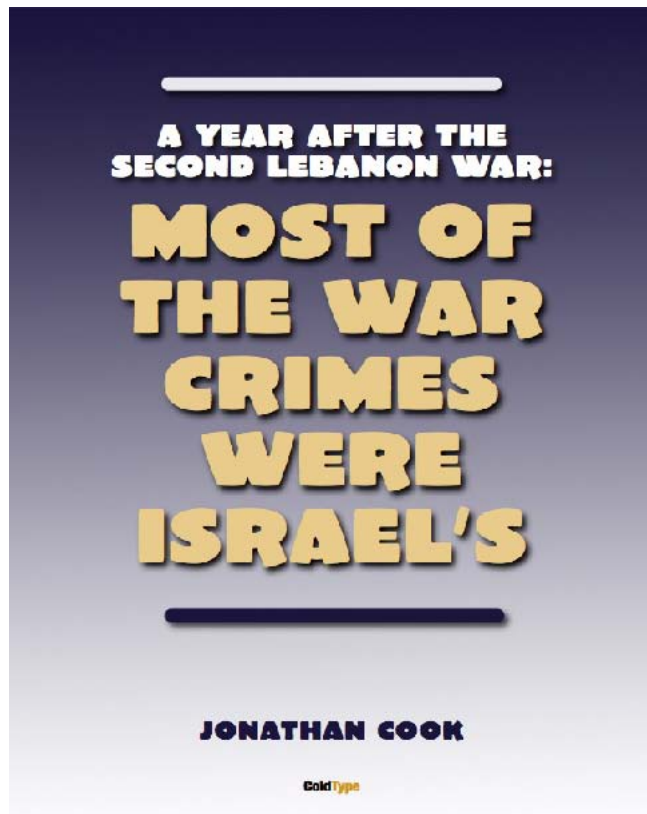

**A YEAR AFTER THE
SECOND LEBANON WAR**

**MOST OF
THE WAR
CRIMES
WERE
ISRAEL'S**

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now a year since the end of hostilities now officially called the Second Lebanon war by Israelis. A month of fighting – mostly Israeli aerial bombardment of Lebanon, and rocket attacks from the Shia militia Hizbullah on northern Israel in response – ended with more than 1,000 Lebanese civilians and a small but unknown number of Hizbullah fighters dead, as well as 119 Israeli soldiers and 43 civilians.

When Israel and the United States realised that Hizbullah could not be bombed into submission, they pushed a resolution, 1701, through the United Nations. It placed an expanded international peacekeeping force, UNIFIL, in south Lebanon to keep Hizbullah in check and try to disarm its few thousand fighters.

But many significant developments since the war have gone unnoticed, including several that seriously put in question Israel's account of what happened last summer. This is old ground worth revisiting for that reason alone.

The war began on 12 July, when Israel launched waves of air strikes on Lebanon after Hizbullah killed three soldiers and captured two more on the northern border. (A further five troops were killed by a land mine when their tank crossed into Lebanon in hot pursuit.) Hizbullah had long been warning that it would seize soldiers if it had the chance, in an effort to push Israel into a prisoner exchange. Israel has been holding a handful of Lebanese prisoners since it withdrew from its two-decade occupation of south Lebanon in 2000.

The Israeli prime minister, Ehud Olmert, who has been widely blamed for the army's failure to subdue Hizbullah, appointed the Winograd Committee to investigate what went wrong. So far Winograd has been long on pointing out the country's military and political failures and short on explaining how the mistakes were made or who made them. Olmert is still in power, even if hugely unpopular.

In the meantime, there is every indication that Israel is planning another round of fighting against Hizbullah after it has "learnt the lessons" from the last war. The new defence minister, Ehud Barak, who was responsible for the 2000 withdrawal, has made it a priority to develop anti-missile systems such as "Iron Dome" to neutralise the rocket threat from Hizbullah, using some of the recently announced \$30 billion of American military aid.

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It has been left to the Israeli media to begin rewriting the history of last summer. In the second weekend of August, an editorial in the liberal Haaretz newspaper went so far as to admit that this was “a war initiated by Israel against a relatively small guerrilla group”. Israel’s supporters, including high-profile defenders like Alan Dershowitz in the US who claimed that Israel had no choice but to bomb Lebanon, must have been squirming in their seats.

There are several reasons why Ha’aretz may have reached this new assessment.

Recent reports have revealed that one of the main justifications for Hizbullah’s continuing resistance – that Israel failed to withdraw fully from Lebanese territory in 2000 – is now supported by the UN. Last month its cartographers quietly admitted that Lebanon is right in claiming sovereignty over a small fertile area known as the Shebaa Farms, which is still occupied by Israel. Israel argues that the territory is Syrian and will be returned in future peace talks with Damascus, even though Syria backs Lebanon’s position. The UN’s admission has been mostly ignored by the international media.

One of Israel’s main claims during the war was that it made every effort to protect Lebanese civilians from its aerial bombardments. The casualty figures suggested otherwise, but increasingly so, too, does other evidence.

A shocking aspect of the war was Israel’s firing of at least a million cluster bombs, old munitions supplied by the US with a failure rate as high as 50 per cent, in the last days of fighting. The tiny bomblets, effectively small land mines, were left littering south Lebanon after the UN-brokered ceasefire, and are reported so far to have killed 30 civilians and wounded at least another 180. Israeli commanders have admitted firing 1.2 million such bomblets, while the UN puts the figure closer to 3 million.

At the time, it looked suspiciously as if Israel had taken the brief opportunity before the war’s end to make south Lebanon – the heartland of both the country’s Shia population and its militia, Hizbullah – uninhabitable, and to prevent the return of hundreds of thousands of Shia who had fled Israel’s earlier bombing campaigns.

Israel’s use of cluster bombs has been described as a war crime by human rights organisations. According to the rules set by Israel’s then chief of staff, Dan Halutz, the bombs should have been used only in open and unpopulated areas – although with such a high failure rate, this would have done little to prevent later civilian casualties.

After the war, the army ordered an investigation, mainly to placate Washington, which was concerned at the widely reported fact that it had supplied the muni-

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tions. The findings, which should have been published months ago, have yet to be made public.

The delay is not surprising. An initial report by the army, leaked to the Israeli media, discovered that the cluster bombs had been fired into Lebanese population centres in gross violation of international law. The order was apparently given by the head of the Northern Command at the time, Udi Adam. A US State Department investigation reached a similar conclusion.

Another claim, one that Israel hoped might justify the large number of Lebanese civilians it killed during the war, was that Hizbullah fighters had been regularly hiding and firing rockets from among south Lebanon's civilian population. Human rights groups found scant evidence of this, but a senior UN official, Jan Egeland, offered succour by accusing Hizbullah of "cowardly blending".

There were always strong reasons for suspecting the Israeli claim to be untrue. Hizbullah had invested much effort in developing an elaborate system of tunnels and underground bunkers in the countryside, which Israel knew little about, in which it hid its rockets and from which fighters attacked Israeli soldiers as they tried to launch a ground invasion. Also, common sense suggests that Hizbullah fighters would have been unwilling to put their families, who live in south Lebanon's villages, in danger by launching rockets from among them.

Now Israeli front pages are carrying reports from Israeli military sources that put in serious doubt Israel's claims.

Since the war's end Hizbullah has apparently relocated most of its rockets to conceal them from the UN peacekeepers, who have been carrying out extensive searches of south Lebanon to disarm Hizbullah under the terms of Resolution 1701. According to the UNIFIL, some 33 of these underground bunkers or more than 90 per cent - have been located and Hizbullah weapons discovered there, including rockets and launchers, destroyed.

The Israeli media has noted that the Israeli army calls these sites "nature reserves"; similarly, the UN has made no mention of finding urban-based Hizbullah bunkers. Relying on military sources, Haaretz reported last month: "Most of the rockets fired against Israel during the war last year were launched from the 'nature reserves'." In short, even Israel is no longer claiming that Hizbullah was firing its rockets from among civilians.

According to the UN report, Hizbullah has moved the rockets out of the underground bunkers and abandoned its rural launch pads. Most rockets, it is believed, have gone north of the Litani River, beyond the range of the UN monitors. But

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some, according to the Israeli army, may have been moved into nearby Shia villages to hide them from the UN.

As a result, Haaretz noted that Israeli commanders had issued a warning to Lebanon that in future hostilities the army “will not hesitate to bomb – and even totally destroy – urban areas after it gives Lebanese civilians the chance to flee”. How this would diverge from Israel’s policy during the war, when Hizbullah was based in its “nature reserves” but Lebanese civilians were still bombed in their towns and villages, was not made clear.

If the Israeli army’s new claims are true (unlike the old ones), Hizbullah’s movement of some of its rockets into villages should be condemned. But not by Israel, whose army is breaking international law by concealing its weapons in civilian areas on a far grander scale.

As a first-hand observer of the fighting from Israel’s side of the border last year, I noted on several occasions that Israel had built many of its permanent military installations, including weapons factories and army camps, and set up temporary artillery positions next to – and in some cases inside – civilian communities in the north of Israel.

Many of those communities are Arab: Arab citizens constitute about half of the Galilee’s population. Locating military bases next to these communities was a particularly reckless act by the army as Arab towns and villages lack the public shelters and air raid warning systems available in Jewish communities. Eighteen of the 43 Israeli civilians killed were Arab – a proportion that surprised many Israeli Jews, who assumed that Hizbullah would not want to target Arab communities.

In many cases it is still not possible to specify where Hizbullah rockets landed because Israel’s military censor prevents any discussion that might identify the location of a military site. During the war Israel used this to advantageous effect: for example, it was widely reported that a Hizbullah rocket fell close to a hospital but reporters failed to mention that a large army camp was next to it. An actual strike against the camp could have been described in the very same terms.

It seems likely that Hizbullah, which had flown pilotless spy drones over Israel earlier in the year, similar to Israel’s own aerial spying missions, knew where many of these military bases were. The question is, was Hizbullah trying to hit them or – as most observers claimed, following Israel’s lead – was it actually more interested in killing civilians.

A full answer may never be possible, as we cannot know Hizbullah’s intentions – as opposed to the consequences of its actions – any more than we can discern Israel’s during the war.

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Human Rights Watch, however, has argued that, because Hizbullah's basic rockets were not precise, every time they were fired into Israel they were effectively targeted at civilians. Hizbullah was therefore guilty of war crimes in using its rockets, whatever the intention of the launch teams. In other words, according to this reading of international law, only Israel had the right to fire missiles and drop bombs because its military hardware is more sophisticated – and, of course, more deadly.

Nonetheless, new evidence suggests strongly that, whether or not Hizbullah had the right to use its rockets, it may often have been trying to hit military targets, even if it rarely succeeded. The Arab Association for Human Rights, based in Nazareth, has been compiling a report on the Hizbullah rocket strikes against Arab communities in the north since last summer. It is not sure whether it will ever be able to publish its findings because of the military censorship laws.

But the information currently available makes for interesting reading. The Association has looked at northern Arab communities hit by Hizbullah rockets, often repeatedly, and found that in every case there was at least one military base or artillery battery placed next to, or in a few cases inside, the community. In some communities there were several such sites.

This does not prove that Hizbullah wanted only to hit military bases, of course. But it does indicate that in some cases it was clearly trying to, even if it lacked the technical resources to be sure of doing so. It also suggests that, in terms of international law, Hizbullah behaved no worse, and probably far better, than Israel during the war.

The evidence so far indicates that Israel:

- * established legitimate grounds for Hizbullah's attack on the border post by refusing to withdraw from the Lebanese territory of the Shebaa Farms in 2000;
- * initiated a war of aggression by refusing to engage in talks about a prisoner swap offered by Hizbullah;
- * committed a grave war crime by intentionally using cluster bombs against south Lebanon's civilians;
- * repeatedly hit Lebanese communities, killing many civilians, even though the evidence is that no Hizbullah fighters were to be found there;
- * and put its own civilians, especially Arab civilians, in great danger by making their communities targets for Hizbullah attacks and failing to protect them.

It is clear that during the Second Lebanon war Israel committed the most serious war crimes.



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