



הארגון הבינלאומי של עורכי-דין ומשפטנים יהודים
THE INTERNATIONAL ASSOCIATION OF JEWISH LAWYERS AND JURISTS

8 November, 2006

Mr. Nicholas Howen,
Secretary-General
International Commission of Jurists
P.O. Box 91
33 rue des Bains, 1211 Geneva 8,
Switzerland

By mail, by facsimile: +41 22 979-38-01 and by E-mail: info@icj.org

Dear Mr. Howen,

The International Association of Jewish Lawyers and Jurists (hereinafter referred to as "IAJLJ") welcomes in principal an impartial Expert Legal facts-finding mission to investigate violations of international humanitarian law and human rights law during the conflict in Lebanon, as was lately initiated by the International Commission of Jurists (hereinafter referred to as "ICJ").

ICJ reports setting up a committee of experts in response to the non-objectivity of a similar committee established by the Human Right's Council. In ICJ's words in a press release dated August 16, 2006 (enclosed and marked "A"):

*"When I spoke at the Special Session last Friday I announced that we have set up the ICJ Expert Legal Inquiry. I also said it is the duty of the Council itself to assess the situation impartially, to investigate and act on violations that have occurred, no matter who or which party to the conflict has committed them", **Nicholas Howen***

"The Human Rights Council has mandated an investigation that is not impartial. Its scope must be expanded to examine whether both Hezbollah and Israel have violated international humanitarian law and human rights law".

*"The disappointing outcome of the Special Session underlines the urgent need for truly impartial and expert investigations into the conflict in Lebanon. The ICJ Expert Legal Inquiry will go ahead. It will cooperate with, and make its conclusions and analysis available to, any credible, high-level and impartial United Nations inquiry", **Nicholas Howen**...".*

The IAJLJ fully accepts the continuing need to monitor human rights, and stresses out the imperative element of impartiality. Therefore, it supports the above-mentioned ICJ's statement advocating for investigation that is not impartial. Nonetheless, the IAJLJ finds such statements to be inconsistent with ICJ's previous press releases during the war with Hizbullah, namely the following three statements:

- I. "ICJ is extremely concerned by the destruction and collective punishments carried out by Israel in Gaza Strip...As an occupying power exercising effective control over the West Bank and Gaza Strip, Israel is legally bound to respect the IV Geneva Convention on the Protection of Civilians in Time of War" (Press release June 29, 2006, enclosed and marked "B").

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- II. *“When war crimes are being committed on the scale of these Israeli military operations against civilians, states have a collective “responsibility to protect”...” (Human Rights Council – Special Session on The Human Rights Situation In the Occupied Palestinian Territory, oral statement by Nicholas Howen- Secretary that was not delivered July 5, 2006, enclosed and marked "C").*
- III. *“Appalled by the impact of the ruthless military operations, the ICJ recalls that Israel has to unconditionally respect the lives and security of civilians and abide by the Geneva Conventions to which it is a party. Under the law of war, international attacks against the civilian population as such or against civilians not taking direct part in hostilities, as well as the extensive destruction of property not justified by military necessity, constitute war crimes. The wanton destruction of the Beirut airport and civilian aircrafts are blatant examples of these destructions. Similarly the bombing of undefended towns, villages and dwellings that are not military objectives, as well as the intentional attacks that will knowingly cause incidental loss of life or injury to civilians also constitute war crimes for which individuals can be held criminally responsible.*

“While Israel has a legitimate right to defend itself against hostage-taking and the launching of rockets by the Hizballah over Israeli territory, the right is not unlimited and is subject to the restrictions of international law...Indeed the disproportionate and indiscriminate reactions of the Israeli military are reprisals against the civilian population and thus amount to collective punishment. Collective punishments constitute a war crime under international law” (Press release dated July 21, 2006, enclosed and marked "D").

Based on these controversial statements made during the war by the ICJ without any official investigation, and seeing that they might show an existing and established predisposition against Israel, the IAJLJ expresses its aspiration that ICJ would be able to exhibit the above claimed objectivity when heading such facts finding investigation. Furthermore, the IAJLJ notices with concern, the fact that the ICJ does not have a single Israeli human rights group in its long list of affiliates. This is especially striking when compared with the amount of writing on human rights that the ICJ produces regarding Israel, and with the fact that there are two Palestinian affiliates. Surely an organization priding itself for its impartiality and objectivity would be interested in consulting both sides of the conflict.

Therefore the IAJLJ wishes to make the following statements:

1. Article 51 of the UN Charter states the right to self-defence of nations.
2. Since at least September 2000, terror groups, supported by Syria and Iran, have been openly engaged in a war for the destruction of Israel. These groups have committed terrible ruthless crimes of aggression, which have included the killing and kidnapping of soldiers; murderous suicide attacks against Israeli civilians and the firing of missiles and rockets indiscriminately at the civilian population inside the state of Israel. Over 1,120 Israelis have been killed by these acts of terrorism since September 2000. Between September 29, 2000 and May 1, 2006, Magen David Adom reported treating a total of 7,844 casualties as result of terror acts, with the following breakdown: 999 killed, 642 severely injured, 940 moderately, and 5,263 lightly injured, among them 11 MDA staff members.
3. Israel is the only democracy in the world to face an ongoing daily routine of existential threats. These threats include statements made by heads of state wishing to

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wipe Israel off the map, and attempts to produce mass terrorist bombings. Two examples of such “mega-terror” attempts would be the arrest on August 7, 2001 of three terrorists, who had planned to blow up the “Azrieli Towers” in Tel-Aviv, where just one of these two buildings, the shopping mall, hosts 30,000 people a day. In addition, on May 23, 2002 a bomb was detonated by remote control inside the Pi Glilot gas and oil depot on the northern outskirts of Tel-Aviv. The resulting fire was extinguished, but if it had caused a chain reaction of explosions inside the depot, as apparently intended by the terrorist organization, the whole facility of 150 million liters of oil and gas would have exploded.

4. At the same time, Israel takes maximum efforts for the preservation of human rights for all people and does not intentionally target civilians.
5. However both the Palestinian terror groups and the Hizbullah were intentionally launching attacks from within civilian areas prior to and during the war. Hizbullah terrorists used Lebanese citizens as human shields, strategically basing many of their rockets directly in the middle of Shiite residential districts and forcing or at least encouraging the civilian residents to continue living there, while launching thousands of missiles at Israeli civilians, and at places holy to all religions as well as prominent world heritage sites.
6. According to the laws of war, if the objectives of self-defence cannot be achieved without causing some civilian casualties, then such actions must be “proportional” to the civilian casualties that would be caused by the military action of the enemy. During the war the Hizbullah indiscriminately launched into major Israeli civilian population centers thousands of antipersonnel missiles packed with ball-bearing shrapnel, designed by Syria and Iran to maximize civilian casualties. The intended scale of destruction of these missiles is further demonstrated by Hizballah attempts to launch Katusha missiles on Israel's biggest industrial zone located in Haifa. This industrial Zone contains a high concentration of chemical refineries and oil/gas-product factories which were they hit would have lead to a human and environmental catastrophe.
7. Israel has been trying to minimize civilian casualties of Palestinians and civilians of Lebanon by numerous methods:
 - a) Civilians were warned and asked to leave the war zone via media announcements.
 - b) Leaflets were repeatedly dropped over Lebanon warning the civilians to leave.
 - c) The IDF went to great lengths to warn civilians by phone both in Lebanon and Gaza before an impending attack on legitimate military targets. This is despite the warning such an action gives to terrorists.
8. However, such humane approach served only to encourage Hizbullah's violation of the laws of distinction stipulated in Article 51(7) of the Geneva Convention, thereby



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successfully using civilians as human shields, and dramatically increasing the number of Lebanese civilian casualties.

9. Hizbullah has no independent ability to produce the kind of heavy weaponry it has been using indiscriminately against the Israeli population. The international airport at Beirut is identified as the main port for importing weapons and military reinforcement and for the smuggling out of Lebanon of kidnapped soldiers and wanted terrorists. Therefore, the only method to defeat such insurgency by the terror organizations is first to isolate them from external reinforcement. In this case, airports and other ports of entry, as well as various means of transportation such as planes, roads and bridges are well recognized in customary international law as legitimate targets of war. Likewise, power stations used in Gaza for manufacturing of Kassam rockets, also represent important and legitimate military objectives for the purpose of weakening the enemy.
10. In May 2000, Israel's government, then led by Prime Minister Ehud Barak, pulled out of all Lebanese soil. This was ascertained by the UN. However, Hizbullah terrorists immediately began repositioning and reinforcing themselves on Israel's northern border, and have never stopped verbally threatening Israel nor have they ever given up an armed struggle.

In conclusion:

The IAJLJ would welcome an impartial survey of the conflict, which would have to take all our statements into account.

The IAJLJ embraces the legal observations of the International Commission of Jurists' holding that "members of armed groups also have to fully abide by the Geneva Conventions, which prohibit targeting civilians" and that "Palestinian armed groups" as well as Hizbullah, namely terror organizations, have denied the Israeli captured soldiers their status as prisoners of war by demanding that their release be conditional on the release of Palestinian and Hizbullah's detainees being held by Israel. IAJLJ further supports your statement that the soldiers "are therefore being held as hostages, which is a war crime. As hostages, they should be immediately and unconditionally released".

The State of Israel rigorously adheres to the rule of law. Israel is among the leading countries in the world, not to mention in the Middle East, in the area of human rights promotion, under the circumstances of the constant existential threats forced upon it. This statement is fully supported in our reports sent to you on February 10, 2005 in reply to your request of December 20, 2004 with the stated purpose of updating the Israeli section while producing the issue of "attacks on Justice 2005". This report was diligently compiled upon your request by our experts in the field, and was extensive and precise. On that note, whereas we were notified by you on May 10, 2005 that a lack of time prevented the publication of this update, and that Israel was "not yet treated" out of the hundred countries of this report, **we strongly request that you finally publish the report**, which will enable a clearer view of the Israeli judicial system and its democratic and



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humanitarian social norms and values. We feel that the constant postponement of publication is not explainable nor is it consistent with the integrity and high professional standards expected from an organization such as the ICJ. The argument of "lack of time," which you cited as the reason for the original non-publication, has surely been fixed by now. And so, while demanding to be treated with the same seriousness and respect the IAJLJ has been treating your organization, we expect to see our work published as soon as possible.



Enclosure "A"

A searchable database of the ICJ's press releases, reports, legal documents & key external legal materials.

Lebanon - ICJ launches Expert Legal Inquiry into Violations of International Humanitarian Law in the armed conflict in Lebanon

Administration of Justice - Impunity & Reparations - Counter Terrorism and Human Rights - Newsroom
16th August 2006

The International Commission of Jurists (ICJ) has established an Expert Legal Inquiry to investigate whether and to what extent the Israeli Defence Forces and Hezbollah violated international humanitarian law and human rights law during the conflict in Lebanon.

"With the welcome cessation of hostilities we cannot just forget the scale of civilian deaths and physical destruction over the last month. Now there is an opportunity to move beyond confusion and misstatement, to clarify the facts surrounding the military operations of both sides and impartially apply international humanitarian law", said Nicholas Howen, Secretary-General of the ICJ.

"There are consequences if one or both sides have violated the laws of war: those responsible must be held accountable, surviving victims have a right to reparation and should the conflict re-ignite, the military methods of those who have violated the laws of war must change", added Nicholas Howen.

The ICJ Expert Legal Inquiry will consist of eminent legal experts in international humanitarian law and senior military officers with operational experience. The Inquiry will seek to travel to Lebanon and Israel and investigate the facts and law. It will focus initially on particular means and methods of war on both sides that have caused some of the greatest loss of civilian life, namely the Israeli air war in Lebanon and the rocket attacks by Hezbollah into Israeli territory. The Inquiry will produce a public report with recommendations for any further investigations and action.

This detailed ICJ inquiry will speak with witnesses, and visit the scene of attacks and will also seek to meet with senior Israeli military officials, representatives from Hezbollah and government officials from both Israel and Lebanon.

The ICJ also reiterated its call for an official United Nations Commission of Inquiry to investigate violations of international humanitarian law and human rights law by all parties to the conflict in Lebanon. The ICJ believes that the highest authorities of the UN should mandate an investigation. The Security Council has a responsibility to address and act on violations in the conflict and the UN Secretary General has the ability to launch and conduct an investigation and report back to UN bodies.

At its Special Session on Lebanon on 11 August 2006 the Human Rights Council set up an inquiry commission that will only examine reported violations by Israel. 27 members of the Council voted in favour, with 11 against and eight abstentions.

"When I spoke at the Special Session last Friday I announced that we have set up the ICJ Expert Legal Inquiry. I also said it is the duty of the Council itself to assess the situation impartially, to investigate and act on violations that have occurred, no matter who or which party to the conflict has committed them", said Nicholas Howen

"The Human Rights Council has mandated an investigation that is not impartial. Its scope must be expanded to examine whether both Hezbollah and Israel have violated international humanitarian law and human rights law".

"The disappointing outcome of the Special Session underlines the urgent need for truly impartial and expert investigations into the conflict in Lebanon. The ICJ Expert Legal Inquiry will go ahead. It will cooperate with, and make its conclusions and analysis available to, any credible, high-level and impartial United Nations inquiry", added Nicholas Howen.

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http://www.icj.org/news.php3?id_article=3993&lang=en



Enclosure "B"

A searchable database of the ICJ's press releases, reports, legal documents & key external legal materials.

Palestine - Occupied territories : collective punishments, destruction of property and taking of hostages are war crimes under international law

Administration of Justice - Newsroom
29th June 2006

The ICJ is extremely concerned by the destruction of infrastructure and collective punishments carried out by Israel in the Gaza Strip, and by the kidnapping of an Israeli soldier last Sunday by Palestinian armed groups. Such acts can amount to war crimes for which individuals can be held criminally responsible. The ICJ calls on both parties to respect basic principles of international humanitarian law and reminds all States Parties to the Geneva Conventions of their legal obligation to ensure respect for the Conventions.

Following the abduction of Corporal Gilat Shalit by three Palestinian armed groups, Israeli Defence Forces (IDF) have destroyed infrastructure and bombed several roads and bridges in the Gaza Strip. Israeli Air Force aircraft also attacked a major Gaza City power station after midnight Tuesday, cutting power to much of the area and reportedly leaving some two-thirds of the Gaza Strip's 1.3 million residents without electricity and with reduced water supplies.

In the context of a military build up in northern Gaza, incursions and the firing of missiles in the southern Gaza Strip, the IDF has reportedly warned residents of the northern Gaza town of Beit Hanun and another Gaza City neighbourhood to leave their homes as the army will begin targeting populated areas. The IDF have also carried out a wave of arrests in the West Bank, detaining at least 64 members of Hamas, including ministers and parliamentarians.

"The ICJ is extremely concerned by these latest developments that constitute a clear breach of international humanitarian law that applies to the Israeli-Palestinian conflict", said Nicholas Howen, Secretary-General of the ICJ. As an occupying power exercising effective control over the West Bank and the Gaza Strip, Israel is legally bound to respect the IV Geneva Convention on the Protection of Civilians in Time of War. Article 33 of the IV Geneva Convention states: "No person may be punished for an offence he or she has not personally committed. Collective punishments and likewise all measures of intimidation or of terrorism are prohibited."

"The announcement by the IDF that it will begin targeting populated areas is totally unacceptable and a blatant violation of a fundamental principle of the law of war that prohibits the excessive and disproportionate use of force against civilians", said Mr Nicholas Howen. Moreover, statements by National Infrastructure Minister Benjamin Ben-Eliezer alluding to the possibility that Palestinian Prime Minister Ismail Haniyeh was not exempt from arrest or harm are extremely worrying and contrary to basic principles of the rule of law.

The ICJ calls on the Israeli authorities to abide by international humanitarian law, to ensure the protection and safety of the Palestinian civilian population and to stop military actions that constitute collective punishments and wanton destruction of infrastructure and basic objects indispensable for the survival of the civilian population. It recalls that under international law, the extensive destruction of property that is not justified by military necessity and carried out unlawfully and wantonly, constitutes a war crime.

As international humanitarian law also explicitly and absolutely prohibits the taking of hostages, the ICJ calls on the armed groups, which are also bound by Article 3 of the Geneva Conventions, to treat Corporal Shalit in a humane way and to immediately release him. It also condemns the killing of an Israeli civilian near Ramallah, reportedly by Palestinian militants from the Popular Resistance Committees.

http://www.icj.org/news.php3?id_article=3965&lang=en

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Enclosure "C"

A searchable database of the ICJ's press releases, reports, legal documents & key external legal materials.

Palestine - The human rights situation in the occupied Palestinian territory - Special session of the Human Rights Council

Administration of Justice - United Nations - Newsroom
7th July 2006

Speech by Nicholas Howen, Secretary-General of the International Commission of Jurists, on the human rights situation in the occupied Palestinian territory.

(This oral statement was prepared for, but not delivered at, the special session because oral interventions were suspended before all were delivered)

The human rights and humanitarian crisis in the Gaza Strip is a major test of the credibility of the new Human Rights Council because the facts and violations of international law are documented and clear.

Israel is legally bound to respect international humanitarian law in all Occupied Territories, including Gaza. As the Occupying Power, Israel must abide by the IVth Geneva Convention and protect civilians.

Israel has destroyed power stations, roads and other infrastructure in the Gaza Strip. It has bombed bridges and university buildings. The military operations have deepened an existing humanitarian crisis, further preventing access to food, clean water, medical services and electricity.

Such destruction is a war crime. It cannot be justified by military necessity and with these military operations Israel is directly attacking the civilian population and civilian objects. Individuals carrying out such war crimes or ordering them or acquiescing in them can and must be held criminally responsible.

The targeting of the civilian population also amounts to collective punishment against the 1.5 million people living in the Gaza Strip, in violation of the Geneva Conventions. By preventing civilians from having access to food and other essentials items, Israel is in violation of the obligation under international humanitarian law to protect civilians in occupied areas and its obligations under the International Covenant on Economic, Social and Cultural Rights. (But it should also be recalled that the humanitarian situation worsened after the US and the European Union froze funds to the Palestinian Authority.)

The Gaza Strip is being bombed, aircraft are flying low at super sonic speeds and there is a military build up of tanks at the northern border where incursions into the Gaza Strip have already taken place. These are acts of intimidation, prohibited by Article 33, IVth Geneva Convention. In effect, the Gaza Strip is under siege.

Palestinian armed groups have denied Corporal Shalit his status as a prisoner of war by demanding that his release is conditional on Palestinian detainees in Israeli jails being released. He is therefore being held as a hostage, which is a war crime. As a hostage, he should be immediately and unconditionally released.

But these clear violations of international law by the Palestinian armed groups do not in any way justify the excessive and disproportionate response by Israel and the direct targeting of the civilian population and the infrastructure they need to survive. One violation cannot justify another. The use of force by the Israeli army, compounded by the arrest of more than 60 members of the Palestinian government and parliament, looks more like reprisals for the capture of Corporal Shalit.

The whole population of the Gaza Strip is suffering. The violence is escalating, threatens to extend to other countries and is again destabilising the region.

Both the facts and the action required by the Israeli authorities and Palestinian armed groups are clear. The Council already has the valuable assessment of its Special Rapporteur on Occupied Palestinian Territories. It is for now every member state individually and collectively to take urgent action. **When war crimes are being committed on the scale of these Israeli military operations against civilians, states have a collective "responsibility to protect,"** a commitment made by heads of state at the UN Summit only last September. And every state party to the Geneva Conventions is legally bound to act to prevent and stop war crimes. This includes arresting and prosecuting or extraditing those who may be responsible for war crimes.

The immediate imperative is to diffuse this dangerous situation; relieve the siege and ensure people have access to enough food, water, electricity, health care and other essentials of life; stop war crimes and gross violations of international human rights law; protect the civilian population from direct or indiscriminate attack, collective punishments and intimidation; and release all those arbitrarily detained.

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Unfortunately there has been little discussion in this Special Session of the range of actions the Council could take. Mere words by the Human Rights Council will have little effect. Yet more fact-finding missions will delay action even further. But this body can be a driving force to ensure those with influence act.

The Human Rights Council should call on the Security Council to act that has the primary responsibility in this situation, especially given the apparent unwillingness or inability of the Quartet to respond to the crisis facing 1.5 million civilians.

The Human Rights Council, as a subsidiary organ of the General Assembly, should also now call on its parent body to act under GA Resolution 377 if the Security Council fails in its responsibilities. Under this "Uniting for Peace" resolution, the GA is empowered to take action itself if the five permanent members of the Security Council cannot agree on how to deal with a threat to international peace and security.

The Council should also urge the UN Secretary-General to exercise good offices, including urgently dispatching a senior envoy to find solutions that will ensure civilians are protected and have access to the essentials of life and that all those arbitrarily detained are released.

http://www.icj.org/IMG/HRC_Spec.pdf - delivered on July 5th 2006.



Enclosure "D"

Lebanon - Israel, Lebanon and Gaza Strip: UN to take immediate action to protect civilians

Impunity & Reparations - Newsroom
21st July 2006

Following the latest escalation of Israeli air raids and military incursions into Lebanon that have dramatically impacted on the lives of hundreds of thousands of civilians, the International Commission of Jurists (ICJ) has called today on the UN to take immediate action to protect the civilian population in Lebanon, as well as in the Gaza Strip.

"The widespread lethal impact of the Israeli armed operations on Lebanese civilians and infrastructure has to stop immediately", said Mr Federico Andreu-Guzman, deputy Secretary-General of the ICJ. The organization is extremely concerned by the apathy of the international community and the inactivity of key governments toward the ongoing Israeli military actions in Lebanon as well as in Gaza, and the widespread killings and suffering of people. The ICJ calls on the Security Council - or the General Assembly if the Security Council is unable to come to an agreement - to take immediate and effective measures to stop the military escalation in which civilians have already paid a huge price. "Such measures may include the dispatch of a new UN multinational force or a drastic strengthening of the mandate of UNFIL, and a substantive enlargement of its personnel", added Mr Andreu-Guzman. Time is of the essence, and any further procrastination by the international community and the UN would be irresponsible.

For the past eight days and nights, the Israeli air forces have destroyed countless civilian buildings, infrastructure and means of transportation in operations that have killed more 300 people - most of them civilians - and wrecked havoc on Lebanese cities, harbours, airports and other infrastructure, leading to the displacement of more than half a million people. Appalled by the impact of the ruthless military operations, the ICJ recalls that Israel has to unconditionally respect the lives and security of civilians and abide by the Geneva Conventions to which it is a party. Under the law of war, intentional attacks against the civilian population as such or against civilians not taking direct part in hostilities, as well as the extensive destruction of property not justified by military necessity, constitute war crimes. The wanton destruction of the Beirut airport and civilian aircrafts are blatant examples of these destructions. Similarly, the bombing of undefended towns, villages and dwellings that are not military objectives, as well as the intentional attacks that will knowingly cause incidental loss of life or injury to civilians also constitute war crimes for which individuals can be held criminally responsible.

"While Israel has a legitimate right to defend itself against hostage-taking and the launching of rockets by the Hezbollah over Israeli territory, this right is not unlimited and is subject to the restrictions of international law," said Mr Andreu-Guzman. "Indeed, the disproportionate and indiscriminate reactions of the Israeli military are reprisals against the civilian population and thus amount to collective punishment. Collective punishments constitute a war crime under international law", added Mr Andreu-Guzman.

For its part, the Hezbollah has fired rockets on Northern Israeli towns, killing 15 civilians to date and wounding dozens of others, while damaging or destroying houses. The ICJ recalls that members of armed groups also have to fully abide by the Geneva Conventions, which prohibit targeting civilians. As for the capturing of two Israeli soldiers by Hezbollah last week, under international law, enemy combatants held prisoners by the other party should be granted prisoner-of-war status in accordance with the III Geneva Convention. The taking of hostages is strictly forbidden by international law and thus constitutes a war crime. While international attention is focused on Israeli army attacks in Lebanon, the Israeli army has continued its air and land operations in the Gaza Strip, reportedly killing members of armed groups but also killing and wounding more than 50 people such as during the latest operation in Mughazi camp. Armed members of Hamas also have to fully abide by the Geneva Conventions and should stop firing rockets at civilian areas.

The ICJ calls on Israel and on armed groups to immediately stop targeting civilians and fully respect international humanitarian law.
http://www.icj.org/news.php3?id_article=3986&lang=en



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Enclosure "E"

Not referred to at the document:

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**Lebanon - Protecting civilians cannot await diplomatic efforts
ICJ calls on Hezbollah and Israel to abide by laws of war**

Administration of Justice - Impunity & Reparations - Counter Terrorism and Human Rights - Newsroom
7th August 2006

The International Commission of Jurists (ICJ) said today that protecting the lives of civilians in Lebanon and Israel cannot wait the outcome of international diplomatic efforts to end the conflict and called on both Hezbollah and the Israeli Defence Forces to distinguish between combatants and civilians and between civilian and military targets, as required by international humanitarian law.

"Civilians in both Israel and Lebanon have paid the tragic price of this conflict. While a ceasefire is imperative, civilians cannot wait for diplomats in New York to agree the text of a resolution. Direct and indiscriminate attacks against civilians and civilian objects in this conflict must end", said Nicholas Howen, Secretary-General of the ICJ.

Hezbollah has reportedly fired close to 3,000 rockets into Israeli territory, which have led to the death of more than 30 civilians. The facts indicate that the vast majority of these rockets amount to direct or indiscriminate attacks on civilian areas. Yesterday, 6 August, Hezbollah rockets reportedly killed at least three civilians and injured dozens in Haifa.

"Such deliberate attacks on civilian areas in Israel by Hezbollah must end and those responsible held accountable", said Nicholas Howen.

The Israeli Defence Forces have targeted and destroyed civilian buildings, means of transportation and other infrastructure in Lebanon, in operations that have reportedly killed hundreds of people, most of them civilians, and displaced hundreds of thousands of people.

"The reported facts indicate that Israel's military response is excessive and disproportionate. We urgently need an official United Nations inquiry into whether Israeli attacks against civilian objects and attacks that led to civilian deaths, such as the destruction of a building in Qana on 30 July and of a farm building in Qaa on 4 August, amount to violations of international humanitarian law, including war crimes. If so, anyone legally responsible must be held accountable", said Nicholas Howen.

The legitimate right of Israel to defend itself against the launching of rockets by Hezbollah over Israeli territory and the holding of soldiers as hostages cannot justify in international law an excessive or disproportionate response by the Israeli military. Similarly, the response of Israel cannot justify Hezbollah directly or indiscriminately firing at civilians in Israel or holding soldiers as hostages.

Under the laws of war, intentional attacks against the civilian population as such or against civilians not taking part in hostilities, as well as the extensive destruction of civilian property not justified by military necessity, constitute war crimes. The bombing of undefended towns, villages and dwellings that are not military objectives, as well as intentional attacks that knowingly cause incidental loss of life or injury to civilians also constitute war crimes. Individuals carrying out such war crimes or ordering them or acquiescing in them can and must be held criminally responsible. Those laws of war apply for both Hezbollah and Israeli Defence Forces.

For further information contact the ICJ, +41 22 979 38 00 or Kirstine Lauridsen, +41 76 562 3810

http://www.icj.org/news.php3?id_article=3990&lang=en

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