

INTERNATIONAL CITIZENS TRIBUNAL ON LEBANON

PROCEEDINGS (2008)

charged against the Israeli authorities by the victims of the war of July 12-August 24, 2006
with the support of Lebanese civil society, for the acts
carried out by them and the damages to the Lebanese nation caused by them

Brussels February 22-23-24, 2008
International Association Center

JURY

Lilia Solano (president), Adolfo Ascabal, Claudio Moffa (reporter), Rajindar Sachar

FINAL VERDICT

GIVEN

that the victims and Lebanese Civil Society, through their organizations and representatives, named an international jury as a court independent of any State, to consider the acts carried out by Israel during the war of July-August 2006, according to international law and in particular the Charter of the United Nations, the four Geneva Conventions of 1949, and the Statute of the International Criminal Court of 1998;

that Lebanese Civil Society and the victims of the war also named as the lawyers representing them: Issam Naaman, Albert Fehrat, Hassan Jouny, Mohammed Tay and at the same time sent a formal request to Israel, the accused party, to name its defense attorney;

that in the days of February 22-23-24, 2008, the Jury met, in establishing as a preliminary step its competence *ratione materiae, loci* and *temporis: materiae*, the acts carried out by the Israeli army during the war against Lebanon; *loci*, the Lebanese territory occupied or bombarded by the Israeli army; *temporis*, with reference to the acts carried out during the time starting from July 12, 2006 to August 24, 2006, the date of the end of hostilities by Israel;

that immediately after this the Jury met and named as its President Prof. Lilia Solano and Claudio Moffa as its reporter;

that Friday February 22 at 9 p.m. the Jury opened the proceedings, by communicating to the involved parties its jurisdictional competence and the ethical goals of what would from then on make up the International Citizens Tribunal for Lebanon;

that on Saturday, February 23, the Jury:

- in its first act taken in the absence of either representatives of Israel or their defenders;
- listened to the charges against the defendants pronounced by lawyers of the victims and of Lebanese Civil Society, by accepting the delivery of the text containing the charges of war crimes and crimes against humanity against the Israeli authorities;
- listened to the first series of witnesses in the order of the list presented in the appendix, allowing the civilian attorneys to ask them questions, and also themselves posing questions whose answers possibly also with documentation and evidence it took delivery of with the acts and attached to the present decision;

that on Sunday, February 24, the Jury heard, according to an identical procedure, the final witnesses and the experts, and concluded the discussion at 1 p.m.

IN CONSIDERATION OF

1. FACTS

On July 12, 2006 the Israeli Armed Forces invaded Lebanon, by crossing the “blue line” established in 1982 by UNIFIL to mark the territories under the regular jurisdiction of the government of Beirut, and the territories occupied by Israel during the invasion that year (1982);

The Israeli authorities justified their unleashing of this aggression by calling it a “reprisal” for the capture of two of its soldiers, which had taken place in the territory under its control by irregular Lebanese forces, which for a long time had been operating in the south of the country in order to restore, outside the line blue, the full sovereignty of Lebanon on the territories still under foreign occupation.

The reprisals quickly took the form of a land invasion on the part of the Israeli army, and then, after the strong resistance of the Lebanese irregular Armed Forces operating in proximity of the border, of an aggression of great breadth by aerial bombardments, not only on the frontier areas or of the south, but even in the valley of Bekaa and the most heavily populated districts of Beirut.

The testimonys and documentation collected during the hearings, while confirming what was noticed by UN Investigative Commission of November 2006, was able to verify that during the war which took place from July 12, 2006, to August 24, 2006, Israeli invasion forces:

- carried out nearly 7,000 air raids on a territory - that except for some planes and a small fleet of helicopters - was substantially deprived of air defense;
- killed more than 1,100 people, among whom were many children, women, and elderly men;
- bombarded, with a regularity that leaves no doubts about the intentionality of the attacks, most of the infrastructures of the country, such as roads, bridges, airports, reservoirs of drinking water,

power stations, fuel deposits, as well as land for agriculture and raising livestock;

- bombarded civilian dwellings, hospitals, and nonmilitary columns of cars trying to escape, with the clear goal of killing the greatest number of civilians possible;
- bombarded museums, religious places and religious ceremonies, including a funeral procession;
- bombarded small supermarkets in small villages;
- attacked villages and districts without military defenses and carried out acts of collective punishment and reprisals against civilians in the occupied zones;
- attacked Lebanese medical and health-care personnel as these personnel were aiding the civilian population;
- used, during these bombardments, with the aim of causing immediate or time-delayed damage to the civilian population, including children, the following prohibited weapons: toy bombs, cluster bombs, helium bombs and according to the deposition turned over by one of the witnesses, bombs with depleted uranium: on this last type of bomb the opinion of the experts is not unanimous, because the verification by Geiger counter conducted by the witness himself and his team of technicians were checked neither by the Investigative Commission of the United Nations of September-October 2006 – which checked on the contrary the use of all other types of bombs - nor by the investigation carried out during the same time by Association of American Jurists;

Nevertheless, all the acts cited above, because of their regularity, constancy and continuity, provide evidence that the civilian population constituted the principal if not exclusive target of the Israeli attacks;

* * *

The testimonys and documentation received during the discussions were also able to verify the approximate but in all cases considerable extent of the damages--both immediate and time-delayed--of a personal, economic, environmental and psychological character that the Lebanese people experienced because of the Israeli acts of war:

A) Human damages:

- following massive bombardments, more than 1,100 people died, including hundreds of children, women, and elderly men; almost 4,350 were wounded, dozens of them permanently disabled, with losses also to their ability to work or carry out their profession;
- destruction of thousands of dwellings, as attested by UNIFIL in the following villages: Taïbeh, 80% of the civilian homes destroyed; Markaba, 50%; Qantara 50%; Maïs-el-Jabal 30%; Houla 20%; Talloussa 15%; Ghandourieh 80%; Zibqin 60%; Jibal-el-botm 50%; el-Bayadah 50%; Bayt-Lif 30%; Kafra 20%;
- cloud of polymer hydrocarbons, of dioxin and other carcinogenic particles that can cause respiratory and hormonal disorders (following the bombardment of the power station of Jiyeh).
- spread of chemicals as well as chlorine in the atmosphere, which is capable of affecting the health of almost two million people, following bombardments of glassmaking, foodstuffs and plastics factories;
- besides these figures and the above-mentioned dates, which concerns documentation and testimony made during the hearings, it is the regularity, constancy and continuity with which the Israeli armed forces targeted the civilian population as such and the country's civilian infrastructure, either in the course of the specific episode referred to by the witnesses, or in the

course of attacks on the civilian convoys, among them the two following examples, which, repeated in the Bill of indictment and which were verified during the hearings, are perhaps the most clarifying regarding the sadistic and terrorist nature of the war unleashed by the Israeli army:

The first: “On July 16, authorization was given to a convoy of the UNIFIL - made up of 4 buses, 7 trucks, whose 2 armored tanks and 2 military police vehicles to leave Naqoura at 7:15 a.m., reaching Marwaheen with 9:00 a.m. At 11:00 a.m., the local population, which wanted to leave, was ready and the UNIFIL of Naqoura had approved the additional evacuation of the inhabitants of the village of Um Al Tut, close to Marwaheen. Towards 11:15 a.m., once the convoy reached the military observation post of UNIFIL, it was informed that the authorization to evacuate the civilians was cancelled. It was suggested that the convoy return to Marwaheen. Toward 2:00 p.m., UNIFIL obtained a new authorization from the Israeli military personnel in charge. As the first vehicle reached a house located in the street leading to the mosque, a smoke screen rocket fell on the roof from this house, ricocheting and falling right in front of the vehicle. The civilians left the vehicles and gathered on the central place of the village. An emissary was sent to ask for an immediate end to the attack. But a second attack took place, and 6 other smoke-screen rockets hit the same house. Towards 5:30 p.m., the convoy finally could set out again toward Tyr. The attack was intended to sow panic and terror among the civil population”;

The second: “On August 11, 2006, approximately 600 vehicles left the village of Marjayoun - occupied since August 10, 2006 - in the direction of the Bekaa Valley. Towards 3:30 p.m., the convoy - including the patients and medical personnel of the hospital--had left the village to reach the eastern part of the Bekaa Valley towards 9:30 p.m. Until it reached Hasbaya, the convoy was escorted and surrounded by 2 armored UNIFIL vehicles. Towards 10:00 p.m., fifteen vehicles were hit by the bombardments of the Israeli army, causing the death of eight people, among them an engineer from the hospital and a volunteer of the Red Cross of Lebanon who had tried to assist one of the wounded people. During this time, another attack took place on Marwaheen. However, as of July 15, UNIFIL had obtained the authorization of the Israeli military personnel in charge to carry out the evacuation of the civilian population. The Israeli armed forces attacked this convoy intentionally with the knowledge that it was not a military target. This means it was an attack that ignored the principle of distinguishing between military targets and civilian targets”

B) *Economic damages:*

- to the food industry, following the total destruction of “Lebanon Milk” in Baalbek, the dairy company – and its derived products - the largest in the country, which produced more than 90% of the Lebanese production of pasteurized milk.
- to industry in general with the total or partial destruction of at least 29 other factories, while eliminating approximately 5% of the Lebanese industrial sector, and inflicting other important damages to more than 700 industrial companies (including the Maliban glassmaking firm in Békaa; the Safieddin medical goods factory in Bazouriye, in the South of Lebanon; the Fine paper tissues factory in Kafr Jara, near Saïda; the Moussaoui building material company, near Baalbek; the Dalal factory (prefabricated houses);
- to tourism and fishing, with a value of several million dollars following the bombardment of the power station of Jiyveh;
- to civilian transportation, as in the case of 450 trucks attacked on the roads of Lebanon
- to the civil infrastructure: port (destruction of radar for civilian navigation) and airport (fuel tracks and tanks) of Beirut; 137 roads; 109 bridges including the Quasmieh bridge, a vital

connection between Tyr and Saïda; the Zahrani bridge, which connects South-Lebanon with Mount-Lebanon and Beirut; the Mdeirej bridge connecting Beqaa with Mount-Lebanon and Beirut; the Madfoun bridge connecting North-Lebanon with Mount-Lebanon and Beirut; the Mouamaltaïn bridge connecting Jbeil and North-Lebanon with Beirut; all the bridges of Beqaa and especially the bridge of el-Assi (Oronte) connecting Caza d'el-Hermel with the remainder of Lebanon.

Is to be stressed that often, as in the case of the Qana bridge, which was used only in the passing of the stockbreeders of sheep and which did not have any military relevance, the destruction of the bridges prevented the population from escaping the war zone.

C) Social damages:

The economic damage has in their turn caused a social crisis, represented by major a vulnerability of the middle class and by the impoverishment of the layers that are already the most vulnerable. Unemployment has increased to 15%, compared with the 8% level of 2004. Inflation has quadrupled.

D) Environmental damage:

- following the bombardment of the power station of Jiyeh (25 kilometers in the south of Beirut) and of its fuel tanks: a fire lasted 3 days covering in turn the neighboring areas with a white pulverized concrete dust and filling the air with black soot, and the discharge of 15.000 tons of heavy fuel into the sea, causing an oil slick, which contaminated the Lebanese coastline for more than 150 kilometers of the 220 km along the Lebanese coastline.

- following bombardment of electric transformers of Saïda: a cloud of poly-chlorinated biphenyls (PCB), which, according to Greenpeace, are chemicals bio-cumulative and long-lasting and after inhalation are capable of provoking cancers.

E) Psychological and cultural damages:

- following the bombardment of the power station of Jiyeh, damage to the archeological site of Byblos - an archeological site registered with the World Inheritance of Humanity by UNESCO. Blocks of stone constituting the base of the 2 medieval towers - north and south at the entry of the port--were covered with a thick layer of hydrocarbon. The vestiges of antiquity (Phoenician, Hellenic and Roman) located below the Tel., were also covered with the same layer of soot

– total and direct destruction – according to the Board of Inquiry in Lebanon installed by the Human Rights Council of UNO - of 16 schools and partial destruction of 157 others;

- destruction of the television broadcasting station Al-Manar TV. In connection with this type of attack the Security Council, Protection of civilians during armed conflicts, S/LMBO/1738, Dec. 23, § 3.10 wrote: "...that media equipment and installations constitute civilian objects, and in this respect shall not be the object of attack or of reprisals, unless they are military objectives;..."

2. LAW

A) In accordance with the unleashing of the Israeli attack and the government in Tel Aviv's alleged justification for it, the Jury retains as correct and admissible for purposes of the definition of the attack as an unjustified and illegal aggression, the three following considerations:

1) “first, the 'blue line' does not constitute an international border between Lebanon and Israel, but it is simply a line of demarcation, traced by UNIFIL, which has been disputed at various points by the Lebanese authorities: it should be remembered on this subject that the Israeli army occupied at the time of the invasion the Lebanese zone known as 'the farms of Sheba'”;

2) “The Geneva Convention on the treatment of prisoners of war had, in its Article 4, placed national liberation movements (such as the organizations of the Lebanese resistance) under international protection. This protection remains valid whether these formations carry out their operations inside their own territory, or if they take place inside the territory of the occupying power. This implies that their operating range can extend to any of the enemy's territorial space”;

3) “Moreover, these stipulations permit any resistance force to carry out its operations in zones which do not form part of the territory of the occupying power, but even of a third party, each time these zones are under its control”.

This means, that besides the obvious disproportion between the action of the capture and removal of the two soldiers, and the “reaction,” which was concretized and listed, in the catastrophic actions of the already referred-to Israeli “reprisals,” that the invasion of July 12, 2006 had no justification or legitimacy within the meaning of Charter of the United Nations and the International Convention of Geneva. On the contrary, it constituted a act of an undeclared war in opposition to international law, one of numerous examples repeated by the State of Israel from 1948 to today, as is shown by all the UN resolutions that have been ignored by Israel;

B) the acts carried out by the Israeli Armed Forces during the events of the war that took place from July 12 to August 24, 2006, such as those verified during the hearing, constitute clearly, according to the propositions stated in the Bill of Indictment, crimes against humanity and war crimes, in violation of the Geneva Convention of 1949, of the Statute of the International Criminal Court of 1998, and of Protocol A of 1977.

In particular, it is obvious that these acts constituted a “extended and systematic attack against the civilian population” as defined by Art 7 of the Statute of the International Criminal Court of 1998 (“crimes against humanity”), and precisely by subparagraph 1, points a, b, d and e (those last two applying first of all to the constraint against forcing the population to flee bombardment, and then to the attacks against the convoys of civilian cars by which such escape was carried out).

It is also evident that the same acts constitute a violation of Art 8 of same Statute (“war crimes”) and of the Geneva Conventions to which it refers, as they have:

- “Wilfully causing great suffering, or serious injury to body or health” of the civilian population (subparagraph 2, a, iii)
- caused the “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” (2, a, iv);
- "intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities” (2, b, i);
- "intentionally directing attacks against civilian objects, that is, objects which are not military objectives (2, b, ii);
- “intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance” (2, b, iii);
- “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 or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated” (2, b, iv);

- bombarded “villages, dwellings or buildings which are undefended and which are not military objectives” (2, b, v);
- “intentionally directing attacks against buildings dedicated to religion, education, art, science ... historic monuments, hospitals ...” (2, b, ix);
- used “bullets which expand or flatten easily in the human body” (2, b, xix), or many weapons, projectiles, materials... with characteristics such to cause... unnecessary suffering, or which by their very nature strike in an indiscriminate manner in violation of the international law” (2, b, xx);
- diffused by planes of the call written to the civilian populations of all ages, threatening that in the case that they would not have left their dwellings and zones of residence they would be bombarded without discrimination, and by thus exerting a premeditated threat of collective punishment (2, b, xii and moreover Protocol A of 1977);

C) The acts carried out by the Israeli Armed Forces during the war from July 12, 2006 to August 24, 2006, such as those verified during the above mentioned discussions, also constitute an obvious violation of Art 6 of Statute of the International Criminal Court of 1998 (“crime of genocide”) and Art 2 of the Convention of 1948 for the prevention and prohibition of genocide. It would be incorrect indeed to be intimidated by the gravity of the charge, where its decisive elements are present.

In truth, the considerations which impel the consideration of Israel as being guilty not only of war crimes and crimes against humanity, but also, with regard to the war against Lebanon of 2006, of the crime of genocide, are as follows:

1) the legal description of this crime in Statute of the International Criminal Court of 1998, taken directly from the 1948 Geneva Convention and thus from the Nuremberg Tribunal, permits its application to many if not all the conflicts of our epoch, characterized as is well-known by such a high technological level of the armaments of war that as a result it strikes down in these same conflicts an ever greater number from the civilian population than from the armed forces: indeed, Art 6 of the Statute cited specifies that a series of typical actions during a war, which “kill members of the group” or “cause serious wounds to the physical or psychic integrity of people belonging to the group,” become crimes of genocide, if they are carried out “with the intention of destroying in their entirety or in part, a national, ethnic, racial or religious group,” defining this latter, in which in any event the “intention” always becomes easily demonstrable in the case of destruction of a “part” of the “national group....” (and not at all, as the extreme definition of the term used would require: genocide, i.e. extermination of people until its disappearance)

2) In the case *de quo*, the war of Israel against Lebanon of the 2006, “the intention” of Israel to destroy “in part” the Lebanese “national group” was amply shown during the discussions by all the witnesses and all documentations and evidence provided: and thus, in a period when genocide is more easily charged not only for the media, but even potentially founded on above mentioned “broad” codification of such a crime, e.g., Art 6 of the Statute of CPI (with the goal of demonizing any country not “politically correct” that does not conform to the new Israeli-U.S. post-bipolar order), this case, Lebanon and this war – the Israeli attack of July-August 2006 - fits with no doubt in the penal *fattispecie* of the “crime of genocide”. Thus this crime is admissible by this Jury, and it is possible to attribute it to Israel, because of the regularity with which the Israeli Armed Forces carried out its attacks primarily against civilians, by killing them (“a”), by causing them “serious damages to the physical or psychic integrity” (“b”), and by subjecting them “deliberately... to living conditions such to comprise the physical, total or partial destruction of the group itself” (“c”): the prohibited bombs, in particular those with

fragmentation, and the toy-bombs, constitute overwhelming proof that Israel perpetrated genocide against the Lebanese nation,

FOR ALL THESE REASONS

The International Citizens Tribunal on Lebanon, according to conventional and usual international law, and the imperative standards contained in the 1948 and 1949 Geneva Conventions and Protocol A (1977) Statute of the International Criminal Court of 1998, noting the enormous crimes committed by Israel (indiscriminate bombardments and destructions, murder of more than a thousand people, among them children, women and elderly men, enormous damage to social and economic life, use of forbidden arms, etc.) declare the Israeli authorities responsible for the 2006 war against Lebanon and guilty of the following international crimes:

War Crimes

Crimes against humanity

Genocide

The Jury

Lilia Solano (president), Claudio Moffa (reporter), Adolfo Ascabal, Rajindar Sachar

(translation from the French: John Catalinotto)