afforded, unless and for such time as they take a direct part in hostilities. During this conflict, as well as during the two large scale operation in July 1993 and April 1996 against Lebanon, Israeli Defense Forces have targeted the homes of Hezbollah officials who have political and social duties and do not necessarily take part directly in the hostilities. This is a violation of the principle of distinction between civilians and combatants.
2. International humanitarian law stipulates that each party to the conflict must, to the extent feasible, avoid locating military objectives within or near densely populated areas. Each party to the conflict must, to the extent feasible, remove civilian persons and objects under its control from the vicinity of military objectives. But according to media reports, Hezbollah has scattered throughout the south in natural caves, tunnels, and homes, instead of storing weapons and ammunition in vulnerable stockpiles. Storing weapons in civilian objects (homes) makes them military objectives. Civilian objects are protected against attack, unless and for such time as they are military objectives.
3. The Israeli Ministry of Foreign Affairs has published on its website a legal document entitled ‘Responding to Hezbollah attacks from Lebanon: Issues of proportionality’ (25 July 2006). In this report, Israel quotes legal scholars in defending the legality of its strikes in Lebanon and uses legal literature applicable to international armed conflict between two States. Hezbollah is not a State and its institutions are not those of a State. And the Lebanese State is not at war with Israel, and Lebanese institutions – including the Beirut airport and fuel tanks – are not those of Hezbollah. IHL principles and rules should be adapted to the type of warfare and parties engaged in this conflict.

Treatment of prisoners of war

Civilians and persons *hors de combat* must be treated humanely. Captured combatants must be granted prisoner of war status and treated accordingly. The two Israeli army seized by Hezbollah on July 12 are prisoners of war and Hezbollah has the obligation to respect the third Geneva Convention and additional protocol 1 rules applicable to prisoners of war, notably their right to be visited by ICRC delegates. Same rules apply to Hezbollah combatants captured by Israel.

Protection of civilians: The principle of distinction

The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians. In order to respect this obligation, parties to the conflict must avoid any indiscriminate attacks, respect the principle of proportionality and must take precautions in attacks.

Indiscriminate attacks involve ignoring the risk involved in the attacks. The principle of proportionality states that incidental loss of civilian life or damage to civilian objects cannot be excessive in relation to the concrete and direct military advantage anticipated. Precautions in attacks are defined as a failure to exhaust reasonable options for minimizing incidental loss of civilian life, injury to civilians and damage to civilian objects (i.e. collateral damage).

We will not be able to be exhaustive in our report with regards to violations of these three principles. In this preliminary report, we will address indiscriminate attacks, not distinguishing between civilians and combatants in the conflict opposing Israel to Hezbollah and Lebanon. We will also address the question of access to humanitarian relief. In the upcoming reports, we will examine violations to the principle of distinction between civilian objects and military objectives during the ongoing conflict, as well as other IHL violations.

Indiscriminate attacks

Indiscriminate attacks are those:

- (a) Which are not directed at a specific military objective;
- (b) Which employ a method or means of combat which cannot be directed at a specific military objective; or
- (c) Which employ a method or means of combat the effects of which cannot be

limited as required by international humanitarian law; Consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction. (Additional Protocol 1, Article 51 “Protection of the civilian population”).

The Israeli army claims employing methods and means which demonstrates high precision. Yet, many of its attacks are questionable with regards to international humanitarian law. Hezbollah’s missile launching also pauses serious questions as to its respect of IHL. This first report will expose the following five major cases: the excessive number of Lebanese civilians killed; the initial attacks against the Beirut southern suburb; attacks that occurred afterwards against the southern suburb; the Marwaheen case; and Hezbollah’s targeting of Northern Israel cities.

The excessive number of Lebanese civilians killed

The excessive number of Lebanese civilians killed raises the question of the proportionality of the ongoing Israeli attack against Lebanon. It raises as well the question of the respect of Israeli Defense Forces of the prohibition of indiscriminate attacks.

Over 800 Lebanese civilians have been killed. All over Lebanon, whole families have been killed by bombings. Convoys of civilians fleeing the onslaught upon Israeli warnings have come under Israeli fire. The number of children exceeds, according to certain sources, 30% of the total number of civilians killed. People have been buried under the rubble of their homes and kept there for long periods before relief workers and Red Cross rescuers could get access to them.

The Qana massacre of July 30th 2006 raises once more the question of the internationality of such attacks. NDH-ALEF calls on a full, thorough and neutral investigation of these attacks in order to determine the circumstances leading to these violations of international humanitarian law, and the role of each of the warring parties with regards to the violations.

Initial attacks against the Beirut southern suburb

Israeli Air Force attacks against Hezbollah’s stronghold, Hezbollah offices and Hezbollah leadership in the Beirut Southern suburb raise many questions. Article 51 of additional protocol 1 prohibits attacks by bombardment by any method or

means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects.

The Beirut southern suburb was – before the destructive bombardments – a densely populated area. The Israeli Army sent warnings to the population asking them to evacuate their homes in the southern suburb. Despite such warnings, the area had a high concentration of civilian property. The initial attacks at the heart of the southern suburb, leading to the destruction of dozens of buildings, can be considered a breach of article 51 of additional protocol 1.

Article 51 may also be applicable to Israeli attacks against targets in residential areas and homes in the border villages of Khiam, in Tyre, and in Baalbek where similar destruction has been reported.

In all cases, these attacks violate the principle of proportionality which prohibits launching an attack which may be expected to cause incidental loss of civilian life, and damage to civilian objects which would be excessive in relation to the concrete and direct military advantage anticipated. Over 100,000 civilians are presumed to have lost their homes in the Beirut southern Suburb.

According to a news report, “even for a targeted strike on a bunker, 23 tons is a massive amount of ordnance; large ‘bunker busting’ bombs are generally 1 ton and are generally not used in such numbers. That 23 tons of ordnance were dropped on a single complex indicates the target’s importance.”

“This is destruction of block after block of mainly residential areas. I would say it seems to be an excessive use of force in an area with so many citizens,” UN humanitarian coordinator Jan Egeland told reporters in the southern suburbs of Beirut.

Attacks against the Beirut southern suburb that occurred afterwards

After the initial destruction of Hezbollah’s “security zone” within the southern suburb of Beirut, Israeli Air Force launched strikes on targets in the same area. These strikes were not directed at a specific military objective and constitute a clear violation of international humanitarian law and its prohibition of indiscriminate attacks. According to news reports, Israeli Army chief of staff Dan Halutz has given the order to the air force to destroy 10 multi-storey buildings in the Dahya district (of Beirut) in response to every rocket fired on Haifa.

Israel Defense Forces Chief of Staff Dan Halutz had declared previously that "if the soldiers are not returned we will turn Lebanon's clock back 20 years." These declarations, as well as those calling for the leveling of entire whole villages in Southern Lebanon through aerial strikes, are calls for violating IHL and demonstrate, in conjunction with the attacks against the civilian population and civilians objects, the intentional aspect of such attacks.

NDH-ALEF reminds all parties that "intentionally launching an attack in the knowledge that such attack will cause (...) damage to civilian objects (...) which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated" constitutes war crimes according to article 8. 2 (b) (iv) of the Rome Statute establishing the international criminal court.

The Marwaheen case

On July 15th 2006, a number of families fled the southern Lebanese village of Marwaheen after the Israel Defense Forces warned them to evacuate ahead of a threatened attack. On the road leading to the coast through Chamaa, however, Israeli missiles struck a convoy of the civilians. Maps of southern Lebanon show this road to be the only direct route for escaping the dangerous border area.

Initial reports suggest that the mini-truck transporting the persons feeling the population was not covered and it was clear to the Israeli army that the truck was transporting civilians, notably women and children.

The Marwaheen massacre raises the issue of the deliberate targeting of civilians by the IDF. This chapter of the Israeli attacks against Lebanon remains to be fully investigated to verify if it qualifies as a war crime.

Hezbollah's attacks against Northern Israel cities

Hezbollah has been targeting civilian localities as well as military targets. During the 1990's and after the Israeli withdrawal of 2000, Hezbollah has targeted civilian settlements in Northern Israel in retaliation – according to the armed group – for the targeting of civilian infrastructure and the civilian population in Lebanon. In the July 2006 conflict, Hezbollah fighters have widened the scope of their targets attacking Israeli cities never targeted before. A Hezbollah statement said, "In case the southern suburb of Beirut or the city of Beirut come under direct

Israeli attack, we announce that we will bombard the city of Haifa and its environs.”

All parties remain bound to international humanitarian law despite any violations by opposing party to its rules. Retaliation measures must never violate IHL. Hezbollah's missile attacks against Northern Israel constitute at best indiscriminate attacks, and at worst deliberate attacks against the civilian population. They are violations of international humanitarian law and could constitute war crimes. Attacks may only be directed against combatants. Furthermore, International Humanitarian law prohibits acts of violence the primary purpose of which is to spread terror among the civilian population (Additional Protocol 1, Article 13).

Access to humanitarian relief

International humanitarian law stipulates that the parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control.

Despite talks about humanitarian corridors and despite declarations by the Government of Israel, the south of Lebanon remained, until recently, inaccessible to humanitarian relief workers and to aid. Israel turned down a demand from the UN Emergency coordinator Egeland for a 3 days truce for humanitarian purposes. Thousand of Lebanese are trapped in their villages. The ICRC and *Médecins Sans Frontières* have reiterated – before the 48-hour suspension of Mideast aerial bombing – that passage of humanitarian relief for civilians in South Lebanon has been held back by Israel, and is partly due to ongoing Israeli attacks.

Israel has the legal obligation to allow humanitarian relief to reach all villages in South Lebanon. Humanitarian relief personnel must be respected and protected. Objects used for humanitarian relief operations must be respected and protected.

**International Humanitarian Law violations
in the current conflict opposing Hezbollah
(Lebanon) to the State of Israel**

Second report

August 14, 2006

Introduction

In the conflict which started on July 12, 2006, Israel Defense Forces have launched attacks against Lebanese infrastructure throughout Lebanon, such as ports, roads and bridges, overpasses, dams, and against other facilities including the Manara lighthouse in Beirut and the Beirut International airport. Lebanese army bases and barracks have also been attacked, as well as commercial and industrial facilities, including many factories in the Bekaa region, communication facilities such as cellular phone networks, communication and Radio and TV broadcasting facilities, power plants, power stations, sewage plant, gas stations, fuel reserves and vehicles (trucks, cars and even motorcycles).

International Humanitarian Law limits targets to military objectives only. It prohibits targeting of civilians and civilian objects. As we have noted in our preliminary report, the ongoing conflict between Hezbollah and the State of Israel is characterized by the difficulty to determine what is civilian and what is military. Most Israeli objectives noted above are dual purpose objectives, and most of them affect the whole Lebanese population. Some of them, such as factories and farms, cannot be justified to have any military use.

In this second report on international humanitarian law violations in the ongoing Lebanese-Israeli conflict, Nouveaux Droits de l'Homme (NDH Lebanon) and l'Association Libanaise pour l'Education et la Formation (ALEF) will try to determine – within the limited resources and information available – the nature of the Israeli targets in Lebanon according to international humanitarian law, whether they qualify or not as military objectives.

This report will also tackle the issue of access to humanitarian relief, given the urgency of the situation in Lebanon and the apparent non-respect of IHL norms by the State of Israel.

As we have noted in our first report, even if Israel suspects the use of some civilian objects by Hezbollah and thus considers them as legitimate military objectives, the principle of proportionality must be respected. So far, the excessively high death toll among Lebanese civilians suggests that Israel's attacks are disproportionate and are causing excessive harm to civilians. Hezbollah's use

of some civilian objects for military purposes does not give Israel the right to indiscriminately target all civilian objects in a given area (example: trucks or even people on motorcycles). There has to be material evidence of the use of the civilian object. Flooding towns and villages with flyers asking the inhabitants to leave has not proved to be a sufficient measure to protect civilians. Sometimes, calling on the evacuation of hundreds of thousand of people and newly arrived IDPs² can prove to be a disproportionate measure by itself, whereas Hezbollah's military activities against Israel are conducted in Southern Lebanon.

Issues of proportionality will be treated where appropriate in this report.

Military objectives vs. civilian objects

In so far as objects are concerned, military objectives are limited to those objects which by their nature, location, purpose or use make an **effective contribution** to military action and whose partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a **definite military advantage**. Civilian objects are all objects that are not military objectives.

This definition can be found in article 52 of Additional Protocol 1 (1977). It has acquired customary law status. Both elements “effective contribution” and “definite military advantage” are cumulative: the attack of a target which is conformed at only one condition is illegal.

In case of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used. (Article 52.3 of AP 1)

According to article 8. 2 (b) (ii) of the International Criminal Court Statute (Rome Statute), “intentionally directing attacks against civilian objects, that is, objects which are not military objectives”, constitutes a war crime.

² For example the call to evacuate the entire Southern Suburb of Beirut, including Shiah, Hay el Sellum and Burj El Brajneh, August 10, 2006

Israeli targets in Lebanon: civilian objects or military objectives?

On August 3rd, 2006, following Hezbollah's Secretary General's declaration on Al Manar television that Tel Aviv will be targeted if Beirut is targeted by the Israelis, Israeli public television quoted a senior military official as saying the army would destroy all Lebanese infrastructure if Hezbollah carried out its threat. Nor Beirut or Tel Aviv can be as such military objectives. The civilian infrastructure is – in principle – not a legitimate target for military attacks in any conflict. Yet, roads and bridges can qualify as military objectives if they fulfill the required conditions. Israel has always attacked civilian infrastructure since the end of the Lebanese civil war and this has been the case once again during the current conflict (ongoing at time of writing)³.

The Israeli Ministry of Foreign Affairs (MFA) has published on its website a legal document entitled 'Responding to Hezbollah attacks from Lebanon: Issues of proportionality' (25 July 2006). In this document, the MFA defends the legality of Israeli army targets in its ongoing offensive against Lebanon and demonstrates its conformity with international law. The report defends the legality of targeting bridges and roads, runways at Beirut International Airport, Al Manar TV station and fuel reserves. But it does not justify all other objects targeted.

Bridges and roads

Israel's MFA says in this report that "the activity of terrorist groups in Lebanon is dependent on major transportation arteries, through which weaponry and ammunition, as well as missile launchers and terrorist reinforcements are transported. Damage to key routes is intended to prevent or obstruct the terrorists in planning and perpetrating their attacks. In this case it is also intended to prevent the kidnapped soldiers being smuggled out of the country."

The report adds that "under international law there is widespread recognition that lines of transportation which can serve military purposes are a legitimate military target. In its Commentary on the Additional Protocols to the Geneva Conventions, the ICRC includes in its list of military objectives considered to be of 'generally recognized military importance': 'Lines and means of communications (railway lines, roads, bridges, tunnels and canals) which are of fundamental military

³ Lebanese infrastructures were attacked during Israeli military operations against Lebanon in 1993, 1996 and 1999. Such attacks have targeted notably Lebanese power stations.

importance'."

Do bridges and roads constitute military objectives according to international humanitarian law? Do they make an effective contribution to military action?

It is impossible for NDH-ALEF to examine every bridge targeted and measure its contribution to military action and its military advantage, but several elements and cases contest the Israeli version – at least for bridges in areas other than Southern Lebanon –. Most of these bridges and roads will not qualify to military objective status. They do not make an effective contribution to military action. Their partial or total destruction cannot offer a definite military advantage. Alternative roads still exist.

The following is a sample list of bridges that we do not believe qualify as military objectives. Other bridges have not been examined but it is our belief that many bridges outside southern Lebanon and besides those leading to the Lebanese-Syrian border may not qualify as military objectives.

- The Hazmieh-Airport bridge going through the Shiite Southern suburbs was targeted at the beginning of the conflict. It is unfinished on both sides. It does not lead to Hazmieh or to the Airport. The middle section has been targeted. It can be easily contoured.
- The road leading to the Baabda Municipality has been cut by a missile. This road can be easily contoured. Baabda has no strategic targets, controls no key roads, and its population of 60,000 is almost entirely Christian.
- Airport Bridge in Ghobeiry (Beirut Southern suburb) can be contoured very easily.

Bridges in northern Lebanon have been targeted on August 4th. Hezbollah does not operate in or from these areas, almost exclusively Christian. The Israeli army said the bridges had been destroyed to prevent Syria from rearming Hezbollah. Such activity makes these bridges a legitimate military target according to the definition of military objectives.

Yet, their consequences on the population and specifically on humanitarian relief efforts were devastating. Their destruction violates Israel's obligation to allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need. This issue will be further examined later in this report.

Fuel reserves

According to the Israeli ministry of foreign affairs, “a number of fuel depots which primarily serve the terrorist operations were targeted. From intelligence Israel has obtained, it appears that this step has had a significant effect on reducing the capability of the terrorist organizations. (...) The ICRC list of military objectives also includes installations providing energy mainly for national defense, e.g. coal, other fuels, or atomic energy, and plants producing gas or electricity mainly for military consumption.”

Fuel reserves targeted in the Beirut airport and the Jiyyeh Power plant do not serve for “mainly national defense” or for “military consumption”. Yet, fuel reserves are generally admitted to constitute a military objective because military vehicles rely on fuel in order to function. But, as we have noted in our preliminary report, Hezbollah is not the State of Lebanon nor is it the Lebanese army. It is an armed group operating from Lebanon. The “link” between fuel reserve and military usage (Hezbollah in this case) is no longer presumed and has to be demonstrated. Therefore the military objective nature of fuel reserves cannot be presumed.

Hezbollah’s armed wing uses guerrilla tactics and launches missiles which do not rely on massive storage of fuel. Furthermore, the destruction of these fuel storage tanks did not cut fuel supplies from Lebanese market where Hezbollah can supposedly find fuel.

An environmental disaster. Even if the fuel tanks qualify as military objectives, the excessive damage caused to the Lebanese environment by the massive oil spill consequent to the mid-July Israeli attack on the Jiyyeh power plant is a grave violation to international humanitarian law. Launching an attack against a military objective which may be expected to cause incidental damage to the environment which would be excessive in relation to the concrete and direct military advantage anticipated is prohibited.

Heavy fuel oil – which is highly cancerous – have spilled out into the sea and now covers 120km (75 miles) of the region's coasts⁴. The fauna and the Mediterranean ecosystem risk suffering, and recovering is expected to take at least ten years.

⁴ Lebanon oil slick 'worst environmental disaster' in Mediterranean, [ww.lebanonwire.com](http://www.lebanonwire.com), July 29, 2006; 'Damage is done' to Lebanon coast, news.bbc.co.uk, August 8, 2006.

Beirut Airport and Ports

The attack against the airport and the ports is legitimate as long as the blockade itself remains legitimate. According to international humanitarian law, the blockade is legitimate as it is out of military necessity⁵ and as long as it respects the principle of proportionality. The blockade must have the purpose or effect of depriving the civilian population of its sources of food or supplies. The obligation to grant humanitarian access must be respected.

Power stations and electrical facilities

Israel has targeted and continues to target power stations all across Lebanon. Israel's MFA quoted the ICRC's list of military objectives which includes "Installations providing energy mainly for national defense, e.g. (...) plants producing gas or electricity mainly for military consumption."

All Lebanese power stations provide energy for mainly civilian use. And Hezbollah's mode of operation does not rely extensively on electrical energy. As we have noted in our first report, Hezbollah's armed branch – the Islamic Resistance – is not a State nor does it have State like institutions. It leads guerrilla type warfare in the South of Lebanon against Israeli soldiers and it launches rockets and missiles into Israel not relying extensively on electricity.

Therefore, the military advantage of the destruction of the Lebanese power stations and electrical facilities – and in consequence its military objective nature – is doubtful.

Furthermore, if Israel holds to the military nature of power stations, the targeting of these facilities would violate the principle of proportionality in attack. The direct consequences of such attacks on the Lebanese civilian population are deemed to be excessive in relation to a doubtful military advantage.

⁵ According to the Israeli ministry of foreign affairs, rendering the Beirut airport runways unusable constituted the most appropriate method of preventing reinforcements and supplies of weaponry and military materiel reaching the terrorist organizations

Hezbollah's social, health and religious infrastructure

As we have noted in our preliminary report, Israel is targeting the Shiite organization as a whole, labeling it a “terrorist organization”, and not distinguishing between its combatants (according to article 44, paragraph 3, of AP1) and Hezbollah party members who do not participate to hostilities and considered to be civilians.

Israel has targeted Hezbollah run schools, cooperatives, medical institutions, orphanages, mosques, Shiite clerics⁶ and other institutions. NDH-ALEF reiterates that the targeting of such institutions is prohibited. As long as it is not proven – which is the case in almost all of these targets – that their nature, location, purpose or use makes an effective contribution to military action, they remain of civilian nature. Their targeting is therefore prohibited.

Factories and farms

The Israeli Defence Forces have destroyed a large number of factories, over 30 according to the Association of Lebanese Industrialists. They include among others a textile factory, a dairy factory (Liban Lait), a glace factory, a tissue paper factory and a bottle factory⁷.

First, we have to note that according to news reports, the factories were directly targeted and were not collateral damages. These factories – in principle – do not participate to Hezbollah’s war effort and do not qualify in at all as military objectives. The fact that some of these factories belong to Hezbollah party officials does not make them military objectives because “their nature, location, purpose or use” do not make an effective contribution to Hezbollah’s military action. It is not proven that these factories have been diverted from their civilian use (example: stockpiling weaponry).

⁶ On Thursday, July 13, Israeli Air Force attacked the Shiite cleric Sheikh Adil Mohammed Akash’s home, killing the cleric and eleven members of his family, in Dweir in Southern Lebanon.

⁷ LEBANON: Factories come under fire, IRIN news, 4 August 2006. According to the article, five factories were bombed in the Bekaa area resulting in some 1,300 people losing their jobs”

In the legal analysis entitled ‘Responding to Hezbollah attacks from Lebanon: Issues of proportionality’, the Israeli ministry of foreign affairs mentions that “this definition (military objectives) has been criticized by some for being too narrow, and failing to pay sufficient attention to war sustaining capability, including economic targets”.

Yet, according to this definition which has acquired customary law status, all the above mentioned factories cannot be considered to be military objectives despite any long term economic impact. They are therefore civilian property until their contribution to military action according to the above mentioned definition is proven (which hasn’t been the case up to know). Their targeting is a grave violation to the principle of distinction which prohibits the targeting of civilian property.

Mobile phone networks

Mobile phone networks, such as the MTC mobile phone antenna in Dahr al-Baidar and mobile telephone networks in Fatqa and in Terbol in northern Lebanon, were destroyed by the Israeli Air Force. Do these networks make an effective contribution to Hezbollah’s military action? Does their destruction offer definite military advantage to the Israelis?

Combatants in their military operations rely mainly on their own radio communication tools, less on mobile phones. Furthermore, mobile phone networks – just like land lines networks – are mainly for civilian use. So their contribution to Hezbollah’s military actions is uncertain. And even if disrupting communications can offer a definite military advantage to the Israeli army, the principle of proportionality prohibits such objectives because of the overwhelming consequences on the civilian population which, in the case of Lebanon, relies extensively on mobile phone communication⁸.

⁸ One million out of the four million Lebanese are subscribed to the cellular phone network.

Radio and TV broadcasting facilities of Lebanese media; Hezbollah's media infrastructure

Israel has targeted various radio and TV broadcasting facilities as well as offices of Hezbollah's TV and radio, Al Manar and Radio Nour. Targets include transmission towers for televisions such as Hezbollah's Al-Manar and New TV, LBCI satellite television and NBN television. A relay station belonging to the Lebanese state radio was also destroyed.

Israel's ministry of foreign affairs' report said that Al Manar's was used to relay messages to terrorists as well as incite acts of terrorism. It added that the Committee established to review NATO bombings in Yugoslavia noted in relation to NATO attacks on radio and television stations in Belgrade: "If the media is used to incite crimes then it is a legitimate target... Insofar as the attack actually was aimed at disrupting the communications network it was legally acceptable."

According to the ICTY Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign against the Federal Republic of Yugoslavia, the media could be military objectives in case of:

- Civilian and military use of the media equipments: "if the RTS installations were used by the armed forces, they constituted military objectives"
- Use of a media for propaganda: a media is not a legitimate target because he makes propaganda, even if this propaganda participates to the war effort. The population moral is not a legitimate military objective. But all forms of propaganda are not authorized. If the media is used to incite crimes, as in Rwanda, to commit grave breaches of international humanitarian law, genocide acts or violence acts are prohibition. In such cases, the media can become a legitimate target it can become a legitimate military objective.

According to these criterias, all radio and TV broadcasting facilities of Lebanese media other than Hezbollah's media cannot be considered as legitimate military objectives. They do not have a military function or incite to crime.

What about Al Manar TV? Does it have military use? It is not proven that Al Manar is used for transmitting military information. Does it incite to crime? What does crime specifically mean?

As for the notion of crime, it means grave breaches of international humanitarian law, genocide acts or violence acts, such as in Rwanda. The mention of Rwanda in the report is significant. Despite Al Manar's anti-Israeli rhetoric, it can never come near the level or the type of incitation seen on Rwanda's Hutu radio, calling

for the systematic murder of Tutsis. Further more, Al Manar's war rhetoric does not differ from that of right wing Israeli media and from their treatment of the ongoing conflict. Articles in newspapers such as The Jerusalem Post blame Hezbollah for civilian causalities, attack Human Rights NGOs for their coverage of Israel's International Humanitarian Law violation⁹, justify such violations and carry officials' statements – just like Al Manar carries Hezbollah members' statements – which do not demonstrate commitment to international humanitarian law¹⁰.

Therefore, Al Manar cannot, without further evidence corroborating Israel's claims of Al Manar conveying encrypted messages to combatants, qualify as a military objective. It remains of civilian nature.

Access to humanitarian relief

We have mentioned in our preliminary report that that passage of humanitarian relief for civilians in South Lebanon has been held back by Israel, in violation of its obligations under international humanitarian law.

The situation since has deteriorated. Relief groups have said that air strikes hinder ability to move supplies¹¹. Israeli strikes hit the last major land route into the country northern Beirut, disrupting the transfer of supplies into Lebanon¹². On August the 7, the last overpass crossing the Litani River was destroyed cutting all supply routes to Tyre and to all South Lebanon, the population of which is in dire need of humanitarian relief. Lebanon's fuel shortage – due to the ongoing embargo – is hampering aid efforts¹³. Humanitarian agencies have decried Israel's bombing of these bridges¹⁴.

The State of Israel has the obligation under international humanitarian law to allow and facilitate rapid and unimpeded passage of humanitarian relief for

⁹ "NGOs that take sides", Gerald Steinberg, THE JERUSALEM POST, July 30, 2006

¹⁰ "If Israel is war criminal, then Churchill is too", THE JERUSALEM POST, August 5, 2006

¹¹ Relief group says air strikes hinder ability to move supplies, Associated Press, August 4, 2006

¹² Tsahal bombarde le dernier pont sur le fleuve Litani, www.tayyar.org, 7 Août 2006

¹³ Lebanon fuel shortage hampering aid efforts, www.lebanonwire.com, August 2, 2006

¹⁴ UN relief aid for south Lebanon frozen, by Agence France Presse (AFP), August 08, 2006; UN halts convoy to south Lebanon, news.bbc.co.uk, August 8, 2006; LEBANON: UN calls for end to IDF attacks that hinder relief aid, IRIN news, August 7, 2006

civilians in need. According to article 8. 2 (b) (xxv) of the International Criminal Court Statute (Rome Statute), “intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions” constitutes a war crime. The above mentioned actions of the Israeli Defense Forces fall under this article and constitute a war crime.

In his report to the Security Council on the protection of civilians in armed conflict (8 September 1999), the UN Secretary General noted that “in many of today's armed conflicts, civilian casualties and the destruction of civilian infrastructure are not simply byproducts of war, but the consequence of the deliberate targeting of non-combatants.” Unfortunately, as we have noted in this report, this is very true in the case of the current conflict opposing Lebanon to Israel. Many of the Israeli targets are of civilian nature.

B’tselem (Israeli Human Rights NGO) noted on the current conflict that there is a concern that such attacks are intended to put pressure on the Lebanese Government and not to obtain a specific military advantage. If this is the case, these attacks constitute collective punishment and a grave violation of IHL.

**International Humanitarian Law violations
in the current conflict opposing Hezbollah
(Lebanon) to the State of Israel**

Third report

September 04, 2006

Cessation of hostilities and the end of application of international humanitarian law

On August 14 2006, parties to the Lebanese-Israeli conflict declared a cessation of hostilities in accordance with resolution 1701 of the Security Council. Does international humanitarian law cease to apply as of August 14?

In international law, a fundamental separation exists between *jus ad bellum* (droit à la guerre) and *jus in bello* (droit dans la guerre). *Jus ad bellum* and the laws and practice of collective security by the Security Council do not influence *jus in bello*, i.e. international humanitarian law and its temporal scope of application. IHL has its own sets of criteria for starting and ending its application. Security Council resolution 1701 and its effective implementation do not influence its scope of application.

According to article 3 of Additional Protocol I (1977), “the application of the Conventions and of this Protocol shall cease, in the territory of Parties to the conflict, on the general close of military operations (...) except (...) for those persons whose final release, repatriation or re-establishment takes place thereafter. These persons shall continue to benefit from the relevant provisions of the Conventions and of this Protocol until their final release, repatriation or re-establishment”.

General close of military operations does not mean cessation of hostilities or cease fire. In light of the Tadic case of the International Criminal Tribunal for former-Yugoslavia¹¹⁵, “international humanitarian law applies from the initiation of such armed conflicts and extends beyond the cessation of hostilities until a general conclusion of peace is reached (...); Until that moment, international humanitarian law continues to apply in the whole territory of the warring States (...) whether or not actual combat takes place there”.

¹¹⁵ICTY, Prosecutor v. Tadic, IT - 94-1-AR72, Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995, paragraph 70.

In the case of Lebanon, a peace agreement is not an option for the parties in the near future. The jurisprudence of the Tadic case should be interpreted accordingly. International humanitarian law should remain applicable in Lebanon and Israel until a peaceful settlement (not necessarily a peace agreement) is achieved, whether or not actual combat takes place between Israeli Defense Forces and Hezbollah combatants. The military operation of the Israeli army on August 19, 2006, in Baalbek supports this interpretation of international humanitarian law, as well as the ongoing embargo (at time of writing). They demonstrate the need for continued application of IHL on all Lebanese territory.

Furthermore, according to article 3 of Additional Protocol 1, even if all parties return to the pre-July 12 status and a peaceful settlement is reached, humanitarian law remains applicable *ratione personae*, i.e. to the persons detained with each of the parties to the conflict, whether they are prisoners of war or civilian detainees, until their release in accordance with international humanitarian law.

Prisoners of war and civilian internees

On July 12, Hezbollah captured two Israeli soldiers who acquired prisoner of war status. Between July 12 and August 14, the Israeli army captured many Hezbollah combatants as well as persons who may qualify as civilians such as the 5 persons abducted in the chopper raid on Baalbek on August 2nd and released on August 21, 2006.

In international armed conflicts, the ICRC must be granted regular access to all persons deprived of their liberty in order to verify the conditions of their detention and to restore contacts between those persons and their families. International humanitarian law demands that prisoners of war must be released and repatriated without delay after the cessation of active hostilities, while civilian internees must be released as soon as the reasons which necessitated internment no longer exist, but at the latest as soon as possible after the close of active hostilities.

NDH and ALEF recall the need to grant the ICRC access to all prisoners of war and civilian detainees by all parties to the conflict, but cannot verify if parties to the conflict are violating these basic provisions because of the secrecy surrounding prisoners of war.

Spies

Very few media reports have surfaced mentioning the capture and even the murder of Lebanese nationals as well as nationals of other states spying for Israel in Lebanon.¹⁶ NDH and ALEF have been informed that over one hundred spies have been caught by Hezbollah militants all over Lebanese territory.¹⁷

According to international humanitarian law, spies shall not have the right to the status of prisoner of war and may be treated as spies. This means that a spy can be brought to justice. A spy may not be convicted or sentenced without a fair trial. Murder, torture, cruel or inhuman treatment and outrages upon personal dignity are prohibited.

NDH and ALEF call the government for a serious investigation into allegations of violations of international humanitarian law and human rights law. Furthermore, we call for the clarification for the fate of all the spies captured during the passed conflict.

Specifically protected persons and objects

Medical and religious personnel and objects, humanitarian relief personnel and objects, personnel and objects involved in peacekeeping missions are all specifically protected by international humanitarian law.

¹⁶ “Witnesses talk about execution of 18 Lebanese accused of spying”, Asharq Al-Awsat, August 28, 2006; “Lebanon arrests 40 ‘Israel spies’”, news.com from correspondents in Beirut, July 27, 2006 www.news.com.au/heraldsun/story/0,21985,19926880-5005961,00.html; “Beirut caught 50 and Tel Aviv investigating with one of its citizens: Spies war between Hezbollah and Israel” (in Arabic), www.alarabiya.net, July 27, 2006.

¹⁷ 3 A pro-Hezbollah Shiite resident in the Beirut Southern Suburb told an NDH member on August 20, 2006, that around 100 spies have been caught in the suburb, 9 spies have been caught in his own street. Some of these spies worked as janitors of buildings in the suburb. He wishes to remain anonymous

Medical personnel and objects

Medical transports assigned exclusively to medical transportation must be respected and protected in all circumstances. They only lose their protection if they are being used, outside their humanitarian function, to commit acts harmful to the enemy. Attacks directed against medical personnel and objects displaying the distinctive emblems of the Geneva Conventions in conformity with international law are prohibited. NDH and ALEF note that the basic IHL principles were violated by the Israeli army at least twice.

According to news reports, the Red Cross in Tyre said that five of its volunteers and three patients were wounded when Israeli aircraft attacked two ambulances on Sunday night, July 23. The attack took place near Qana when an ambulance from Tyre arrived to evacuate three patients from the border town of Tibnin.¹⁸ Photos of this incident have largely circulated and showed that the attack can be intentional and may qualify as a war crime.

Further attacks against Red Cross ambulances and medical staff have been documented including on August 11, 2006, when a Red Cross ambulance carrying bread and medical equipment to Tebnin (Southern Lebanon) was directly targeted by Israeli war planes.¹⁹

Peacekeepers

In situations of international (and non international) armed conflict, members of military units taking part in a peace operation must respect international humanitarian law when they are actively engaged in armed confrontations against a party to the conflict. When they are not, they are considered as civilians, as long as this situation remains unchanged. UNIFIL's mandate according to resolution 425 does not have the capability, jurisdiction or authority to operate in times of violent hostilities. Its mandate does not include the use of force. UNIFIL members

¹⁸NDH and ALEF members interviewed Lebanese Red Cross members, in Beirut, on August 31, 2006; “Ambulances fired on by Israel”, says Red Cross, www.smh.com.au, by the Sunday Morning Herald’s correspondent in Tyre and agencies, July 25, 2006; “Red Cross ambulances destroyed in Israeli air strike on rescue mission”, The Guardian, Suzanne Goldenberg in Tyre, July 25, 2006

¹⁹ An Nahar newspaper, August 12, 2006

benefit from full immunity and cannot be subject of attack.

On July 25, despite repeated calls by a United Nations commander, by senior officials in the region and in UN headquarters in New York, the Israeli Defense Forces made a direct aerial strike on a well-marked bunker near Khiam in southern Lebanon, killing four unarmed UN observers.²⁰

UN Secretary-General Kofi Annan issued a strong statement condemning the “apparently deliberate targeting by Israeli Defense Forces of a UN Observer post in Southern Lebanon.”²¹ Initial reports indicated that the attack that killed four UN peacekeepers was a war crime, breaching laws that prohibit intentionally directing attacks on civilians and humanitarian workers. And even if the bombing was an accident, Israel still has gravely breached its obligations under humanitarian law.

Resolution 1701’s: a reinforced UNIFIL. Does UN Security Council Resolution 1701 make a change in the status with regards to international humanitarian law?²² This resolution mandated an enhanced UNIFIL force to help the Lebanese Army deploy south and along the border with Syria, but it did not spell out the operational procedures of this force. Will the mandate of this force include opening fire on parties to the conflict when necessary? In this case, UNIFIL members are bound by IHL, and they are also protected by it in their quality of combatants.

Blockade

As we have noted in our second report, the blockade is legitimate under international humanitarian law as long as it is required by military necessity.²³ This means that the airport and the port should offer Hezbollah an effective

²⁰ “Four peacekeepers killed in IAF strike on UN base, Olmert orders probe into deadly IAF strike on UN base”, Haaretz.com, July 26, 2006; “IDF told not to fire on unarmed observers, says UN”, IRIN, NEW YORK, 26 July 2006; “Israel troops ‘ignored’ UN plea”, bbc.co.uk, July 27, 2006.

²¹ IRIN, op. cit.

²² “Annan to give UNIFIL ‘teeth’”, August 21, 2006 , www.jpost.com; ; “New rules for UN in Lebanon Critical for maintaining cease-fire”, August 24, 2006, <http://www.newsday.com/news/opinion/ny-vpleb244862552aug24,0,7193947.story?coll=ny-editorials-headlines>

²³ Erratum: In our second report, we wrote “the blockade must have the purpose or effect of depriving the civilian population of its sources of food or supplies”. The correct phrase is “the blockade must not have the purpose or effect...”

contribution to military action. Their neutralization by the blockade, in the circumstances ruling at the time, must offer a definite military advantage to the Israelis. Israeli officials have declared that the blockade has the goal of preventing transfer of arms to Hezbollah.²⁴

Yet, military necessity is somewhat doubtful with regards to the ongoing Israeli aerial blockade on Lebanon. It is unconceivable that Air France planes heading from France to the Beirut International Airport, or any other European airline arriving from Europe, to carry weapons for Hezbollah. Same logic applies from many countries, including Arab Muslim countries whose leadership show no sympathy for Hezbollah.

The blockade must also respect the principle of proportionality. The impact of the blockade on civilian population must not exceed its military advantage. Equally, the blockade must not have the purpose or effect of depriving the civilian population of its sources of food or supplies. The obligation to grant humanitarian access must be respected. We have seen that the humanitarian crisis due to the conflict has been contained. Therefore the blockade does respect the principle of proportionality at time of writing.

Weapons

Media reports, NGO reports, Lebanese medical staff and governmental officials have decried Israel's use of prohibited weapons or weapons which use is restricted²⁵, as well as weapons with long term impact on the Lebanese population. The Israeli army said all the weapons it uses are legal under international law, and their use conforms to international standards.²⁶

²⁴ "Navy may continue Lebanon blockade", JPost.com, August 21, 2006

²⁵ "L'armée israélienne utilise-t-elle des armes interdites ? Les soupçons se font de plus en plus précis", EuroNews, July 24, 2006; "Israel urged to shun cluster bomb", bbc.co.uk, July 25, 2006; "Victimes d'armes interdites?", Le Matin/AFP, July 29, 2006; "Témoignages sur l'usage par Israël de munitions controversées", L'Orient-Le Jour, July 29, 2006; "Scientists suspect Israeli arms used in South contain radioactive matter", by Mohammed Zaatari, Daily Star, August 21, 2006; "Mideast Weapons Deserve Scrutiny: Israel's cluster bombs and alleged phosphorus use have escaped attention", fair.org, Media Advisory, August 2, 2006.

²⁶ "LEBANON: Israel defends its weapons", IRIN news, July 17, 2006.

The question of use by Israel of prohibited and/or restricted use weapons has been raised by medical staff ever since the 1982 invasion.²⁷

Following the 17 July attack on the village of Rmeili in Southern Lebanon, one of the treating doctors described the symptoms of victims of the attack as having black skin with no signs of burns.

As a general rule, international humanitarian law prohibits the use of means and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering, as well as the use of weapons which are by nature indiscriminate. While cluster bombs and incendiary weapons are not specifically prohibited, their use is restricted.

Cluster bombs

In Lebanon, unexploded cluster munitions have continued to claim civilian casualties for more than 25 years since the initial attacks by Israelis in 1978. Cluster munitions continue to make up a significant component of the broader unexploded ordnance threat in Lebanon.²⁸ Following the cessation of hostilities on August 14, unexploded cluster bombs were found in and around schools, hospitals and civilian homes.²⁹ “A lot of them are in civilian areas, on farmland and in people's homes. We're finding a lot at the entrances to houses, on balconies and roofs. Sometimes windows are broken, and they get inside the houses” said Dalya Farran, spokeswoman for the U.N. Mine Action Coordination Center.³⁰ Some of the cluster bombs used date back to the Vietnam War era, and have a high failure rate³¹. They are more likely to transform whole areas into mine fields, greatly increasing post-conflict casualties.

The large number of explosive duds makes cluster munition use disproportionate

²⁷ Interview with *Médecins Sans Frontières* doctor who was in South Beirut during the siege by Israeli army in 1982, May 2006

²⁸ Cluster Munitions in Lebanon, report Published in November 2005 by Landmine Action, www.landmineaction.org

²⁹ “LEBANON: Leftover Israeli cluster bombs kill civilians”, IRIN news, August 22, 2006; “Unexploded missiles in schools in Tyre and cluster bombs in playgrounds”, An Nahar newspaper, Augsut 22, 2006.

³⁰ “UN: Cluster bombs litter south Lebanon”, cnn.com, August 26, 2006

³¹ Vietnam Era Israeli Dud Cluster Bombs Keep on Killing in Lebanon, Freda Guttmann, IMEMC & Agencies, 24 August 24, 2006.

and thus a violation to international humanitarian law. Unexploded submunitions cause greater loss of civilian life, injury to civilians, and damage to civilian objects than most types of unexploded ordnance. Taking into account both strike and post-strike casualties greatly increases the likelihood that the loss would be excessive in relation to the military advantage, especially if an attack occurred in a populated area or an area to which people might return.

Israeli army has used cluster munitions in areas which were highly populated before the conflict, and to which people have returned at time of writing or will return.

Cluster munition strikes also have the potential to be indiscriminate because the weapons cannot be precisely targeted. They are area weapons and cannot be directed at specific soldiers or tanks, a limitation that is particularly troublesome in populated areas.

Considering the fact that most Southern Lebanon villages have been evacuated in the first days of the conflict, it is unclear whether or not they have been used by Israeli army against civilian population directly. Their dud rate also adds up to their indiscriminate effect. Cluster bombs can therefore be indiscriminate and disproportionate weapons.

Incendiary weapons

Lebanese government officials, doctors and human rights organizations have claimed that phosphorous bombs are being used by Israel in the current conflict and have harmed civilians in Southern Lebanon. Such claims have not been corroborated at time of writing by medical evidences. The Israeli military has defended itself following these allegations.

Israel is a signatory, but with legal reservations, to Protocol III of the 'Convention on prohibitions or restrictions on the use of certain conventional weapons which may be deemed to be excessively injurious or to have indiscriminate effects'.³² The use of incendiary weapons is prohibited for attacking civilians by this protocol.

NDH and ALEF call upon Lebanese officials, hospital officials and international organizations coming to Lebanon for inquiry into IHL violations to clearly document the type of burns incurred by victims in Southern Lebanon in order to determine the type of armament used by the Israeli army and whether its use is in conformity with humanitarian law.

³² Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III). Geneva, 10 October 1980.

Declarations by the warring parties with regards to international humanitarian law

Israeli officials made hundreds of declarations regarding the war in Lebanon. Some of these declarations show clear disrespect for international humanitarian law and its principles, notably the principle of distinction. Other declarations may help demonstrate the intentionality of some violations of international humanitarian law in Lebanon.

The Israeli defense chief of staff warned that "if the soldiers are not returned, we could turn Lebanon's clock back 20 years."³³ Lebanon can be "shut down for years, as long as necessary" a senior military official said the first week of the conflict.³⁴

Israel will destroy Lebanese power plants if Hezbollah fires long-range missiles at strategic installations in northern Israel, a high-ranking IDF officer threatened on Monday.³⁵ "If their missiles hit petrochemical plants in Haifa we will consider bombing power plants in Lebanon," the senior officer warned.

Such declarations demonstrate at best the lack of commitment of decision makers in Israel and military officers to humanitarian law, and at worst their intent to effectively attack civilians and civilian infrastructure in Lebanon. Violations to international humanitarian law as a method of retaliation and countermeasure to the opponent's violations to humanitarian law are prohibited by this same law.

A high-ranking IAF officer told reporters in an off-record briefing that IDF Chief of Staff Lt.-Gen. Dan Halutz had ordered the military to destroy 10 buildings in Beirut in retaliation to every Katiousha rocket strike on Haifa.³⁶ This declaration was vigorously denied by a speaker of the Israeli army. Yet, journalist Amir Rappoport confirmed in Haaretz on July 26 that an order has been explicitly given the day before, after a barrage of Katiouchas hitting Haifa yesterdays. Several

³³ Time Magazine, "The Risks of Israel's Two-Front War", July 13, 2006
www.time.com/time/world/article/0,8599,1213591,00.html

³⁴ "Lebanon can be shut down for years", The Jerusalem Post, July 16, 2006

³⁵ "IAF continues attack on Lebanon", JPost.com, Jul,17,2006,
<http://www.jpost.com/servlet/Satellite?cid=1150886020269&pagename=JPost%2FJPArticle%2FShowFull>

³⁶ "High-ranking officer: Halutz ordered retaliation policy", Yaakov Katz, The Jerusalem Post, July 24,2006.

fighter jets attacked a district in Dahiye, in the Beirut Southern Suburb. Ten building were exactly destroyed and the army confirmed this time that they were ‘Hezbollah buildings’ and it operated ‘according to objectives and plans’.³⁷

During the weekly Israeli cabinet meeting, Internal Security Minister Avi Dichter told ministers “the move was aimed at forcing an exodus of tens of thousands of civilians in order to put pressure on the Lebanese Shiite Hezbollah militia. Tens of thousands of Lebanese who will flee towards the north will create the right pressure on Hezbollah”.³⁸ The forced displacement of civilian populations and the use of civilian population as a tool to pressure authorities are prohibited under international humanitarian law.

After the official cessation of the hostility, such declarations did not cease. On August 14, Israel’s deputy Prime Minister Elie Shamir threatened to hit Beirut infrastructure and cut off water and electricity from the population if weapon supplies to Hezbollah weren’t stopped.³⁹

Along with the massive and large scale destruction of civilian property and infrastructure in Lebanon, these declarations suggest that the Israeli army attacked and destroyed houses, schools, hospitals, factories, businesses, farms bridges, roads and other property not for military purposes but in the aim of pressuring the government of Lebanon and the Lebanese population. As such, they would constitute a grave breach of international humanitarian law and possibly war crime

Such declarations which go against the spirit and the letter of international humanitarian law have been reiterated on all levels of Israeli society. Israeli Mayor of Haifa Yona Yahav declared ‘I am in favor of smashing the entire infrastructure of Lebanon’.⁴⁰

Editorials in Israeli newspapers, such as *Yediot Ahronot* and *Maariv*, also called for the leveling of entire Lebanese villages.⁴¹

³⁷ Cited in : « Dix immeubles pour chaque Katioucha », July 27, 2006, Alain Gresh, blog.mondediplo.net/-Nouvelles-d-Orient-

³⁸ “Israel orders villagers out of south Lebanon”, www.lebanonwire.com, July 16, 2006

³⁹ Al Hayat, August 21, 2006, page 4.

⁴⁰ Dateline SBS Australia; transcript of interview with Yona Yahav, August 02, 2006, news.sbs.com.au/dateline/index.php?page=archive&daysum=2006-08-02#

⁴¹ “Calls in Israel for erasing Lebanese villages” (in Arabic), www.tayyar.org and agencies, July 28, 2006.

Hezbollah's secretary general Hassan Nasrallah also made statements which did not show absolute commitment to the principle of distinction. Nasrallah justified attacks against civilians within Israel as retaliation measures for attacking civilians. Again, reprisal measures to violations of international humanitarian law should never violate this same law. Therefore, these attacks are a violation to international humanitarian law norms. Yet, contrary to all Israeli declarations, Hassan Nasrallah calls for the respect of the April understanding (1996) which prohibits all attacks against civilians. "In this framework, as was mentioned yesterday through the words that advanced the voting on the UN resolution and confirmed that the 1996 April understanding will be the ruling frame of any ground confrontations of this sort, I must confirm in a natural form our commitment to the April understanding and we call on the enemy to abide by this understanding".⁴² NDH and ALEF call for the strict respect of this agreement reached in April 1996, just as of international humanitarian law, in any confrontation between Hezbollah combatants and the IDF.

Some of the leaflets dropped by Israeli Air Force on areas in Southern Lebanon demonstrates the clear intent not to distinguish between civilians and combatants. On July 15, 2006, Israeli warplanes dropped leaflets on Nabatieh, Southern Lebanon, warning the population that they should to evacuate it.⁴³ The message concluded with the phrase "he who has been warned has been excused" (literal translation), which means that Israeli army is not responsible of those who do not conform to the warning. Such a warning clearly suggests the intent of Israeli Defense Forces not to distinguish between civilians who remained in the above mentioned area and combatants. In a similar and very grave statement, Israeli Justice Minister Haim Ramon declared in the midst of the conflict that "everyone in southern Lebanon is a terrorist and is connected to Hezbollah."⁴⁴ Again, this declaration goes against Israeli obligations to distinguish at all times between civilians and combatants in its conflict against Hezbollah.

⁴² Hasan Nasrallah's address on August 12, 2006 aired by Al-Manar TV.

⁴³ Tayyar.org, field report, July 15, 2006. Literal Arabic transcription: "أعذر من أنذر"

⁴⁴ Telegraph UK "You're all targets, Israel tells Lebanese in South", July 28, 2006, www.telegraph.co.uk/news/main.jhtml?xml=/news/2006/07/28/wmid28.xml

This was NDH and ALEF's third report documenting International Humanitarian Law violations from July 12 to August 14, 2006. We tried to treat most legal issues raised by the conflict. Yet, we do not pretend that our reports were thorough or covered all violations. We call for a systematic and complete investigation in all breaches to IHL which have occurred. Knowing is part of preventing future violations to IHL.

**The Situation of Human Rights of Internally
Displaced Persons in the conflict opposing
Hezbollah (Lebanon) to the State of Israel
started in July 2006**

Preliminary report

August 1 2006

Introduction

International humanitarian law is that body of international law which applies to situations of armed conflict, both international and non-international. In times of conflict, human rights law continues to apply, but since armed conflict situations would typically qualify as “public emergencies” defined by Article 4 of International Covenant on Civil and Political Rights (ICCPR), it is possible and likely that in such situations restrictions and derogations to human rights may be introduced by States. However, there are certain very basic minimum rights which cannot be the subject of suspension even during armed conflicts or other public emergencies; they are found in Article 4 of the ICCPR and Common Article 3 to the Geneva Conventions.

Some of the very basic minimum rights are: right not to be arbitrarily deprived of life; right to personal integrity; right to liberty and security of person; the human rights of women; right to non-discriminatory treatment ; **rights of refugees and internally displaced persons (IDP)**.

This preliminary report will draft a general overview on the human rights situation of the Internally Displaced Persons in Lebanon after the large scale operations launched by Israel on the 12th of July. The assessment is based on core indicators defined in the **UN Guiding Principles (GP) on Internal Displacement**.

The GP are a set of 30 principles which set forth the rights and guarantees relevant to the protection of IDP. It is important to note that the Guiding Principles (GP) are not binding on states like a treaty. However, they are very well grounded in international law, where almost every principle has its legal provision.

Review of population movement

According to the **Guiding Principles on Internal Displacement**, internally displaced persons are:

“persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed any internationally recognized State border.”

Since the beginning of hostilities, constant bombing of the different Lebanese regions, targeting civilians and residential areas, along with the dissemination of Israeli pamphlets asking civilians to flee their homes from specific areas created a huge movement of displacement. The affected population had to leave their habitual residence in order to seek shelter in more secured areas. People living in southern borderline villages of Lebanon, in addition to the habitants of the southern suburbs of Beirut were forced to leave their homes due to the accentuated bombardment by the Israeli Forces.

The substantial displacement of people posed a serious challenge for the different actors concerned in ensuring appropriate shelter, food, safe drinking water, and medical attention.

According to the latest government sources (Higher Relief council), a total of 913,760 are displaced. Among this number, 128,760 are seeking refuge in schools and public institutions in different regions although NDH-ALEF team thinks that these figures are inaccurate because the IDP estimated number in Sidon only is approximately 100,000 displaced . Government officials stated that approximately 761 institutions are hosting IDP while approximately 550,000 people are sheltered with families, friends or even in rented apartments. The remaining displaced population has left Lebanon to settle in neighboring countries (around 210.000 persons). In particular, an estimate of 120000 Lebanese have found shelter in Syria where the Syrian government and UN agencies are offering assistance.

It is important to underline that the search for an accurate number on IDP in shelters was difficult due to interrupted registration efforts, and different sources on IDP movement among various IDP centers.

Respect of basic Human rights

Access to basic shelter and housing, essential food and safe potable water, appropriate clothing, essential medical services and sanitation are main indicators of an adequate standard of living for IDP, regardless of the circumstances and without any form of discrimination. Basic needs of displaced populations are covered by NGOs networks/political parties in most shelters. NDH.ALEF team, after accomplishing field surveys and establishing contacts with local NGOs, highlighted the following issues:

a. Safe Shelter and Housing

Not all IDP have found adequate shelter. Many relief centers are overpopulated, while a considerable number of IDP are still trapped in war zones especially in the borderline villages and towns in South Lebanon. The trapped population is mainly elderly, or villagers who lack the means of fleeing. Some families are staying in open public places (public parks/....) because the accommodation capacity of the covered shelters has been fully consumed. An alternative could be to transfer these families to covered shelters in remote mountain areas but the IDP seem reluctant to go to such places.

b. Access to food and sanitation

Relief and Aid reports also indicate that food supplies are dwindling to an extent that will cater for one to three months according to regions. The main difficulty resides at the level of access to the supply chain due to military and security reasons. Thousands of displaced, especially people trapped in war zones are increasingly facing difficulties in obtaining food. According to Mr. Chafic Kassis, the head of truck drivers syndicate, more than 450 trucks were targeted. Of the estimated 170,000 transport trucks and pick-ups in Lebanon, only 200 are still on duty carrying basic needs and relief supplies. The 48 hours suspension of air raids by Israel has relatively ameliorated the situation but it certainly enhanced the fleeing process from borderline villages thus increasing the number of IDP in search for secure shelters in different regions of Lebanon.

In highly concentrated areas, sanitation is a matter of high concern; sanitary products are missing especially in Beirut, Sidon and Keserouan (In particular detergents and cleaning supplies). In those regions, access to water is not always evident. Potable and daily use water is not available to satisfy the needs.

c. Health

At the level of health, public and private sector hospitals were operational until three main hospitals in the southern suburbs of Beirut ceased to operate due to Israel's large scale bombarding of southern Beirut. The majority of primary health centers in the bombarded areas are unable to operate due to the military and security situation. Pharmaceuticals companies report medication stocks in Lebanon could generally sustain the needs for three months. However, again the issue of access is still the major obstacle in light of the severe targeting of roads

and unsafe routes.

Transfer of casualties to hospitals and medical supplies to needed areas is not always possible due to the lack of safe corridors, especially to/from the South of Lebanon. The bombing of 2 Red Cross ambulances was a clear breach. Access to health care for injured and patients with chronic disease or childhood illness conditions is a major concern.

The large concentration of IDP in shelters creates a serious challenge. Some communicable diseases are already reported such as scabies and louse. Some pulmonary problems were identified too due to smoking in overpopulated areas. The most common diseases detected yet are diarrhea, which led in some cases to hospitalization.

Those problematic issues are not widespread in all IDP shelters but mainly concerns regions where concentration of IDP is high or where assistance is not sufficient, mainly in Sidon and Beirut.

Another matter of concern is the considerably large number of advanced pregnant women (evaluated by Hariri Foundation in Sidon alone as 1200 pregnant women), concrete procedures should be taken to prepare the required conditions in shelters for delivery, and new born babies needs.

Along the same line, Shortage and even absence of new born and infants' food is still present mainly in Beirut and Sidon shelters. Material supplies were distributed to almost all IDP, some minor requirements in mattresses and sheets are still needed in Sidon and diapers for babies and elderly in most of the regions.

d. Parents and Children

High level of tension and trauma are a major consequence of the armed conflict on displaced population, in particular children's personal development is usually affected. Many children are facing trembling, hysteria, lack of concentration, and fast urination. In different regions, field actors detected a lot of violence in the children's behavior and games, to help reduce the impact of this conflict, recreational activities are being planned by volunteers from different NGOs in most of the regions; some field actors in the north expressed a need of entertainment for all the IDP population especially children.

As for parents, there are no social services such as psychological support in almost

all centers, as well as for social distressing activities.

e. Security and Protection

Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty and security of those affected, as per principle 8 of UN Guiding Principles on IDP. Many measures were taken in order to reduce eventual conflict scenarios between IDP and the hosting communities. No major incidents were reported.

According to some local NGOs, discrimination cases occurred on the field due to political motives. Moreover, the freedom of movement was violated in many regions by setting a time framework for IDP to move (In some settlements, doors were closed at an early hour). When NDH-ALEF team investigated about the issue, some IDP settlements coordinators replied that those measures were taken for security reasons in order to avoid increasing tension due to political motives.

On the other hand, no cases of sexual abuse were reported. Nevertheless, some IDP settlements coordinators expressed their concern about the occurrence of such cases due to the extreme proximity and the high level of stress within the IDP population.

At the level of security, an estimate of 10 to 15.000 IDP is still in the town of Tyre. They are gathered in 5 IDP settlements, the Palestinian camp of Rachidieh, and in private homes. NDH- ALEF team believes that the town of Tyre is a dangerous area, and urges the different actors to evacuate these displaced to different locations.

There is no clear estimation about the population who is still trapped in war zones.

f. Persons with Disabilities

All IDP with disabilities should receive the medical care and attention they require. In most relief centers, persons with disabilities (PWD) are not systematically registered and assessed. Many PWD are in need of prompt aid such as wheel chairs, special medications, and care. IDP's settlements are not being adapted to promote independence of PWD due to lack of human and financial resources.

g. Respect of Cultural and Religious aspects

No restrictions on practicing religion were reported. In some centers mainly in Beirut and Sidon, some IDP requested praying rug which were provided. However facilities to do so in some privacy do not exist in most of the settlements due to the lack of space. Moreover, the high level of proximity (several families living together in the same room) has created discomfort among parents, young girls, and women. Few centers have established wooden separators in big spaced rooms in a way to provide for each family a small private place. In some other settlements, the parents themselves agreed on a common base by separating women and men in different rooms. This procedure affected also married couples.

With growing figures of displaced persons and the massive displacement patterns, ensuring appropriate shelter, food, safe drinking water and medical attention is posing a serious challenge and will lead to an acute humanitarian crisis.

The need for "humanitarian corridors" in Lebanon linking the Lebanese regions is still the most urgent issue for international lobbying and advocacy to ensure the efficient start of relief efforts inside the country.

Upcoming NDH.ALEF biweekly publications will deal with thematic issues reports on the situation of the IDP compared to the UN Guiding Principles on Internal Displacement.

**The Right to an Adequate Standard of Living
of
Internally Displaced Persons**

August 11 2006

The Higher Relief Council

The Higher Relief Council (HRC) is the ‘competent authority’ which has the obligation to provide the IDP an ‘adequate standard of living’. The HRC is the governmental organization responsible for managing disasters and humanitarian crises in Lebanon. It is in charge of the supply chain related to the humanitarian aid distributed on the Lebanese territories including setting up relief centers, distribution channels, transportation facilities, logistic units, and monitoring processes in order to guarantee, ensure, and cover the needs of the people affected by the crises. Despite the efforts already done, the HRC role is criticized. A gathering of 35 NGOs in the Lebanese capital accused the HRC of lack in crisis management vision. The head of the Saida municipality Mr. Abdel Rahman El Bezri said in an interview with Al Balad, local newspaper, on the 1st of August that ‘if we counted on the HRC role, there would have been a big disaster’.

Along the same line, the minister of Social Affairs Ms. Nayla Moawad stated in a T.V. interview that ³ there are corruption incidents ‘in the distribution of the humanitarian aid.

Patterns and Trends of Internally Displaced Persons

The ongoing military escalations in the current conflict between the State of Israel and the Islamic Resistance, Hizbullah’s armed wing, have tremendously increased the number of internally displaced persons in Lebanon provoking a long term national humanitarian crisis. According to the latest government sources (High Relief council) a total of 915,762 are displaced.

Among this number, 130762 people are hosted in 823 schools and approximately 565,000 found shelter with host families and individual houses.

On the same line, 220000 are expected to have crossed the borders seeking refuge in more secure countries; The Syrian Ministry of Social Affairs and Labor (MoSL) estimates the number of the Lebanese refugees in Syria by 180,000 person. Some 67,000 are located in public sites (schools, pioneer camps etc), while the rest are being accommodated with host families or in hotels/apartments where national and international organizations are offering humanitarian services and support.

The Displaced population is distributed among all Lebanese regions with the highest concentration in Beirut and Mount Lebanon. The report issued by the Higher Relief Council on the 1st of august targeting the movement of the internally displaced population in shelters showed these results:

DATE	Beirut		Mount Lebanon		North		South		Nabatiyeh		Bekaa		Total		Average/ school
	S	I	S	I	S	I	S	I	S	I	S	I	S	I	
19/07	103	25012	228	35744	23	1164	48	11408	11	1355	29	2293	442	76976	174
20/07	105	26401	238	38096	26	1483	50	11952	11	1355	37	2512	467	81799	175
21/07	161	39321	260	40768	29	1659	50	11249	11	1397	43	2968	554	97362	176
22/07	169	38658	281	42163	36	2683	81	21268	85	2061	50	3457	642	110290	172
23/07	171	39022	268	42096	36	2683	82	20425	25	2319	32	3535	614	110080	179
24/07	147	33352	284	43914	38	3009	83	20184	27	1831	56	4222	635	106512	168
25/07	144	32465	296	42271	43	3370	59	22523	25	1628	85	4523	652	106780	164
26/07	145	33826	304	42847	50	3977	87	24268	25	1652	60	4084	671	110654	165
27/07	149	35081	331	47019	55	4636	94	27142	25	1632	63	4115	717	119625	167
28/07	149	35081	331	47646	56	4685	94	26835	26	1664	62	4091	718	19820	167
29/07	151	35207	344	49670	61	5037	95	26790	26	1664	65	4281	742	122649	165
30/07	155	36082	348	51086	67	5420	97	26981	23	1591	67	4420	757	125580	166
31/07	153	35794	352	50474	69	5459	97	26981	23	1591	67	4419	761	124718	163

It is important to highlight, as already noted in the preliminary report, that during our review of different sources and our field visits we observed diverse figures on IDP population, shelters and distribution. However, the chart issued by the HRC illustrates the continuous increasing number of IDP and shows explicitly how the public institutions are overpopulated. The lowest average (163) is high considering the nature of the shelters used who are architecturally and logically not prepared to host such a big number of residents.

Basic Shelter and Housing

The right to adequate housing is recognized by international legal instruments and includes the right to live in security, peace and dignity. The actual hostilities put a large number of people in danger and caused a displacement movement from military targeted areas. While most of the people were able to find secure places and shelters, some civilians are still trapped in “war zones” putting their lives in danger and unable to access any basic need due to the massive Israeli military operations and the destruction of civilian infrastructure. Towns and villages along the borderline with Israel are in disastrous conditions and the residents have been deprived of the most basic living standards. They are lacking basic needs, including safe water, food, and medical supplies. People are drinking from contaminated ponds, used to water crops and which animals drink from. In the village of Rmeish, about 30,000 refugees are cut off¹.

IDP in public institutions: Displaced population, when running away from danger leaves their homes and often possess only what they can salvage or carry. Shelter is a critical determinant for survival during disaster, it is necessary to provide security and personal safety. Adequate shelter is also important to ensure protection for human dignity and to sustain family and community life as far as possible in difficult circumstances. Shelter and associated settlement should be the response to the respect of the most individual level of life by maintenance of health, privacy and dignity. Despite the efforts made to ensure adequate shelters for all the IDP, some are still using public parks and open spaces for habitation. The “Sanayeh Garden” in Beirut constitutes a relevant example. This public park is used by most of the displaced as transit station until they manage to find an adequate shelter but it remains for many others a permanent settlement refusing to leave to public institutions because they fear mainly overpopulation and its consequences on their daily life.

¹ Articles title, The Daily Star ,Thursday 27 th of july

For collective settlements, the space shared should maintain the privacy and dignity of separate households. Safe, integrated living areas should also be provided for vulnerable groups and displaced communities that comprise a significant number of single adults or unaccompanied children. Women, girls and boys are vulnerable to attack and enough care should be given in order to ensure adequate separation from potential threats to their personal safety. Within individual household shelters, opportunities for internal subdivision should be provided. But since the actual displacement crisis is increasing on daily basis and beyond the territory capacity, shelters are actually overcrowded. That is the case of Beirut, Mount Lebanon, Saida, and the Shouf area.

Since public schools are not equipped to receive a large number of people, many logistics problems occurred. The number of toilets is not proportional compared to the number of IDP in relief centers. Schools are usually not equipped with bathrooms which leave the displaced population with neither wash basins nor hot water. Showers exist only in few centers such as convents or where NGOs installed some portable bathrooms /showers. Thus, people are using bowls or garden hoses in very narrow spaces for adults and sometimes in open spaces for children. Kitchen material is missing in a large number of centers.

Except very few centers in Beirut and the Bekaa where the hosting organization built wooden separators, absence of privacy and promiscuity is a crucial issue. In some centers the fear of the occurrence of sexual abuse and gender based violence is one of the results of promiscuity.

IDP in homes: Disaster-affected people often prefer to stay in a host community, with other family members or people who share historical, religious or other ties, that's why a lot of displaced managed to live with relatives in more secured areas. In cases where this preference couldn't be met, IDP who have the financial ability, rented private homes. For the majority of people living with families, there is the problem of overcrowding. Two, three and sometimes even four families are sharing the same house. Until now no accurate data is available about the numbers and distribution of these groups, in consequence no needs assessment is available and no efficient assistance is provided.

One of the major NGOs working in Beirut raised the problem of the IDPs in houses. "While some of the IDP hosted in homes is getting assistance because they are connected to political parties/figures, most of the families remain unassisted" explained one of its members "Some families are getting assistance without even receiving displaced".

Essential Food and Potable Water

Humanitarian Charter is concerned with the most basic requirements for sustaining the lives and dignity of those affected by displacement. As reflected in the body of international human rights, adequate nutrition, food aid and drinking water are their practical interpretation. Everyone has the right to adequate food and clean water. This right is recognized in international legal instruments and includes the right to be free from hunger, the availability of food and water in a quantity and of a quality sufficient to satisfy the dietary needs of individuals, such food should be accessible in ways that are sustainable and do not interfere with the enjoyment of other human rights. Access to food and the maintenance of adequate nutritional status are critical determinants of people's survival in a disaster.

Lack in food: Although numerous efforts are made in this actual crisis to reply to the nutritional needs of the IDPs, the situation is still not satisfactory. Common efforts by the HRC, civil society and international organizations are not able yet to ensure all IDP's basic needs.

The HRC noted in their report issued on the 6th of august 2006 that there is a lack of food and non-food items needed to serve displaced population and that the quantities available presents approximately 50% of the actual needed quantity. Dr Kamel Mhanna, Director of "Amel" association also declared to Annahar on the 3rd Aug 2006 that despite all the efforts in place, the situation is still critical and only 20 to 30% of IDP's needs are satisfied.

Procedure: NGOs working on the field expressed their concern about the lack of initial assessment, centralization and coordination between the civil society and the HRC. There are no common procedures in terms of relief items distribution applied in all the regions.

Furthermore, the cooperation with the HRC is not regulated by common rules in all regions and with all actors. While in most of the regions, relief is handed to the mayor "Kaemakam" and then to the municipalities in order to reach the shelters, some regions do not apply the same procedure. In Beirut and the Shouf regions, relief aid is monopolized by one political party.

NDH-ALEF would like to point out that the absence of common procedure, centralization and monitoring might lead to dangerous discriminatory attitudes in providing relief supplies.

Cooperation: The lack of human resources and experiences to monitor the distribution system is generating many shortcomings in palliating equally to the needs of IDPs in all the regions; therefore, cooperation with civil society NGOs is crucial. However this close cooperation remains deficient; several NGOs complained from the lack of efficiency of the government in particular the HRC. In the Bekaa, the North, the Chouf and Beirut areas NGOs protested against the total absence of the HRC in the follow up and support on all levels. The NGOs have taken under their responsibility the needs of the IDPs within very limited resources that are beginning to run out.

Inequality of services: When relief is highly depending on the private sector's initiative, inequality of services occurs: While NGOs and political parties in the regions of Beirut, Saida, and Mount Lebanon provide one hot meal per day, IDP's access to hot meal in remote areas such as Akkar and Halba is not regular nor enough.

On the same level, many field workers noted that within same regions, services are not equally distributed; while some IDP shelters benefit from the assistance of different civil society actors, many shelters remain without any organized support. In the Hamra area of Beirut, where relief services are provided by a substantial number of NGOs and political parties, NDH-ALEF team located two hosting institutions without any assistance: Ataya school and ain el Mreisseh public school. Mr Faraj Bazzi and Mr Saad Goumar Farhan, two IDP interviewed by NDH-ALEF team confirmed that families taking refuge in those two institutions are facing severe lack of food, potable water, hygiene, sanitation kits, and clothes. Medical requirements and special needs for people with disabilities are also not provided.

Appropriate Clothing

Clothing also is a basic need to guarantee human dignity. Internally Displaced People usually leave their houses in the middle of crisis and most of the times are unable to take any luggage with them. During this war people were forced to leave urgently their homes under hostilities.

During field visits, NDH-ALEF teams noted that clothing do not raise a crucial problem except areas where no accurate assistance is provided.

Recommendations

- Contacts with diverse field workers and review of different media sources revealed accountability and transparency breaches in the actions of the Higher Relief Council and some active political parties, especially in discriminatory attitudes toward certain NGOs or IDP groups. Investigation in these breaches must be launched in order to protect the IDP basic human rights.
- As stated earlier in the report, no accurate assessment of the IDP population (numbers, distribution, needs, etc...) was made; in consequence no efficient and complete assistance can be provided. We believe adequate planning is necessary so is an urgent need assessment by the government to respond to all needs.
- Since a lot of organizations are working on the field, cooperation between them is highly requested to ensure no duplication of work, and that all IDP centers on the Lebanese territory are receiving relief equally. The ministry of social affairs organized the first coordination meeting this week, we would like to highlight the delayed involvement of the Ministry of social affairs is in itself a bad sign; and would urge for more involvement of this important ministry due to its essential mandate in crisis management.
- NDH-ALEF would like to stress the concern on transparency issues by all actors on field especially governmental institutions and the Higher Relief Council. It is obvious that the government have no long term planification to deal with the displacement issue. Such efforts must be considered.

The Return of the Internally Displaced Persons

The year 2006 is indeed a turning point in the current history of Lebanon. A war just ended after a trans-boundary operation on the 12th of July against an Israeli

patrol, by Hizballah militants causing the death of eight soldiers and the abduction of two others. Hizballah claimed to exchange them with the Lebanese prisoners still detained in Israeli jails. The IDF automatically launched a massive campaign for nearly 33 bloody days causing significant losses in civilians, infrastructure, and economy, inflicting thus massive displacements.

Facts and figures of the war are astonishingly high. 1191 women, men and children have been killed – they are overwhelmingly civilians compared to around 100 Israelis killed almost entirely amongst the armed forces – 30% of whom are less than 12 years old, 4405 injured, 12% of whom now have permanent disabilities, 974,184 displaced by the war, the overwhelming majority of whom are women and children. Among those displaced during the war, many of them are now still living with friends and families. 7 billion dollars of losses in infrastructure, four million square meters of buildings totally destroyed 700 factories and workshops totally and/or partially destroyed, 78 bridges hit, 10,000 tons of heavy oil spilled on the Lebanese coast, 80 kilometers of the Lebanese coast heavily polluted...

The key damages in Dahyé and the southern regions of Lebanon can be summarized as follows:

- South Lebanon: 1489 buildings, 535 road sections, 21 of the 29 Bridges over Litani River and 545 cultivated fields were destroyed or damaged with an estimated impacted population of up to 15,000.
- Beirut: 326 residential buildings are either damaged or destroyed in the southern suburbs of which 269 are located in the cadastral limit Haret Horeik. All runways of Beirut airport and 6 strategic highways sections are severely damaged. Estimated impacted population of up to 30,000¹.

At the end of the war, hundreds of thousands of Lebanese displaced by Israeli military operations and fighting between Israel and Hezbollah returned to their homes following the entry into force of a cease fire on August 14, 2006, which was agreed upon UN Security Council Resolution 1701 (11 August), that calls for <the immediate cessation of hostilities and the Lebanese government, with the United Nations Interim Force in Lebanon, to deploy their forces together throughout southern Lebanon. The resolution also notes, in paragraph 7, that "all parties are responsible for ensuring that no action is taken... that might adversely affect the search for a long-term solution, humanitarian access to civilian

¹ Statistics from the Joint Research Center (JRC) and the European Union Satellite Center (EUSC).

populations, including safe passage to humanitarian convoys, or the voluntary and safe return of displaced persons..."

Within hours of cessation of hostilities tens of thousands of displaced people began to move southwards to their homes, mainly to the southern district of Beirut and south Lebanon, as well as the Bekaa Valley. At the height of the conflict up to one million people fled their homes. In addition, some 16,000 Palestinian refugees were secondarily displaced. According to the government of Lebanon's Higher Relief Council, more than 700,000 displaced people and refugees returned to their homes (HRC, 23 August 2006). UNHCR estimated that fewer people, around 550,000, have returned to their pre-conflict residences (UNHCR, 24 August 2006).

According to governmental figures, approximately 256,000 remain internally displaced; most are living with host families. Preliminary assessments suggest that the main reasons why people have not returned include property damage and unexploded ordnance UXO (OCHA 24 August 2006)².

The most immediate needs in south Lebanon includes the restoration of water and electricity supplies. Israeli military operations strategically targeted infrastructure in South Lebanon, especially bridges and roads, gas stations and water pumps. As a result, most of the southern regions suffer from lack of water supply and power.

The objective of this report is to reflect and emphasize the humanitarian situation of the displacers, their adequate standard of living and to report, since the cessation of hostilities, recent violations on Human Rights, discrimination and aids provided from humanitarian agencies and international organizations for the displacers. NDH-ALEF will also emphasize the Guiding Principles bindings to IDPs and laws applicable to their status, in order to reveal the responsibilities of all actors in this transitional situation.

² This reason remain applicable till the issue date of this report

Legal aspects from the UN guiding principles on internal displacement

War and displacement

Armed conflicts often result in large-scale displacement of civilians, both within the frontiers of a country and across international borders. In most cases, these people have had to leave behind all but a few of their worldly possessions. They are obliged to travel long distances, often on foot, to seek safe refuge away from the fighting. Families are dispersed, children lose contact with their parents in the chaos of flight and elderly relatives too weak to undertake such an arduous journey are left behind to fend for themselves. The terms "internally displaced persons", "internally displaced", "displaced persons", "displaced population", "displaced" and "IDPs" are to be understood as meaning persons displaced within their own country, and refugees lose their livelihoods and the means of generating their own income. They are therefore dependent, at least in the first instance, on the goodwill of their hosts and on humanitarian agencies for their survival.

The United Nations, via the Office of the United Nations High Commissioner for Human Rights, has agreed in 1998 on non-binding Guiding Principles on Internal Displacement based on the refugee instruments, which defines internally displaced persons as: "Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border."

When people are displaced within their country's borders as a result of an armed conflict or internal disturbance, they form part of the affected civilian population. As such, they are protected by international humanitarian law and benefit from protection and assistance programs offered by Humanitarian agencies and Human Rights organizations. Indeed, given the extremely precarious situation in which many internally displaced people find themselves, they form a large percentage of the beneficiaries from this humanitarian aid. National authorities bear primary responsibility for dealing with problems resulting from internal displacement. When the national authorities are unable or unwilling to do so, the Human Rights organizations, relief agencies and the UN, step forward to provide the most urgent needs of displaced people. In doing so, however, the resources of host and local communities may have been stretched to the limit to accommodate the new arrivals, thereby rendering them vulnerable too, and that those who are left behind may also face extreme hardships and danger. It is with reference to this, that NDH-ALEF determines the beneficiaries from these assistance programs: Their

origins and destinations, to report their Adequate Standard of Living and whether there had been violations or discrimination in providing aid to this category.

NDH-ALEF believes that it is often violations of international humanitarian law that cause displacement in the first place. **International humanitarian law** does provide protection to internally displaced people; priority should be given to ensuring its implementation. Therefore NDH-ALEF strives to promote knowledge of and respect for humanitarian law to prevent displacements, in order to improve the response from local authorities to internal displacement, aimed at protecting and maximizing the benefit to those affected.

This report clarifies NDH-ALEF's position on internal displacement, highlighting the challenges confronting the local community. By contributing to the general debate we hope to help improve the response to those affected during the armed conflict.

Legal protection of internally displaced persons

Despite not being the beneficiaries of a specific convention, as is the case for refugees, internally displaced persons (IDPs) are protected by various bodies of law, principally national law, human rights law, and if they are in a State experiencing an armed conflict then international humanitarian law applies.

National law

The majority of IDPs are nationals of the State in which they find themselves. As such, they are entitled to the full protection of national law and the rights it grants its nationals, without any adverse distinction resulting from the fact of their displacement. Therefore, the government is responsible in applying the national laws and provides immediate help and assistance to IDPs. The government should also coordinate aid campaigns provided by local, private and civil society actors and international organizations, all of whom should work under its authority and the national laws' provisions.

Human rights law

Human rights law, which is applicable both in times of peace and in situations of armed conflict, also provides important protection to IDPs. It aims both to prevent displacement and to ensure basic rights should it occur. The prohibition on torture,

cruel, inhuman or degrading treatment or punishment, and the right to peaceful enjoyment of property and to home and family life are of particular importance for the ***prevention*** of displacement. The right to personal safety and to a home, the right to food, shelter, education and to work offer vital protection ***during*** displacement. Many of these rights are also of relevance to the issue of return.

These and other human rights must be granted to everyone without **discrimination**, including discrimination on the grounds of displacement.

International humanitarian law

International humanitarian law is applicable in situations of armed conflict, whether international or non-international. If IDPs are in a State that is involved in an armed conflict then, provided they are not taking an active part in the hostilities, they are considered civilians and, as such, are entitled to the protection entitled to civilians.

International humanitarian law expressly prohibits compelling civilians to leave their place of residence unless either their security or imperative military necessity renders this essential.

If respected, the general rules of international humanitarian law that protect civilians can prevent displacement or, should it occur, offer protection during displacement. The following rules are of particular relevance:

- Those prohibiting parties to a conflict from targeting civilians and civilian objects or conducting hostilities in an indiscriminate manner;
- The prohibitions of starvation of the civilian population and on the destruction of objects indispensable to its survival;
- The prohibitions of collective punishments – which often take the form of destruction of dwellings;
- The rules requiring parties to a conflict to allow relief consignments to reach civilian populations in need.

If respected, these rules play an important role in ***preventing*** displacement, as it is often their violation which is at the root of displacement.

The only context in which international humanitarian law expressly addresses the question of return is that of “lawful displacements”, i.e. evacuations for reasons of security or imperative military necessity. In such cases, displaced persons must be returned to their homes as soon as hostilities in the area have

ceased. A right of return can be inferred *a fortiori* following arbitrary displacement.

Conclusion

These bodies of law are binding to States and, in the case of international humanitarian law, also to organized armed groups. Their aim is to provide fundamental protections that can prevent displacement, protect people during displacement, and help them to return to their homes. Existing law covers the most important needs – there are no significant gaps in the legal protection of IDPs. The challenge lies in ensuring the implementation of existing rules.

The Return

Unlike previous conflicts, the Israeli campaign overwhelmed the Lebanese territory from north to south causing not only internal displacements, but also seeking refuge in neighboring countries.

Number of Lebanese sheltered in Syria peaked at an estimated 180,000. In the fourth day of the ceasefire, more than 107,000 had crossed back to Lebanon on the official borders. The governor of Homs region estimated another 10,000 had crossed by unofficial routes from his area on one day alone. There are still few remaining in Syria and some families left behind³. They may remain displaced, in other towns and villages, until there is progress in the **reconstruction process**, but the vast majority of Lebanese have now returned and collective shelters now appear to be largely empty.

Similarly, inside Lebanon, public buildings in the areas around Beirut are reported virtually empty. For instance, those sheltering in the Metn and Kesrouane areas – immediately around Beirut – were estimated at 62,000 during the war. It is hard to verify the status of those in private accommodation, but public buildings are now almost empty.

In addition to the destruction and unstable infrastructure, there are other problems that create an obstacle for the returnees, with vast amounts of **unexploded ordnance UXO** littering the ground, an ever-present danger that is disrupting a return to normality for thousands of people. Over the course of the

³ That includes perhaps 2,000 Lebanese who have remained in Syria – UNHCR

conflict, it is estimated that 3,000 explosives of various types were hitting Lebanon each day – with the rate doubling in the last stage of the conflict. A considerable percentage of that may be lying unexploded, with scattered efforts that are not well organized in a unified national strategy to raise public awareness and for de-mining.

Information on use of **depleted uranium** were contradictory, it is considered, however, to be a serious source of fear for the returnees, whose **Living conditions** were also, at its lowest level in the first weeks after the cessation of hostilities. Others remained also displaced because of continuing security concerns, which seems not to be completely dismissed now after two months of entry into force of resolution 1701 and International Forces deployment in light with the continuing Israeli violations of the Lebanese air space. Many of those still displaced are staying with friends or relatives in the vicinity of their destroyed homes⁴. But others are further away, families that returned to Syria, until they feel able to return home.

Hezbollah was the first to take actions for the return of IDPs, assisted by Amal and the Patriotic movement. Contributions from relief agencies/NGOs were welcomed after being previously declared to Hezbollah and clear passing given by the party.

NDH-ALEF, with other state holds and organizations, went on the field and met with returnee families and governmental officials in sort of an assessment of IDPs status, their essential needs and compensations received from private and/or governmental donors, their Adequate Standard of Living and the real impediments they're facing to complete the return process.

The reconstruction

The International community didn't wait the end of the war to express their solidarity with the Lebanese people. Indeed, the Gulf countries, especially Saudi Arabia, Qatar, Kuwait and UAE, were the first to launch the donation campaigns one week after the start of the crisis with a 50 M\$ donation to the Ministry of Finance⁵.

⁴ The charity Caritas estimates there are 35,000

⁵ Sources HRC

The biggest campaign for raising funds was the Stockholm conference where the international community clearly expressed its intention to rebuild Lebanon with a 940 Million Dollars directed essentially for reconstruction. Private donors were not absent in this global campaign for rebuilding Lebanon. Individuals from Africa, Europe, America, and the Arab countries contributed in about 2 M\$ for the Ministry of Finance.

In total, the Higher Relief Commission received **104,376,315.11 (USD)** and **581,006,007.00 (LBP)** of cash, from the Ministry of Finance (MOF) and other private donors till September 23, 2006. The government also received a total of **8834 Tons** of In-Kind donations by September 20, 2006⁶.

The purpose was clear: Help Lebanon to get back on its feet again, and start at the earliest dates the reconstruction process. The first objective was to reconnect isolated regions, and some private corporations took the charge of rebuilding 9 bridges from Rmeily to Zahran with a 6M\$ cost⁷. Other corporations and local Banks were also ready to take the lead in inaugurating the reconstruction process. As for Dahye, a region that faced the most horrible days of the conflict, the Kuwaiti Khourafi company announced the establishment of a «Corporate for the reconstruction of the southern suburb of Beirut» (Nahar, Sep 1).

Despite what it seems to be a good international and local support, political disputes reemerged hours after the cessation of hostilities. Cold war over who has the essential means and the readability to launch the reconstruction campaign generated between Hezbollah and the government, who seemed not ready to face the direct ramifications of the conflict. In contrary, Hezbollah⁸ and other non-governmental agencies took the lead in evaluating, compensating, and implementing feasible action plans for rebuilding Dahye, although they were far from achieving these goals.

Only hours after the cessation of hostilities, IDPs answered a call from Hezbollah leader asking them to leave immediately schools and other shelters, and go back to their homes in order to receive compensations.

An amount ranging in between 50 to 100 \$US was distributed to every family in order to ensure their transportation fees. Some information were also reported that

⁶ Sources HRC

⁷ This project was initiated after a donation from MPs Bahia and Saad Hariri – An Nahar, 14 and 28 of September 2006

⁸ Hezbollah was present via his institutions like «Jihad al Bina'»

selling deals concerning real estate was prohibited, and people were only allowed to rent homes and get a down payment, but our team couldn't confirm any of these allegations.

Only weeks after the return, and even during the conflict, illegal reconstruction sites were detected in Dahye, especially in Ramel el Aali, an area in which a recent accident has occurred when a young boy died after a confrontation with the Internal Security Forces who were trying to put an end to illegal constructions.

As for other areas that were subject to bombardments, many who have returned to the worst-hit villages are likely to spend the approaching winter in other villages and take up residence again only after their houses are rebuilt. A substantial number of the Lebanese who rushed home immediately after the ceasefire found they could not use their houses and remain displaced –

but nearby with friends or relatives rather than in the places where they sheltered during the fighting. As with those displaced in or near Beirut, they and their hosts require continuing assistance to cope with the effects of the war.

When it comes to public infrastructures, it was hard to find substantial reconstruction activities, especially during the first weeks after the cessation of hostilities. Bridges destroyed in Khardali, Zrariye, Qaqi'ye, Habouch and Jormoc that link Nabatiyeh to Marjeyoun need a serious effort to get it back to service, and the procedures and mechanisms for that were set by the Council of the South and the Council for development and reconstruction⁹, who still are absent despite some assessment and damage evaluation visits.

Unstable Infrastructure

Since the cessation of hostilities, some refugees are using, approaching and living in partially damaged infrastructure that is threatening not only their lives but also the lives of rescuers and volunteers. In Dahye, Jihad el-Bina' was making every road safe or is blocking access to it. But the smell of death is clearly noticeable in some areas in Dahye, mainly because of the delays in removing rubbles; during our field visit there at the end of September (45 days after the

⁹ The Ministry of public affairs

cessation of hostilities), a boy named Hussein was found buried in the rubbles of a destroyed building.

In southern Lebanon, the story is pretty much the same. Driving could be dangerous due to the damaged roads, especially on the way from Tyre to Nakoura. However, all villages are accessible and now, the main roads are safe, but the surroundings and the fields are not.

Efforts made by municipalities either by putting «Danger Death / Danger of Falling» signs or by applying informal casual alerts, are not enough to raise awareness, and the government fail to take full responsibility in this field.

The 10 stores Civil Defense building is an example of unstable infrastructure in Tyr. There is some information about two bodies, most probably Sri Lankan or Philippine nationals, still buried in the rubbles of the last floors. While in Ayta el-Shaab, People whose houses were destroyed are staying with relatives or in rented houses, but some others are still living in their partially damaged homes. Mr. Mohammad Bajouk, member of the municipality, implied that 400 houses would be enough to temporarily ease the housing crisis.

Unexploded ordnance (UXO)

Cluster bombs continue to cause casualties among the Lebanese population, increasing the suffering caused by the conflict and causing a real obstacle for completing the return process.

Chris Clark, Head of the UN's de-mining coordination center in the south, reported that during the conflict, Israel dropped more than 2.8 million cluster bombs¹⁰. He added that 40% of these cluster bombs lie unexploded in the southern regions of Lebanon, which represents approximately one million unexploded bombs. Handicap International, a French non-governmental organization based in Lyon, expressed its concerns that this may threaten to injure approximately three civilians per day¹¹. The NGO also added that the concentration of cluster bombs in one area exceeded those registered after the war in Iraq, Afghanistan, or Kosovo.

In addition to cluster bombs, The UN Mine Action Coordination Center South Lebanon (UNMACC) has estimated that Israel fired as many as four million sub munitions into Lebanon during the conflict. For comparison, Coalition forces used about 1.9 million sub munitions in Iraq in 2003, and the U.S. Air Force used about 248,000 sub munitions in Afghanistan in 2001-2002. Till now, UNMACC has identified more than 600 cluster munitions strike locations, with more being

¹⁰ Source UN

¹¹ Source AFP – September 20, 2006

discovered every day, and Tyre is one example of a kind with many cluster bombs around the city and other bordering villages.

So far, more than 30,800 sub munitions have been cleared and destroyed by UNMACC and its contractors, UNIFIL, and the Lebanese Armed Forces.

Cluster bombs and sub munitions are not the only unexploded ordnance left by the conflict, an estimated 15,300 other items of other unidentified items are littering the ground in southern Lebanon. Other unexploded ordnance includes air-dropped bombs of 500 lbs. to 2,000 lbs (found in residential areas), ground- and naval-launched artillery rounds, and air-delivered rockets. As of 26 September, the number of cleared UXOs and cluster sub munitions is 40,000.

Children are the heavily affected demographic group by sub-munitions, mines and unexploded ordnance. Indeed, 21 persons, 16 of whom are civilians and 5 Lebanese soldiers lost their lives because of UXO since the cessation of hostilities, while 94 persons were injured: 37% of whom are less than eighteen years old¹². Three Army officials were also victims of cluster bombs while trying to detonate mines in the village of Tibnine¹³.

This number almost equals the yearly rate recorded in 2000 and 2001 and exceeds the combined number of victims for the last three years (2003 to 2005 inclusive)¹⁴.

Unexploded sub munitions do not only endanger the lives of Civilians, humanitarian workers and peacekeepers, but also the lives of fire fighters. In the past days, waves of fire overwhelmed the country with fire fighters being unable to do their job because of unexploded ordnance that were exploding because of the heat¹⁵.

Till now, more than 40,000 devices have been cleared, with many bombs still caught up in bushes, trees, hedges and wire fences, as well as in streets, on rooftops and rubbles of damaged buildings¹⁶. The vast majority of UXO are found in places cohabitated by civilians, majority of who are returnees. After a visit to Dahye, our field team reported that a rocket was found in Al Hassan compound. Other few cluster bombs were also found in Bir el Abed and Rweyss, residence

¹² L'orient le jour October 5, 2006. Another source from the AFP indicates that Children under eighteen years of age, constitutes 72% of injured civilians – September 20, 2006

¹³ An Nahar, August 24, 2006.

¹⁴ UNDP

¹⁵ UNDP

¹⁶ UN's demining coordination center in the south

regions with massive civilian presence. Nevertheless, The Hezbollah's call for immediate return was a politically motivated decision that overlooked the realities on the field and the dangerous conditions of the places of return in line with the absence of alerting campaigns, and with a deficient government.

Our team feels it could take 12 months¹⁷ to clear unexploded ordnance in homes and gardens across villages and towns in southern Lebanon that are endangering the return, and pose a «continuing problem for reconstruction» as people try to restore their normal lives.

Consequently, from about one million people displaced during the war, the return of 200,000 residents of the south are being held up by hundreds of thousands of cluster bomb sub-munitions, notably bomb-lets as small as a torch battery¹⁸.

The Ministry of Agriculture has also made an assessment for agricultural fields, but it has done nothing else since then, says Mr. Mohamed Bajouk from Aita el-Chaab. Damaged agricultural fields represent a great loss for the farmers who had no choice but to return to their sole source of income; they were unable, however, to harvest current crops, mainly the olives season, or plant their winter crop due to the sub munitions contamination; it is seen as a minimum of two lost seasons. Most of the fields still contain cluster bombs and mines, and farmers have still not received any compensation for their losses.

Raising awareness

Despite some alert-efforts either by the Hezbollah, military or non-governmental and international organizations from approaching unidentified objects that can cause death or harm to civilians, our team believe that the Lebanese government, and especially broadcasting media, **Radio or Television**, should play a more instructive and directive role to face this clear and present danger. NDH team would like to stress that awareness should be expanded to every child in every family¹⁹. Teachers must be trained now students are returning

¹⁷ Clearance operations are likely to carry on until the end of 2007

¹⁸ UNHCR – September 26, 2006 – news conference, Beirut

¹⁹ The majority of victims, as stated before, are minors from cylindrical bomblets which can be mistaken for toys

back to school²⁰, and cartoon figures must be used as part of the campaign targeting children. In addition, significant efforts should be made to get the maps of cluster bombs from Israel.²¹

Environment

Unlike previous conflicts that caused limited damage to the environment, the war of July created a massive ecological disaster that is threatening the economy, the proliferation of diseases, and a real impediment for completing the return process. During the conflict, the Jiyeh power plant was hit by the Israeli warplanes in mid-July, spilling up to 110,000 barrels of fuel oil into the Mediterranean waters. Lebanon and its tourist and fishing industries remain battered by what has been described as the country's worst-ever environmental catastrophe. The disaster cannot only be evaluated in terms of the marine life that could suffer the worst consequences, but also the damages that pursued thousands of fishermen²² with no other source of income. No kinds of alerts were also raised to prevent civilians from approaching the sea water which may cause lethal diseases and threaten their safety.

Several Mediterranean countries including France, Spain and Italy have sent teams to help the Lebanese navy with a mission to clean up the slick²³.

So far, fewer than 3,500 barrels have been cleaned up²⁴ because Lebanon couldn't start any offshore operation for weeks while Israel kept up its naval and air blockade, only lifted September 8. It could take up to 10 years for the ecosystem of the eastern Mediterranean to fully recover.

²⁰ Some organizations like UNICEF are starting to use cartoon figure as part of the campaign – also one million bottles of mineral water had been distributed with bomb warnings on the label.

²¹ Chris Clark, manager of the UN's demining coordination centre in the south, said the Israeli military had till now only provided "useless" maps of its cluster bomb attacks, despite delivering maps of mines littering the southern region since 2000.

²² A considerable percentage of the returnees from the south are fishermen.

²³ The Clean up could cost 100 M\$

²⁴ Three percent of the total amount of oil

Depleted Uranium

Information about depleted uranium used by the Israeli Defense Forces came to spread fear among the returnees and the Lebanese people as a whole. The US's delivery of 100 GBU 28 laser-guided bunker-buster bombs with depleted uranium warheads to Israel for use during its brutal offensive against Lebanon may cause major health and environmental damage throughout the Middle East. During the conflict, the British media reported that US cargo planes filled with depleted uranium munitions had landed at Prestwick airport, near Glasgow, for refueling before delivering the weapons to the Israeli armed forces.

The Israeli airplanes may have bombed the airport and southern Lebanon with depleted uranium. Reports from Military Doctors treating the wounded described new kinds of wounds as never seen before with new causes of death.

Also information reported about people getting sick and throwing violently, especially in the south, raises many concerns, but weren't, however, confirmed.

However, since the cessation of hostilities on August 14, 2006, radioactive scanning missions were conducted by the National Center for Scientific Research in Dahye and other regions in the south and the Bekaa Valley which showed no signs of depleted uranium. High radioactive levels were detected in sites hit by Israeli rockets but doesn't show any form of non natural or depleted uranium.

Despite these efforts, the search for uranium in all its forms especially depleted uranium can't be done with Geiger Muller regular scanning machines, but it needs a serious follow up and comparing tests with natural radioactive levels and other form of Alfa, Beta and Gamma tests to make sure that depleted uranium, which is a real threat to public life, don't exit under any forms. Consequently, the International Agency of Atomic Energy (IAAE) has sent modern technology and scanning devices to help the center carry on his mission especially in sites that were subjects to massive bombardments by the IDF.

Recent reports were published about depleted uranium, the last one from the United Nations Program for Environment in November 2006 who evaluated war effects between Hezbollah and Israel, and concluded that phosphor munitions were used by the IDF, but not depleted uranium. The white phosphor is inflammatory, can be used as an anti-personal weapon and capable of causing serious burns. Its usage is prohibited as a chemical weapon, by the third additional protocol relative to the UN convention on certain classic weapons, signed in 1983.

Adequate Standard of Living

Community leaders of political groups such as Hezbollah and Amal were extremely quick to ask communities to return south, despite, at that time, the fragility of the ceasefire and the destruction of the infrastructure.

The IDF leafleted Tyre on the second day of the ceasefire and warned the populations not to return to their villages before the deployment of UNIFIL. This warning was largely ignored.

More than 15,000 individual dwellings have been destroyed since July 12th, and the water system has been severely damaged throughout the south. Some clinics and hospitals are destroyed, others rebuilt. Medical assistance seems to be fairly available for some, and yet, often, the medicine is late to arrive or is not available. Some organizations can barely fill this lack by ensuring ambulant and mobile clinics at times. As for education, it seems that students have already started their new year with the help of some organizations, despite the delays.

Nevertheless, there were some allegations that relief efforts were subject to corruption and abuse of power. For instance, some member officials in Hezbollah had access to aid while others lack what so ever kind of resources. Mr. Abbas for example, lives with his two brothers, one of them is a member of Hezbollah, they received, thus, only one food portion at home, our team reported. Another accident occurred in Zawtar el-Gharbiyyeh where members of municipality are either leftist or Ass'ad supporters, so the village did not receive real assistance because of being neutral. The same happened in Sarba, a Christian village that did not get any aid, said Mr. Abbas Abu Zeid from aid Lebanon. Despite the up listed facts, NDH-ALEF couldn't confirm any of these accusations.

But examples on corruption are many. Some municipalities sold the flour which they received from WFP (the world food program). Some organizations put their logos on WFP food rations, and then gave them to people claiming it was theirs. HRC and UNHCR distributed tents for the people in need, and yet, one does not see the tents in villages, the activist in AID Lebanon, Mr. Abbas Abuzeid reported to our team. Some municipalities refused to help or to receive aid, and they preferred sometimes not to distribute the aid from HRC, such as tents, because of socio-cultural reasons (people fear living in tents due to the bad experience of Palestinian refugee camps in Lebanon). On the other hand, some persons got more food than what was allocated for each individual, or asked to get aid when they were not in need for it, our team reported.

Our field team noticed also that people were not informed about how to access the governmental services, and if they do, they were left without any information

about their rights. In Nabatiyeh, the Council of the South was not giving any information about the amount of compensations to victims, this was of course before the statement of Prime Minister Siniora, stated Mr. Bajouk from Aita el Chaab. In addition, the High Relief Committee is collaborating with some associations but not with the municipalities, their aid efforts were unorganized with no clear means to have access to them.

Currently some organizations are working on programs related to socio-psychological well being of the population. The Red Cross is working with some families separated because of the war and other traumatized individuals, while the UN, the Iranian Red Crescent, the Kuwaiti Red Crescent, Caritas, AID Lebanon and Mercy Corp are present in the area for the first time, and their collaboration in the relief was appreciated by the Nabatiyeh municipality and the population.

In these circumstances, Mr. Mustapha Bader Eddin head of Nabatiyeh's council, said that the municipality is assisting some people who ignore their rights, and doing its best to provide the essential services to its citizens. All three hospitals in Nabatiyeh, Ragheb Harb hospital, Nabatieh official hospital and Ghandour hospital are operating normally. Water and electricity are available for the most part of the day despite some power cuts, but now the situation is better, (18 hours per day).

In Tyre, various international and national Organizations are present, especially those affiliated to the United Nations. Mr. Hazem Zein, in the World Food Program, told our team that the water for children is ensured by the UNICEF, and the food is distributed evenly to the displaced people that are settled in rented houses nearby the city and at their relatives. He also assured that a close monitoring of the distribution of aid is being performed by his team. He added also that the UNHCR tried to give mattresses and tents to the displaced people but some municipalities did not accept for political and socio-cultural reasons.

Municipalities of Tyre and Saida were clear about the number of needy people; however ambiguity was noticed in other villages. The HRC reached a lot of people in Tyre region, but their efforts weren't efficient enough.

Damaged hospitals were reconstructed and they receive patients normally. As for the Electricity, it is available for a few hours, but still insufficient. People are instead using generators that are not supplied by any organization or association.

Abboudi Halewe, an activist in Mowatinoun, a local NGO, reported that the Association of Churches is the only organization that provided assistance in Borj el Chamali Palestinian camp, but in general Palestinians are left un-assisted.

Tyre contains also IDPs from other regions who rented temporary houses in the city, while their homes are destroyed in Alma al-Chaab. According to Jean ghafary, member of the municipality of Alma el Chaab said that they have an equipped clinic but some medicines are still not available even after the war has ended. He added that the food and water are available in the stores and all the population has full access to their basic needs.

The municipality acquired two private power generators to compensate the lack of power supply which is available for only 10 hours per day. He also reported that beside Hezbollah who made most of the relief efforts, other organizations such as the Hariri Foundation, Council of the South, HRC, Caritas, AOB Association and the UN agencies are also helping in the relief action.

In Ayta el-Shaab, the scene differs from the rest of the South. Even though some houses have water wells, yet 90% of water was lost due to leaks caused by the bombing. The municipality, along with the Council of the South, is trying to provide some water to the population. The state of Qatar is also providing financial assistance for this purpose. It is highly understandable that water supplies were far from functioning accurately because of the damages, but efforts need to move faster in order to prevent shortages.

Medical assistance has been taken care of by several associations who improved the medical service for the population under the supervision of Hay'a Sohiye Islemiye. But still, some medicines take too long to arrive and some are not available.

Electric power is available from 6 pm till midnight, in addition to two hours during the day, while in other areas of the village electric power is completely deficient. As for Education, the state of Qatar will provide the entire student's needs for the coming schooling season, said Mr. Bajouk from the municipality. He added that the Government representatives did not make any visit to town, except from Mr. Hassan Fadlallah, a Hezbollah MP, who attended only the martyrs' funeral. While Jihad al Bina', Hezbollah's reconstruction body, is assessing the status of the agricultural fields in order to distribute compensations to the farmers in a later stage.

In Khiam, there are around 1200 totally destroyed housing unit. Displaced people are either living with relatives or renting houses in less damaged parts of the village. Water facilities are completely destroyed and needs immediate reconstruction. Hence, most people are facing water shortages. The electric power is somehow better, with few hours per day.

Mr. Ahmad Saad, a policeman in the municipality of Khiam, informed our team that the HCR has distributed food rations twice in the village, and many

organizations like the UNDP, Mercy Corps, Iranian Red Crescent and the Kuwaiti Red Crescent have given aid to municipality in order to deliver it to the people. On the other hand the State of Qatar is already providing financial assistance for the reconstruction of houses, while schools and hospitals are waiting to be reconstructed by the United Arab Emirates.

In Dahye our team noticed that electricity is still far from running twenty-four hours a day leading to increased dependence on generators. However, all IDPs live with relatively Adequate Standard of Living; those whose homes are destroyed live in rented houses or with relatives. No one is living in shelters and tents. They all have access to food and water provided by Hezbollah on a weekly basis.

Hospitals in control of Hezbollah are providing health services. However, the situation on the streets is alarming, with the rubbles, casualties and the smell of Death, garbage can be found anywhere with no one taking care of it, which may cause a sanitarian crisis with no positive actions, despite efforts to stop dumping rubbles and remains in the sea.

The forgotten Bekaa Valley

While local and international attention is being focused on rebuilding southern Lebanon and parts of Beirut since the end of Israel's military incursion, the Bekaa Valley has been totally forgotten while the summer conflict caused substantial damage to houses, farmland, industrial plants and infrastructure.

Since the cessation of hostilities, many refugees, especially from neighboring Syria fled to the Bekaa to find themselves homeless in the approaching winter season.

Visits from Hezbollah, governmental officials, or non governmental agencies are not exceeding the missions of assessing and evaluating damages. Many fear that they'll be forgotten, and indeed, forgotten they are. A quick tour to some regions like Baalbek or Ali Al Nahri is enough to show to which extent the region needs serious attention.

The south and the southern suburbs of Beirut took the most devastating hits, but the Bekaa had also its share. The homes are destroyed or are too badly damaged for habitation, the water distribution system is badly hit and civilians are in desperate need of quick assistance either in the areas of food, education and sanitarian.

The economic crisis facing IDPs

With the Lebanese economy heavily dependent on imports, especially fuel and consumer goods, and having become increasingly reliant on the booming tourism industry, the private sector has been severely targeted, with factories and industrial plants being hit, business destroyed...

At the beginning of the conflict between Israel and Hezbollah, Restaurants in southern Lebanon were transformed into a place of refuge for those displaced by fighting. Small businesses suffered severe damage as a result of an intensive Israeli military offensive. Some of the shops, which town residents had been running for generations, were completely destroyed.

Other stores, which have suffered less damage, are overwhelmed with rubble and dust strewn both inside and outside of shop fronts. They also remain poor avenues for income, given that the economy has come to a near standstill. Some have moved their businesses to marginally less damaged areas, with hope that things will go back to normal, as Hezbollah promised that it will pay for reconstruction if no one else does. But the waiting period is indeed affecting those with no other sources of income and the national economy as a whole.

According to the government's early recovery process' preliminary damage assessment report, both indirect and direct damages to the country's industrial and business sector have been heavy. Direct damage alone is estimated at US \$220 million²⁵. Early analysis indicates that over 700 industrial enterprises have suffered extensive damage," the report reads. In the south, the problem is exacerbated by permanent blackouts, caused by Israel's bombing of the electricity network in a large number of population centers. «It is estimated that 95 percent of industries have come to a complete standstill or are operating at 20 percent of usual capacity, » the report adds.

Compensations

Hezbollah was the first to announce its compensation plans hours after the cessation of hostilities. In addition to transportation fees compensation were divided into the following categories:

²⁵ Source HRC – www.lebanonundersiege.com

- For destroyed homes/apartments, compensation is around 12,000\$US
- For those who suffered minor or major damages in their homes, compensation will be provided following an assessment to these damages.
- For those who were living in a rented house/apartment, 4,000\$US will be provided for the renters and another 4000\$US for the landlord plus 2000\$US furniture.

In addition, Hezbollah gave, in the midst of October, 600\$US to those who lost their homes and 300 \$US to those with damaged or partially destroyed homes.

Information on discrimination in Hezbollah's compensation campaign was reported, with some families favored on other needy ones by persons who were in charge of the money distribution, but without getting any reliable confirmation. In addition to Hezbollah, Amal and the Patriotic movement participated also in the campaign.

In northern Lebanon, compensation is distributed following a damage assessment. Shops were the main target especially in Halba, Kobayet and the Hissa towns where the owners got paid from Hezbollah. As for Homes/apartments, civilians were also getting paid from Hezbollah amounts ranging from 2000\$US and 9000 \$US, depending on assessments made by municipalities and Hezbollah. In Hissa village the families of the 12 martyrs received 12000\$US each.

In the south, Hezbollah has made a preliminary assessment for the damage and offered an indemnity of 10 to 12 thousand US dollars for each destroyed unit. Mr. Jean Ghafary from Alma Chaab says that this compensation is relatively sufficient depending on the initial state of the people's house. Those, for instance, who had expensive furniture, consider it to be insufficient, while others are satisfied.

After a long delay, the government has also announced on the 13th of October its intention to compensate for those who suffered from the conflict. For destroyed homes, an amount of 80,000,000 LL, (around \$53,000) including furniture, will be paid on two schedules: the first one, 50% of the total amount, is paid immediately, the other 50% is paid six months later.

Recommendations

The Council of the south has nearly finished its assessment mission for destroyed and damaged houses in the south and western Bekaa. Statistics show that more than 7000 homes have been entirely destroyed and more than 6000 partially destroyed and 30 to 40 thousands have been affected by the conflict.

Hezbollah promised the people of southern suburb of Beirut, the south and the Bekaa that it would rebuild their houses. It is difficult for the moment to assess whether Hezbollah has the means to do so with the Lebanese engineering syndicate estimating the repairs of homes costing \$2 billion. Hezbollah teams of engineers are already assessing the damages in the targeted areas. There is very little confidence amongst the population that the government will be able to do anything for them, despite the compensation that will be provided to victims.

The absence of the state, with agencies and parties leading the relief efforts, is becoming a problem with donors and International organizations who refuse to deal with other parties than the state, and now Paris III conference approaching on the 15th of January 2007. The government should take more responsibilities in the coming difficult months, and be more ready to take the lead and international actors must assist it to do its job.

Some recommendations may be relevant to governmental actors, and can be summarized as follows:

Return/Reconstruction: It is important to reconsider the actual phase of the «return and reconstruction» to prevent any detrimental ramifications on civilians. To achieve this goal, the following elements should be taken into consideration in any governmental plans:

- Launch inquiries to detect any potential deficiencies on the humanitarian level during the period of the conflict, (12 of July till 14 of August), and evaluate the efficiency of the governmental response and the impediments that emerged, whether by bad intention or neglect, and undermined the launch of a convenient humanitarian reaction. Cases of corruption, bad management, lack of preparation and professionalism, should not pass unseen. Though, it would be another form of impunity and will create irremediable consequences on the future of the public sector.
- Adopt a global reconstruction approach through an action plan that will define the priorities and policies to be taken by all actors involved in the reconstruction process.

- The action plan should also take into consideration the programs conducted by local and international NGOs and the role and needs of the private sector to get it back to life. The reconstruction process will not work properly without the involvement of international agencies, civil society and the private sector. The role of these stakeholders is essential and complementary to the role of the public sector, though it should be more favored.
- Work on feasible reconstruction plans that insure for the returnees a «permanent return». Most of IDPs are from rural areas and it's urgent to reconsider the elements of durability that allow them a permanent return to a normal and decent life.
- The reconstruction must be managed and controlled by a competent and transparent organizational structure that insures an equal access to funds on the basis of «necessity» and the procedures of effective calls. In contrary, (the management by multiple bodies without any coordination), funds will not only be spilled, but potential beneficiaries will also be marginalized.
- Reconstruction processes launched after wars do not include only infrastructures, but also the psychosocial effect of conflicts on traumatized people. The authorities should prevent its errors made in the 1990s when they neglected the moral element of reconstruction and privileged the material one.

If the diplomatic-military victory is a controversial subject, let's make sure that Lebanon wins the battle of reconstruction and all Lebanese recognize it in the near future.

Security: Civilians are living in previous battle fields, with UXO littering the ground, fields, public places and even houses. Like stated before, mass media, the government and other organizations should be much more engaged in raising awareness in a unified strategy to face what is threatening the lives of Lebanese. This should be done until the state gets the maps from the Israeli government on the basis of a mediation provided by a third party.

- Teachers in schools should be given additional responsibilities and cooperate with UN agencies by applying programs dedicated to raise awareness among students and children.
- Unstable infrastructure should also be considered by the state. IDPs should stay away from partially destroyed infrastructures until cleared by official

bodies. Till that, they should be provided with temporarily shelters and essential needs.

Water: It is highly understandable that water is not available after the conflict due to significant damages, but reconstruction and restoration of water facilities are moving slowly and should be conducted immediately with no further delays, to prevent water shortages. Preliminary assessments should be also made to make sure that healthy water is present in wells and facilities.

Environment: NDH-ALEF recognizes huge efforts made by local and international bodies, including the international forces, to clean up the sea from the oil spillage. However, more attention should be given to the environmental sector to prevent devastating results. As for Radiation, NDH-ALEF recommends the following measures to be taken immediately, even if information about the usage of depleted uranium was not confirmed:

- Medical care for all casualties
- Thorough environmental remediation
- Advocate before the UN bodies to stop using depleted uranium munitions and phosphor agents considered as chemical weapon, and used especially against civilians.

Economy: NDH-ALEF welcomes international conferences dedicated to support the Lebanese economy. The government should also take in consideration the presence of nearly 15,000 UN peacekeeping troops to boost the economy. Therefore:

- Tourism should be promoted in southern Lebanon to boost visitor's numbers, parents, friends and other relatives of the UN troops.
- The ministry of tourism should facilitate and support the opening of restaurants, shops, clubs and coffee shops in some areas, with expectation of around 10 M\$ a month in revenues from UNIFIL soldiers' personal expenditure in southern Lebanon²⁶.

²⁶ The past 2000 UN troops expenditures were around 30 to 40 M\$ a year