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# **ISRAEL'S ATTACKS ON SOUTHERN LEBANON: LEGAL PERSPECTIVES ON THE CONDUCT OF HOSTILITIES**

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## **INTRODUCTION**

This article addresses the rules of resorting to the use of force, known as *jus ad bellum*, and the rules of international humanitarian law, known as *jus in bello*, and Israel's violation of these rules and obligations that each party is required to abide by during armed conflicts and in the course of hostilities. In fact, wars and armed conflicts generally take place within a legal framework specifying rules of engagement and limits of permissible actions in battlefields. Nations uphold international law by means of international conventions and customs. International humanitarian law sets limits on the

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use of military force and specifies which actions are considered “legal” and which ones are not. The army (of every party), its officer corps, and combatants are subject to international law and obligated to abide thereby.

International humanitarian law deals with a variety of combat situations and associated problems: the conditions under which a state (or combat force) is allowed to use force; what the ‘attackable’ targets are; what targets should be immune from attack; what types of armament are legitimate and which ones are not; how enemy combatants are to be treated; and how civilians in occupied areas are to be treated. International humanitarian law addresses each of these issues and the law has to be obeyed by army commanders and soldiers; if not, they risk committing war crimes. The 33-day conflict in Lebanon against Hezbollah<sup>(1)</sup> had a devastating impact, notably in southern Lebanon. It exacted a heavy human toll including 1,191 deaths, 4,409 injured, and made more than 900,000 people flee their homes.<sup>(2)</sup> The hostilities, which took place from July 12 to August 14, constituted an international armed conflict to which conventional and customary international humanitarian law and international human rights law could be applicable.<sup>(3)</sup>

This article argues that according to international humanitarian law, the launching of the war by Israel and its conduct of the war once hostilities started were both illegal. This argument is supported by demonstrating that the outbreak of hostilities was not an act of self-defense, as Israel maintained, but rather an unlawful act of aggression. Moreover, Israel failed to uphold *jus in bello*, or international humanitarian law and instead violated the principles of “distinction” and “precautions”. Throughout the war, civilians and civilian infrastructures were deliberately targeted, the natural environment was willfully destroyed and cultural properties and sites were attacked, cluster ammunitions were used, humanitarian convoys and personnel were attacked, the war dead were mistreated, and the Beirut airport was bombed. All of these acts, which were intentionally and deliberately perpetuated by Israel, stand in direct violation of international

humanitarian law and constitute a war crime in international armed conflicts.

Due to the high rate of casualties as well as the devastating impact in southern Lebanon and to heavy pressure from the international community, after 30 days of conflict, the United Nations Security Council adopted a resolution on August 11, 2006 calling for an end to the war between Israel and Hezbollah. In Resolution 1701, the UN Security Council expressed its utmost concern at the continuing escalation of hostilities in Lebanon and Israel. The war had already caused hundreds of deaths and injuries, extensive damage to civilian infrastructure, and hundreds of thousands of people to be internally displaced. The Security Council called for a full cessation of hostilities based upon, in particular, the immediate cessation by Israel of all offensive military operations and the immediate cessation by Hezbollah of all attacks.<sup>(4)</sup>

The UN Human Rights Council also adopted another resolution on August 11, 2006 in this respect. The Council in its resolution No S-2/L.1<sup>(5)</sup> strongly condemned grave Israeli violations of human rights and breaches of international humanitarian law in Lebanon. It urged all concerned parties to respect the rules of international humanitarian law, to refrain from violence against the civilian population, and to treat the detained combatants and civilians, under all circumstances, in accordance with the Geneva Conventions.<sup>(6)</sup>

The Human Rights Council also decided to urgently establish, and immediately dispatch a high-level inquiry commission to the region. The Council said the high-level commission should comprise of eminent experts of human rights law and international humanitarian law who should, among other things investigate the systematic targeting and killings of civilians by Israel; examine the types of weapons used by Israel and their conformity with international law; and assess the extent and deadly impact of Israeli attacks on human life, property, critical infrastructure and environment. The Council requested the commission to report back, no later than September 1, 2006, on progress towards the fulfillment of its mandate.<sup>(7)</sup>

This paper addresses the law regulating the use of force by Israel in starting the war, known as *jus ad bellum*, and the rules of international humanitarian law, known as *jus in Bello*, in the course of the hostilities and war against Hezbollah in southern part of Lebanon. It is more evident that the hostilities between Israeli and Lebanese forces would fall within the full Geneva Conventions of 1949 and the factual existence of armed conflict between two parties automatically brings the Conventions into operation.<sup>(8)</sup> More specifically, we shall examine Israeli compliance with international humanitarian law and specifically the Geneva Conventions of 1949, before the war and during the hostilities between the two parties in some area of conflicts.<sup>(9)</sup>

### **SELF-DEFENSE OR AN UNLAWFUL ACT OF AGGRESSION?**

The targeting and capturing of enemy soldiers is allowed under international humanitarian law. Article 4 of the third Geneva Conventions as well as Articles 43 and 44 of the First Protocol describe very clearly that the act by Hezbollah, as a party to conflict, to capture Israeli soldiers is a legitimate one. So there are no specific rules regarding prohibition of such operation against Israeli soldiers. However, the captured combatants must in all circumstances be treated humanely.<sup>(10)</sup> Any use of force or violent means, such as inhumane treatment or putting pressures on detaining power to release the prisoners of war, is absolutely prohibited.

As it is widely known, there has been a continuing conflict across the Israel-Lebanon border since the 1970s, with major Israeli military operations directed against Palestinian armed groups in 1978 and 1982 and against *Hezbollah* in 1993 and 1996.<sup>(11)</sup> Israel and Hezbollah have been involved in a continuing undeclared war and armed conflicts since 1982, and several incidents have happened as a result.

Moreover, since the withdrawal of Israeli Forces from south Lebanon in 2000, Hezbollah has clearly declared that it cannot tolerate Israel's violent

behavior and illegal occupation including: (1) Israel's refusal to adhere to international law regarding the exchange of prisoners in a peaceful way; (2) Israel's routinely entrance of Lebanon, to abduct and assassinate prominent Lebanese and Palestinian leaders in cold blood; (3) Israel's continued occupation of Lebanese territory, known as the Sheba Farms<sup>(12)</sup> where Israel continues illegally stealing topsoil, drawing water from the Litany River, and abducting and murdering Lebanese shepherds and farmers; and (4) Israel's refusal to provide location maps for the hundreds of landmines it planted in Lebanon during its 18-year occupation.

Hezbollah has for years demanded the release of prisoners held by Israel, such as Samir el Kantar having been imprisoned since 1978, and Nassim Nisr and Yahia Skaff since 1982. Hezbollah in return repeatedly made it known that it would not hesitate to capture Israeli soldiers, and to use them as bargaining counters. It was also made clear that every effort had to be made to take back Sheba Farms. Considering this, incidents such as capturing enemy soldiers may repeatedly occur in any critical situation. However, Israel's massive offensive against Lebanese civilians and Lebanese infrastructure could lead to a thorough investigation of the incident. The so-called "Israeli pre-emptive strike" against Lebanon, which Israeli leaders claim to have been an act of self defense, would be categorized as criminal under the international law.

In this regard Article 2 (3, 4) of the UN Charter indicates that all members shall settle their international disputes by peaceful means and shall refrain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any state.<sup>(13)</sup> Article 33 of the UN Charter also reiterates that the parties to any conflict shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.<sup>(14)</sup> Thus, insofar as international law is concerned, Israel's attack on Lebanon was unlawful and a flagrant violation of the law that regulates resorting to the use of force known as *jus*

*ad bellum.*

In case of Israel's claim that the war launched against Lebanon was a right of self-defense being documented and legalized by Article 51 of the UN Charter<sup>(15)</sup> and a reactionary response to Hezbollah's venturing into Israel and kidnapping Israeli soldiers, it must be noted that according to certain articles of the Charter, Israel could first have brought this to the attention of the international community by going to the United Nations, and protest the so-called "kidnapping" which would necessitate an investigation by the United Nations.

How can the right of self-defense be legitimately invoked when no prior aggressive attack has occurred, and there is no evidence of a threat to be imminent? This question, widely debated in the months leading up to the war, invites us to reflect critically on the content of the right of self-defense. Yet there are deeper questions involved: Can war be considered an act of self-defense at all? How exactly can the concept of self-defense provide a justification for war?

It should be noted that the right of self-defense is an important right in order to protect and ensure the sovereignty and independence of states where collective security measures cannot. In a decentralized anarchical system of international law, there will inevitably be circumstances in which states will need to protect their fundamental rights until legal measures enter the picture. However, this exceptional right needs to be carefully circumscribed and backed up with an effective forum to determine the discriminate or indiscriminate use of this right. An undefined and unregulated right to self-defense, particularly anticipatory self-defense, could defeat the purpose of the prescribed prohibition to use force under international law. The removal of the prohibition against the use of force would certainly have grave consequences for the global peace and order.

## ISRAEL'S FAILURE TO UPHOLD *JUS IN BELLO*

Any measures under the pretext of the self-defense will be conditioned by three most significant principles: proportionality, necessity, and imminence. According to customary international humanitarian law, an act of self-defense is only justified if the harm inflicted in the course of defense is not greater than the harm it seeks to avert (proportionality); and if there is no less-harmful way to achieve the same result (necessity); and if the harm that one seeks to avert is truly imminent. These rules are found in the law regulating resort to force (*jus ad bellum*) and the law regulating the conduct of force (*jus in bello*).<sup>(16)</sup>

The most important rule in either category may well be the principle of proportionality.<sup>(17)</sup> International law supports the act of self-defense and permits the states to take defensive measures, but at the same time it insists that every use of force must be proportionate to the harm inflicted. Even if we accept the Hezbollah's raid to capture two Israel soldiers as an attack of war on Israel, this would not give rise to the right of self-defense. Such low-level acts of violence are considered "incidents." The International Court of Justice made this point in the 1986 Nicaragua Case. It distinguished minor armed exchanges or "frontier incidents" from attacks that give rise to the right of self-defense.

In addition, under the Statute of the International Criminal Court, "intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects..., which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated" constitutes a war crime in international armed conflicts.<sup>(18)</sup>

The Commission of Inquiry on Lebanon,<sup>(19)</sup> in a report highlighted a significant pattern of excessive, indiscriminate and disproportionate use of force by Israel against Lebanese civilians and civilian objects. The Commission also indicated that the use of force by the Israeli forces goes beyond reasonable arguments of military necessity and of proportionality,

and clearly failed to distinguish between civilian and military targets, thus constituting a flagrant violation of international humanitarian law. The Commission has formed a clear view that, cumulatively, the deliberate and lethal attacks by the Israel on civilians and civilian objects amounted to collective punishment.<sup>(20)</sup>

## **2. VIOLATING THE PRINCIPLE OF DISTINCTION**

The principle of distinction between civilians and combatants was first set forth in the St. Petersburg Declaration, which states that "the only legitimate object which states should endeavor to accomplish during war is to weaken the military forces of the enemy".<sup>(21)</sup> The Hague Regulations do not as such specify that a distinction must be made between civilians and combatants, but Article 25, which prohibits "the attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended", is based on this principle.<sup>(22)</sup>

Civilians are non-combatants. Article 50 (1) of First Additional Protocol of 1977 defines civilians as persons who do not belong to one of the categories of persons referred to in Article (1), (2), (3) and (6) of Third Geneva Convention, as well as in Article 43 of the First Protocol.<sup>(23)</sup> The prohibition of directing attacks against civilians is also laid down in the Second Protocol, Second Amended Protocol and Third Protocol to the Convention on certain Conventional Weapons and in the Ottawa Convention banning anti-personnel landmines.

Additionally, under the statute of the International Criminal Court, intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities" constitutes a war crime in international armed conflicts.<sup>(24)</sup> Thus as indicated by customary international humanitarian law, there are two fundamental tenets of international humanitarian law: "civilian immunity" and the principle of "distinction." They impose a duty to distinguish at all times in the conduct of hostilities between combatants and civilians, and to target only the former.

It is forbidden in any circumstances to direct attacks against civilians; indeed, as noted before, to do so intentionally amounts to a war crime.

Article 13 of Second Additional Protocol and Article 51 of First Additional Protocol of the Geneva Conventions 1949 indicate that “the civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited”.

Therefore, international humanitarian law and customary international humanitarian law as well, are designed mainly to protect civilians and other noncombatants from the hazards of armed conflicts. Among the customary rules, parties that engage in hostilities must distinguish at all times between combatants and noncombatants. Civilians may never be the object of attacks.<sup>(25)</sup> It is also generally forbidden to direct attacks against what are called “civilian objects,” such as homes and apartments, places of worship, hospitals, schools or cultural monuments, unless they are being used for military purposes. Military objects that are legitimately subject to attack are those that make an “effective” contribution to military action and whose destruction, capture or neutralization offers a “definite military advantage.” Where there is doubt about the nature of an object, it must be presumed to be civilian.<sup>(26)</sup>

The fact that an object has civilian uses does not necessarily render it immune from attack. It, too, can be targeted if it makes an “effective” contribution to the enemy’s military activities and its destruction, capture or neutralization offers a “definite military advantage” to the attacking side in the circumstances ruling at the time. However, such “dual use” objects might also be protected by the principle of proportionality. The use of such weapons in this manner is a blatant violation of international humanitarian law.” That is, their use in civilian areas violates the prohibition on indiscriminate attacks and would be a war crime. Customary international

law prohibits such bombardment near or in any area containing a concentration of civilians, even if there are believed to be military objectives in the area.<sup>(27)</sup>

It should be noted, however, that lawful attacks are only those where the targets by their “nature, location, purpose or use make an effective contribution to military action,” and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers “a definite military advantage. But Israel failed to distinguish civilians from combatants and civilian objects from military targets. Their operations had a devastating impact, notably in southern Lebanon. The effects touched the civilian population, property and infrastructure, cultural objects, mosques and churches, all with tragic results.<sup>(28)</sup>

The conduct of Israel demonstrates an overall lack of respect for the cardinal principles regulating the conduct of armed conflict, most notably distinction, proportionality and precaution. The particularly tragic impact on civilians and civilian property is certainly due to this deficit. It is significant to observe Israeli Forces actions in terms of their direct and deliberate attacks against the Lebanese population. The obligation to distinguish civilians from combatants, civilian property from military targets, and protected civilian objects was not often respected.<sup>(29)</sup> Civilians suffered greatly from indiscriminate attacks. The idea of treating Lebanese citizens as members, friends, family or sympathizers of Hezbollah, and therefore as potential enemies and/or combatants susceptible to lawful attack, goes well beyond any legal interpretation of the principle of “civilians having lost their protected status” and of their “direct participation in the hostilities.”<sup>(30)</sup> The general respect for the principle of humanity and humanitarian considerations (Martens clause) was, therefore, absent during the conflict.<sup>(31)</sup> In the case of Israeli claim about the use by Hezbollah of civilians as shields, it is important to remember that the Commission of Inquiry on Lebanon found no evidence regarding the use of “human shields” by Hezbollah.<sup>(32)</sup>

## VIOLATING THE PRINCIPLE OF PRECAUTIONS

When a target is serving a military purpose, precautions must always be taken to protect the civilians. Warring parties are required to take all feasible precautions to minimize harm to civilians and civilian objects, and to refrain from attacks that would disproportionately harm the civilian population or fail to discriminate between combatants and civilians.

The principle of precautions in attack was first set out in Article 2 (3) of the 1907 Hague Convention, which provides that if for military reasons immediate action against naval or military objectives located within an undefended town or port is necessary, and no delay can be allowed to the enemy, the commander of a naval force “shall take all due measures in order that the town may suffer as little harm as possible”. It is now more clearly codified in Article 57 (1) of the First Additional Protocol, to which no reservations have been made.<sup>(33)</sup> The obligation to take constant care' and/or to take, precautions to avoid or minimize incidental civilian losses is contained in numerous military manuals as well as San Remo Manual.<sup>(34)</sup>

But in the case of war against Hezbollah and attacks on civilian objects in Lebanon, Israeli Forces did not give effective warning as required under international humanitarian law. They repeatedly called on civilians in southern Lebanon to evacuate their areas only through leaflets dropped by aircraft, radio broadcasts and recorded messages to telephones. As mentioned above, international humanitarian law requires that, warring parties give “effective advance warning” of attacks that may affect the civilian population, so long as circumstances permit. What constitutes an “effective” warning will depend on the circumstances. Such an assessment would take into account the timing of the warning and the ability of the civilians to leave the area. In some cases the Israel Forces are reported to have dropped leaflets giving residents only two hours warning before a threatened attack. Bomb damage to roads and bridges, as well as air attacks on civilian vehicles, would also affect the ability of civilians to flee an expected attack.

Civilians who do not evacuate following warnings are still fully protected by international law. Otherwise, warring parties could use warnings to cause forced displacement, threatening civilians with deliberate harm if they did not heed them. So, even after warnings have been given, attacking forces must still take all feasible precautions to avoid loss of civilian life and property. This includes canceling an attack when it becomes apparent that the target is civilian or that the civilian loss would be disproportionate to the expected military gain.

International humanitarian law also prohibits “acts or threats of violence the primary purpose of which is to spread terror among the civilian population.” Statements calling for the evacuation of areas that are not genuine warnings, but are primarily intended to cause panic among residents or compel them to leave their homes for reasons other than their safety, would fall under this prohibition. This prohibition does not attempt to address the effects of lawful attacks, which ordinarily cause fear, but rather those threats or attacks on civilians that have this specific purpose.

The Commission of Inquiry of UN Human Right Council on Lebanon, with respect to precautions taken by Israel to minimize civilian casualties, came to the conclusion that Israeli Defense Forces did not give “effective warning” as required under international humanitarian law. Where warnings were given, they often did not allow sufficient time for the population to leave, and in any event, civilians were at risk of being attacked if they did leave and did not have access to safe humanitarian exit corridors.<sup>(35)</sup> It is reported that even these warnings, contributed to creating a climate of fear and panic among the civilian population.<sup>(36)</sup>

## **TARGETING OBJECTS CRUCIAL TO THE SURVIVAL OF THE CIVILIANS**

Here we should mention the Article 54 of the First Protocol of Geneva Conventions. This article recommends that the parties in armed conflicts

protect certain objects which are indispensable to the survival of the civilian population during the war. So, “It is prohibited to attack, destroy, remove or render useless the objects indispensable to the survival of the civilian population; the objects such as foodstuffs, agricultural areas used for production of foodstuffs, crops, livestock, drinking water installations, and supplies irrigation works. Article 14 of the Second Additional Protocol of Geneva also indicates that: “Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove or render useless, for that purpose, the objects indispensable to the survival of the civilian population; the objects such as foodstuffs, agricultural areas used for the production of foodstuffs, crops, livestock, drinking water installations, and supplies and irrigation works”.

*In this context, Jean Ziegler, United Nations Special Rapporteur, points out that*

*The war took place at the peak of the fishing and fruit harvest season. It affected the people who earned their livelihood from these sectors both directly in terms of damage, and even more important indirectly in terms of lost markets and revenues. Much farmland has been affected by bombing, and will continue being affected by hundreds of thousands of unexploded bombs that continue making access to many fields impossible. The destruction, by the Israeli forces, of the objects essential to the survival of the population particularly those of agriculture, irrigation, and water infrastructure will also have long-term impact on the livelihood, and the access to food and water. Fishing has been heavily affected and coastal ecosystem almost totally destroyed by massive oil spill due to Israeli bombing of the Jiyeh fuel tanks. Loss of livelihood and the source of income is the main threat to the future wellbeing of thousands of families, particularly those living in the rural areas.<sup>(37)</sup>*

Ziegler summarized his point by arguing that the Israeli government was legally responsible for blocking the civilians' right of access to food in Lebanon.

## DISPLACEMENT OF CIVILIANS

The prohibition of the deportation or transfer of civilians goes back to the Lieber Code, which provides that, "Private Citizens are no longer permitted to be carried off to distant parts."<sup>(38)</sup> Under the Charter of the International Military Tribunal (Nuremberg), "Deportation of civilian population of an occupied territory to slave labor, or for any purpose, constitutes a war crime."<sup>(39)</sup> Under the Statute of the International Criminal Court,<sup>(40)</sup> the deportation or transfer [by the Occupying Power] of all or parts of the population of the occupied territory within or outside this territory" constitutes a war crime in international armed conflicts.

The prohibition of the transfer or deportation of civilians also is set forth in the Fourth Geneva Conventions and its Protocols. Article 17 of Second Protocol to the Geneva Conventions 1949 indicates that "the displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken to provide civilian population with satisfactory conditions of shelter, hygiene, health, safety and nutrition. Civilians shall not be compelled to leave their own territory for reasons connected with the conflict."

What has been done by Israeli forces in Lebanon in this regard is a clear violation to the said international humanitarian law. In fact one of the most striking aspects of the Israeli war against Hezbollah is the massive displacement of civilians. The war, according to the government of Lebanon, resulted in 974189 civilians displaced, and between 15000 homes destroyed.<sup>(41)</sup> The Commission of Inquiry of UN Human Rights Council on

Lebanon also highlighted a number of concerns related to the protection of displaced persons, as well as to those who were unable to flee, notably to the constant and pernicious threat posed by cluster munitions. According to Government estimates, nearly one quarter of the population was displaced between July 12, and August 14, with approximately 735,000 seeking shelter within Lebanon and 230,000 abroad. Much of the displacement in Lebanon was the result, either directly or indirectly, of indiscriminate attacks on civilians and civilian property and infrastructure, as well as of the climate of fear and panic among the civilian population caused through the warnings, threats and attacks by Israeli Forces.<sup>(42)</sup>

## **DESTROYING THE NATURAL ENVIRONMENT**

The importance of the environment is universally acknowledged. As the International Court of Justice proclaimed in 1996, in its Advisory Opinion on Legality of the Threat or Use of Nuclear weapons: the environment is not an abstraction but represents the living space, the quality of life and the very health of human beings, including generations unborn.<sup>(43)</sup> The rule that it is prohibited to attack any part of the natural environment unless it is a military objective is based on the general requirement that a distinction be made between military objectives and civilian objects.<sup>(44)</sup>

The Third Protocol to the Convention on Certain Conventional Weapons also indicates that “it is prohibited to make forests or other kinds of plant cover the object of attack by incendiary weapons except when such natural elements are used to cover, conceal or camouflage combatants or other military objectives, or are themselves military objectives”.<sup>(45)</sup> The Final Declaration adopted by the International Conference for the Protection of War Victims in 1993<sup>(46)</sup> also urged states to reaffirm and ensure respect for international humanitarian law protecting the natural environment against “attacks on the environment as such.”<sup>(47)</sup>

According to Article 55 of the First Protocol to Geneva Conventions

1949, “Care shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population. Attacks against the natural environment by way of reprisals are prohibited.”

During the war by Israel against Lebanon the world witnessed that the coastal ecosystem of Lebanon totally became destroyed by the massive oil due to Israeli bombing of the Jiyeh fuel tanks on July 14, 2006.<sup>(48)</sup> The oil spill from the bombing of the Jiyeh power plant affected two thirds of Lebanon’s coastline and caused a heavy damage to the natural environment, and a clear violation to right of civilians' health. This destruction of the environment by Israeli forces violated the Third Protocol to the Convention on Certain Conventional Weapons, the Final Declaration of International Conference for the Protection of War Victims in 1993 and Article 55 of the First Protocol to Geneva Conventions 1949.

## **ATTACKS ON CULTURAL PROPERTIES AND SITES**

The obligation to take special care to avoid damage to buildings dedicated to religion, art, science, education or charitable purposes and historic monuments, provided they are not used for military purposes, is set forth in many military manuals.<sup>(49)</sup> Each party to the conflict must respect cultural property. Special care must be taken in military operations to avoid damage to buildings dedicated to religion, art, science, education or charitable purposes and historic monuments unless they are military objectives. Property of great importance to the cultural heritage of every people must not be the object of attack unless imperatively required by military necessity.<sup>(50)</sup>

In addition, the Article 1 of Roerich Pact indicated that during the war the historic monuments, museums, scientific, artistic, educational and

cultural institutions shall be considered as neutral and as such respected and protected by belligerents.<sup>(51)</sup> The Statute of the International Criminal Court therefore stresses that intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes or historic monuments is a war crime in both international and non-international armed conflicts, "provided they are not military objectives."<sup>(52)</sup> Article 53 of First Protocol to Geneva Conventions 1949 also prohibited the parties to armed conflict to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; to use such objects in support of the military effort; and to make such objects the object of reprisal."

The Plan of Action for the years 2000-2003, adopted by the 27th International Conference of the Red Cross and Red Crescent in 1999, called on all parties to an armed conflict to protect cultural property and places of worship, in addition to respecting the total ban on directing attacks against such objects. Despite all of these obligations, air strike by Israeli forces on southern Lebanon caused significant damage to the Byblos archaeological site, included in the UNESCO World Heritage list. There are also many schools, numerous mosques and churches, TV and radio transmission stations, historical, archaeological and cultural sites, which suffered massive damages.<sup>(53)</sup> This was a flagrant violation of the many aforementioned international humanitarian laws.

## **THE USE OF CLUSTER MUNITIONS**

The prohibition of the use of means and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering is set forth in a large number of treaties, including early instruments such as the St. Petersburg Declaration and the Hague Declarations and Regulations. Its reaffirmation in recent treaties, in particular First and Third Additional Protocol, the Convention on Certain Conventional Weapons and its Second

Protocol and Amended Second Protocol, the Ottawa Convention banning anti-personnel landmines and the Statute of the International Criminal Court, indicates that it remains valid.

According to Article 2 of Third Protocol of Conventions on Prohibition or Restrictions on the use of Incendiary Weapons “it is prohibited in all circumstances to make the civilian population as such, individual civilians or civilian objects the object of attack by incendiary weapons.” It is also prohibited in all circumstances to make any military objective located within a concentration of civilians the object of attack by air-delivered incendiary weapons.<sup>(54)</sup> It thus follows that as a matter of international humanitarian law, neither weapon should be used in or near the civilian areas, because the wide blast effects of these weapons cannot be directed at military targets without imposing a substantial risk of civilian harm and the weapons cannot distinguish between military targets and civilians.

In the conflict between Israeli and Hezbollah it was more evident that Israel used cluster munitions and other restricted weapons in populated areas in Southern Lebanon. U.N. Officials indicated that “Israel scattered at least 350,000 unexploded cluster bombs on southern Lebanon in its war with Hezbollah, mostly when the conflict was all about over, leaving a deadly legacy to the civilians. The outrageous fact is that nearly all of these munitions were fired in the last three to four days of the war.”<sup>(55)</sup>

The United Nations has so far identified 516 cluster bomb stricken locations and says 30 to 40 percent of the bombs scattered over the south failed to explode at the time. Only about 17,000 bombs have been defused so far and the United Nations says clearance work could take up to 30 months. Cluster bombs had killed or wounded an average of three people a day since the war ended, with 15 killed, including a child, and 83 wounded, of whom 23 are children. The cluster munitions are stopping farmers from getting out to their fields and resuming their farming activities”.<sup>(56)</sup>

In case of cluster munitions which are dropped from the air, that disperse dozens, and often hundreds, of sub munitions (often called

“grenades” in surface-delivered weapons and “bombs” in air-delivered weapons) over a large area, thereby increasing the radius of destructive effect over a target. Unfortunately, there has been no specific international prohibition on the use of cluster munitions (unlike, for example, blinding lasers, incendiary or chemical weapons). Since the “bombs” released by cluster bombs have a wide dispersal pattern, they cannot be targeted precisely. As a result, they are not capable of discriminating between military and civilian objects when used in or near populated areas.<sup>(57)</sup>

The Commission of Inquiry on Lebanon in its report stated the weapons known to have been used by Israeli Forces are illegal (according to) international humanitarian law. Likewise, the way in which the weapons were used in some cases transgresses the law. The Commission addressed more specifically the use of cluster munitions, 90 percent of which were fired by Israeli Forces during the last 72 hours of the conflict. The Commission found that their use was excessive and not justified by any reason of military necessity. The Commission found that these weapons were used deliberately to turn large areas of fertile agricultural land into “no go” areas for the civilian population.<sup>(58)</sup>

Furthermore, in view of the foreseeable high dud rate, their use amounted to a de facto scattering of anti-personnel mines across wide tracts of Lebanese land. The presence of unexploded ordnance continues to act as a major impediment to the return of refugees, as well as threatening the lives and livelihoods of those who have chosen to return. While the use of depleted uranium munitions could not be confirmed, the Commission received a number of reports regarding the use of phosphorous weapons.<sup>(59)</sup> Like cluster munitions, the use of rocket heads filled with metal ball bearings cannot be targeted precisely and are indiscriminate weapons when used in populated areas. Their use in rockets fired into populated areas appears intended to maximize harm to civilians.<sup>(60)</sup>

## ATTACKS ON HUMANITARIAN PERSONNEL AND CONVOYS

International humanitarian law requires parties to a conflict to respect and protect humanitarian aid personnel, objects used for relief operations and civil defense personnel as well as civil defense buildings. Attacks intentionally directed at humanitarian personnel or properties are considered war crimes.<sup>(61)</sup> According to Article 11 of the Second Protocol to the Geneva Conventions 1949, medical units and transports shall be respected and protected at all times and shall not be the object of attack. The protection to which medical units and transports are entitled shall not cease unless they are used to commit hostile acts, outside their humanitarian function.

Israeli Forces, however, carried out attacks on a number of medical facilities in Lebanon, despite their protected character. The Red Cross Movement was not spared during the conflict, as indicated in several incidents reported by the International Committee of the Red Cross (ICRC) and the Lebanese Red Cross (LRC). In some cases, medical personnel were the victim of collateral damage.<sup>(62)</sup> Israeli air strikes have hit humanitarian aid vehicles, such as a July 18 attack that hit a convoy of the Red Crescent Society of the United Arab Emirates, destroying a vehicle carrying medicines, vegetable oil, sugar and rice, and killing the driver, and an attack on July 23, which hit two clearly marked Red Cross ambulances in the village of Qana.

The Commission of Inquiry on Lebanon addressed cases of attacks on convoys of civilians, such as those from Marwaheen and Marjayoun, where Israeli forces clearly must have known that these were not a legitimate military target.<sup>(63)</sup> Humanitarian agencies have had difficulty reaching the populations in need because of the ongoing Israeli bombing campaigns, including air attacks targeting border passages, roadways and vehicles. No secure and safe passage for humanitarian convoys had been successfully guaranteed so that humanitarian convoys can reach wounded persons or evacuate civilians from areas of active conflict. Hence, Israel's military operations in Lebanon made hundreds of thousands of Lebanese cut off from

access to food, medical care, and other necessities.

## **THE MISTREATMENT OF THE DEAD**

Whenever circumstances permit, and particularly after an engagement, each party to the conflict must, without delay, take all possible measures to search for, collect and evacuate the dead without adverse distinction.<sup>(64)</sup> The duty to search for the dead in international armed conflicts was first codified in the 1929 Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field. This rule of customary International law is now codified in the 1949 Geneva Conventions. First paragraph of Article 15 of First Geneva Convention, first paragraph of Article 18 of the Second Geneva Convention, second paragraph of Article 16 of the Fourth Geneva Convention, and Article 34 of the First Additional Protocol to Geneva Conventions emphasized on respect to dead personnel in the battle fields.

This rule of customary international humanitarian law is codified in Article 34 of First Additional Protocol, which requires that as soon as circumstances and the relations between parties permit, there should be agreement to “facilitate the return of the remains of the deceased and of personal effects to the home country upon its request or, unless that country objects, upon the request of the next of kin.”<sup>(65)</sup>

Israeli Forces have reported that they collected the bodies of Hezbollah fighters killed in Lebanon and stored them in refrigerated containers in Israel. It is said that the Israel might use the bodies of Hezbollah fighters as bargaining chips in any future swap with Hezbollah. But international humanitarian law requires that the dead be disposed of in a respectful manner, and graves be respected and properly maintained. Parties to the conflict must endeavor to facilitate the return of the remains and the personal effects of the deceased upon request of the party to which they belong or to their relatives.

## THE BEIRUT AIRPORT AIR STRIKES

One of the rules in the customary international humanitarian law is the prohibition of attacking; destroying, removing or rendering useless the objects that are indispensable to the survival of the civilian population. Likewise, the prohibition of starvation as a method of warfare does not prohibit the imposition of a naval blockade as long as the purpose is to achieve a military objective, and not to starve a civilian population. This principle is set forth in the San Remo Manual on Naval Warfare and in several military manuals which further specify that if the civilian population is inadequately provided for, the blockading party must provide for free passage of humanitarian relief supplies. Blockades and embargoes of cities and regions have been condemned by the United Nations and other international organizations.<sup>(66)</sup>

In fact the stated practice establishes this rule as a norm of customary international law applicable in both international and non-international armed conflicts. In principle, objects indispensable to the survival of the civilian population are civilian objects and may not be attacked as such. A specific prohibition on attacking, destroying, removing or rendering useless the objects indispensable to the survival of the civilian population is set forth in Article 54 (2) of First Additional Protocol of Geneva Conventions 1949. According to the Commentary on the Additional Protocols, "this provision develops the principle formulated in paragraph 1 [of Article 54] of prohibiting starvation of the civilian population; it describes the most usual ways in which this may be applied".<sup>(67)</sup>

According to these rules, blockades and bombardment of Beirut airport as a primarily civilian object by Israeli Forces could not be justified. Beirut airport could in certain circumstances be of dual-use targets, so that it might be used both for military purposes, and to provide transport and provisions for the civilian population, but it can become a military objective only if it is in fact providing an "effective" contribution to the enemy's military activities and its destruction or neutralization provides "a definite military

advantage.” Its status as a legitimate military objective would exist only for such time as it meets the foregoing criteria.

Israel has attacked Beirut airport on a number of occasions, without any publicly available evidence that it has been used for any recent transport of arms or troops. As for the possible use of the airport to transport the captured Israeli soldiers out of Lebanon, the military advantage of destroying the airport is negligible in comparison with the civilian cost, given the many alternative routes out of Lebanon along its long border with Syria. On the other hand, the civilian cost of targeting the airport is high, since it impedes the ability of civilians in Lebanon to escape the fighting or those who remain to receive provisions. Under these circumstances, the attack on the Beirut airport does not appear to have been legitimate under the standards of international humanitarian law.

International humanitarian law requires everything feasible to be done to verify that targets are in fact military objectives. Even if they are, the impact on civilians must be carefully weighed under the principle of proportionality against the military advantage served; all ways of minimizing the impact on civilians must be considered; and attacks should not be undertaken if the civilian harm outweighs the definite military advantage, or if a similar military advantage could be secured with less civilian harm. Israel has targeted the country's only international airport, imposed a naval blockade, attacked ports, and bombed road links out of the country. Blockades as a tool of war may be legitimate under international humanitarian law; but their imposition is still subject to the principle of military necessity and proportionality.

First, the blockade must not have as its primary purpose to intimidate, harass or starve the civilian population. Such actions are proscribed by international humanitarian law, which prohibits armed forces from deliberately causing the civilian population to suffer hunger, particularly by depriving it of its sources of food or supplies. Second, insofar as Israel attempts to justify the blockade on the grounds of restricting the re-supply of

the Hezbollah military are concerned, that legitimate purpose must be weighed against the costs to the civilian population. Those costs can also shift over time, as shortages of necessities intensify. Even if a blockade were assumed lawful at the outset, it could become unlawful if mounting civilian costs became too high and outweighed the direct military advantage. In those circumstances – for example, if food or medical supplies ran low – Israel would be obliged to permit free passage of material that is essential for civilians and to protect humanitarian personnel delivering those supplies.

## CONCLUSION

The evidence provided in this paper leads to this notion that the ceaseless Israeli attacks on Lebanon were illegal and unlawful according to international humanitarian law and constituted gross violation of the law regulating resort to force generally known as *jus ad bellum*. More importantly, Israelis forces failed to preserve the principles of proportionality, necessity, and imminence in self-defense. The use of force by the Israeli forces goes beyond reasonable arguments of military necessity and of proportionality, and clearly failed to distinguish between civilian and military targets. As a result, these deliberate attacks on civilians and civilian objects amounted to the collective punishment. There are many reports about significant pattern of excessive, indiscriminate and disproportionate use of force by Israel against Lebanese civilians and other civilian objects. A total disregard for the principle of humanity and humanitarian considerations (Martens clause) during the conflict led to the complete failure to distinguish civilians from combatants as well as civilian objects from military targets. Thus, it resulted in the destruction of objects essential to the survival of the civilian population as well as the massive displacement of civilians, destruction of the environment, numerous attacks on cultural assets and sites, and blocking hundreds of thousands of Lebanese from having access to food. Moreover, Israeli forces failed to provide medical care and other necessities

for the civilians. The mistreatment of the dead by Israeli Forces was also among those acts that violated the fundamental rights of Lebanese civilians.

As witnessed, the hostilities between Israeli and Lebanese forces (Hezbollah) fits the scope of application of the Geneva Conventions of 1949 (i.e. the factual existence of armed conflict between two parties) and makes the Conventions operational. Moreover, Israeli non-compliance with the rules of international humanitarian law, known as *jus in bello*, specifically the Geneva Conventions of 1949, during the hostilities between the two parties was clearly unfolded.

Many other rights of Lebanese were also violated during the Israeli air strikes on southern part of Lebanon. These included, among others, the right to life, the right to personal security, the right to fair trial, and the right to be protected from discriminatory acts.

The aforementioned violations of Israeli obligations which were against all international humanitarian laws: the Geneva Convention of 1949, the Additional Protocols of 1977 related to the protection of civilian persons in time of war (Fourth Geneva Convention) and general protection against dangers arising from military operations against civilian objects, hospitals, relief materials and means of transportation being stipulated by resolution (A/HRC/S-2/L.1) adopted by Human Rights Council entitled the grave situation of human rights in Lebanon.

Consequently, the Israeli attacks on Lebanon were tantamount to state violation of the rules by resorting to the use of force, known as *jus ad bellum*, and the rules of international humanitarian law, known as *jus in bello*. Israeli acts of aggression turned out to be a systematic violation of the fundamental human rights as well as Israel's international obligations. Hence, under such obligations, the relevant international mechanisms and instruments could easily be taken into action against Israeli Forces due to their violation of the said conventions and would be considered as War Crimes and crimes against humanity. ❖

## NOTES:

1. Hezbollah is an organized political Islamist group based in Lebanon also is an independent Lebanese resistance and political movement. Hezbollah's aim is to defend the territorial integrity of Lebanon and to free Lebanese and Palestinian prisoners who are languishing in Israeli jails and subjected to torturous treatment. As such a group, and as a party to the conflict with Israel, it is bound to conduct hostilities in compliance with customary international humanitarian law.

2. A/HRC/S-2/L.1 (Summary report of the Commission of Inquiry on Lebanon).

3. Ibid

4. This resolution adopted at 5511th meeting of UNSC on 11 August 2006.

5. This resolution adopted by UN Human Rights Council at its second special session in Geneva on 11 August 2006.

6. Resolution (A/HRC/S-2/L.1), entitled the grave situation of human rights in Lebanon caused by Israeli military operations.

7. João Clemente Baena Soares (Brazil), Mohamed Chande Othman (United Republic of Tanzania) and Stelios Perrakis (Greece) nominated by the President of the Human Rights Council, Luis Alfonso de Alba, On 1 September 2006 as members of the Commission of Inquiry. The members were appointed on the basis of their expertise in international humanitarian law and human rights law. The Commission assembled in Geneva, together with its Secretariat, and began its work on 11 September. It agreed to report to the Council within two months.

8. Israel joined to Geneva Conventions, on 8 Nov 1949.

9. It is to be noted that that the determination of the existence of an armed conflict between states in which the Conventions apply does not depend on a formal declaration of war or recognition of a state of hostilities.

10. According to article 118 of the Third Geneva Conventions "prisoners of war shall be released and repatriated without delay after the cessation of active hostilities. And In the absence of stipulations to the above effect in any agreement concluded between the Parties to the conflict with a view to the cessation of hostilities, or failing any such agreement, each of the Detaining Powers shall itself establish and execute without delay a plan of repatriation in conformity with the principle laid down in the foregoing paragraph.

11. During Operation "Grapes of Wrath", in 1996 warnings given by Israel to Lebanese appear to have been intended to spread panic among the civilian populations rather than to ensure their safety. Attacks by Israeli Forces on an ambulance carrying civilians, killing six of them; an attack on a house in upper Nabatiyya that killed nine civilians; and the attack on the UN compound at Qana that killed 102 civilians.

12. Lebanon's Prime Minister, Fouad Siniora said that the Sheba's Farms was a plot of land to the south-east of Lebanon with a total area of about 42 square kilometers. That land was, in fact, Lebanese territory, and many times in the past decade, Lebanon had exercised its sovereignty over that plot of land. The Israelis occupied that part of Lebanon, starting in 1967 until 1989. That land was Lebanese and the Syrians said invariably that it was Lebanese, but they fell short of making any effort to sign the necessary documentation or maps for the United Nations depositary, to enable the Organization to recognize that land as Lebanese. This was a speech by Lebanon's Prime Minister, Fouad Siniora in a Press conference ON 21 April 2006 in New York, (Department of Public Information of UN, News and Media Division).

13. Article 2 (3, 4) of the Charter reiterated that "All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered and all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

14. Article 33 of UN Charter "the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

15. Article 51 of the UN Charter: Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

16. Annual Journal of the Carnegie Council on Ethics and International Affairs Volume 18, No. 1 (Winter 2004)

17. The principle of proportionality in attack is codified in Article 51(5) (b) of First Additional Protocol, and repeated in Article 57. The principle of proportionality in attack is also contained in Second Protocol and Second Amended Protocol to the Convention on Certain Conventional Weapons.

18. ICC Statute, Article 8(b).

19. The commission was established by UN Human Rights Council on 11 August 2006.

20. A/HRC/3/2, 23 November 2006.

21. St. Petersburg Declaration, preamble [cited in Vol. II, Ch. I, § 83].

22. Hague Regulations, Article 25.

23. *The Conduct of Hostilities under the Law of International Armed Conflict*, Yoram Dinstein, Cambridge University Press, 2004, P. 113.

24. United Kingdom, Statement at the Diplomatic Conference leading to the adoption of the Additional Protocols.

25. Article 39 of San Remo Manual states that “parties to the conflict shall at all times distinguish between civilians or other protected persons and combatants and between civilian or exempt objects and military objectives”. Article 40 of San Remo Manual also indicates, 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 total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.

26. Articles 51, 52, 53 of First Additional Protocol to the Geneva Conventions of 1949.

27. Article 56 of First Additional Protocol to the Geneva Conventions of 1949.

28. A/HRC/3/2, 23 November 2006

29. Ibid.

30. Ibid.

31. Ibid.

32. Ibid.

33. Article 57 of the first Protocol of Geneva Conventions also stated several precautions with respect to attacks such as below: 1-do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects; 2-take all feasible precautions in the choice of means and methods of attack with a view to avoiding, and in any event to minimizing, incidental loss or civilian life, injury to civilians and damage to civilian objects; 3-refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated; 4-

effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit;

34. According to article 46 of San Remo Manual, the following precautions shall be taken with respect to attacks: (a) those who plan, decide upon or execute an attack must take all feasible measures to gather information which will assist in determining whether or not objects which are not military objectives are present in an area of attack; (b) in the light of the information available to them, those who plan, decide upon or execute an attack shall do everything feasible to ensure that attacks are limited to military objectives; (c) they shall furthermore take all feasible precautions in the choice of methods and means in order to avoid or minimize collateral casualties or damage; and (d) an attack shall not be launched if it may be expected to cause collateral casualties or damage which would be excessive in relation to the concrete and direct military advantage anticipated from the attack as a whole; an attack shall be cancelled or suspended as soon as it becomes apparent that the collateral casualties or damage would be excessive.

35. A/HRC/3/2, 23 November 2006

36. Ibid.

37. This statement addressed in the Third Committee of 61 session of UN General Assembly on 25 October 2006.

38. Liber Code, Article 23, Cited in the Book Customary International Humanitarian Law, Volume 1: Rules by Jean-Marie Henckaerts and Louise Doswald-Beck, published by University of Cambridge Dated 2005, The Pitt Building, Trumpington Street, Cambridge, United Kingdom.

39. IMT Charter(Nuremberg), Article 6(b) Cited in the Book Customary International Humanitarian Law, Volume 1, p 457.

40. Article 8 (2)(b)

41. Report by Mr. Jean Ziegler, Special Rapporteur on the right to food, in the Third Committee of 61 session of UN General Assembly on 25 October 2006.

42. Summary report of the Commission of Inquiry on Lebanon pursuant to Human Rights Council resolution S-2/1 dated 11 August 2006.

43. The Conduct of Hostilities under the Law of International Armed Conflict, Yoram Dinstein, Cambridge University Press, 2004, P. 176

44. Customary International Humanitarian Law, Volume 1: Rules by Jean-Marie Henckaerts and Louise Doswald-Beck, published by University of Cambridge Dated 2005, The Pitt Building, Trumpington Street, Cambridge, United Kingdom, P. 25

45. Protocol III to the CCW, Article 2(4).

46. Declaration of Guidelines on the Protection of the Environment in Times of Armed Conflict.

47. Customary International Humanitarian Law, Volume 1, P.144
48. Report by Mr. Jean Ziegler, Special Rapporteur on the right to food, in the Third Committee of 61 session of UN General Assembly on 25 October 2006.
49. Customary International Humanitarian Law Volume 1, p.127.
50. Ibid.
51. (Roerich Pact) Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments. Washington, 15 April 1935.
52. ICC, Article 8(b)(2)
53. A/HRC/3/2, 23 November 2006. (Summary Report of the Commission of Inquiry on Lebanon )
54. Convention on Prohibitions or Restrictions on the use of Certain Conventional Weapons which may be Excessive, Injurious or have Indiscriminate Effects, adopted in Geneva, 10 October 1980.
55. News conference by David Shearer, the United Nations humanitarian coordinator on Sep 19 2006, in Beirut, Lebanon.
56. Ibid.
57. At an international conference in Oslo on 23 February 2007, 46 nations agreed in principle to seek a treaty in 2008 that would ban cluster munitions — air-dropped bombs, artillery shells and missiles that spew hundreds of smaller bomb lets over a wide area, rather than detonate in a single large blast as most bombs do. The ultimate treaty would “prohibit the use, production, transfer and stockpiling of those cluster munitions that cause unacceptable harm to civilians.”
58. A/HRC/3/2, 23 November 2006. (Summary Report of the Commission of Inquiry on Lebanon )
59. Ibid.
60. Ibid.
61. Articles 68, 69, 70 of First Additional Protocol to the Geneva Conventions of 1949 and Articles 23, 55, 59, 60, 61, 62 of the fourth Geneva Convention of 1949.
62. A/HRC/3/2, 23 November 2006. (Summary Report of the Commission of Inquiry on Lebanon )
63. Ibid.
64. Rule 112 of cited in the Book “Customary International Humanitarian Law” Volume 1.
65. Article 34 of Additional Protocol No 1 to the Geneva Conventions of 1949.
66. Customary International Humanitarian Law, Volume I, p.189
67. Ibid.