

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
damage to the Lebanese nation caused by them

Brussels February 22-23-24, 2008

International Associations Center

JURY

**Lilia Solano (president), Adolfo Abascal, Claudio Moffa (reporter), Rajindar
Sachar.**

FINAL VERDICT

GIVEN

that the victims and Société civil Lebanese, 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 Fahrat, 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, that is, Lilia Solano (Colombia), Adolfo Abascal (Cuba), Claudio Moffa (Italy) and Rajindar Sachar (India), 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 achieved during the time starting from July 12, 2006 to August 24,

2006, the closing date of the aggression; that immediately after this the Jury met and named as its President Prof Lilia Solano;

that Friday, February 22 at 9 p.m. the jury opened the trial, 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;

that 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 FINUL 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 been accomplished 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, basins 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 defense 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, and aimed at causing immediate or time-delayed damage to the civilian population, including children, prohibited weapons: toy bombs, cluster bombs, bombs with helium and according to the deposition returned by one of the witnesses, bombs with depleted uranium: on this last type of bombs the opinion of the experts is not unanimous, because the checks 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;

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: OMISSIS [details omitted for the sake of brevity--tr]

B) Economic damages: OMISSIS

C) Social damages: OMISSIS

The economic damages have in turn caused a social crisis, represented by the extreme vulnerability of the middle class and by the impoverishment of the already deprived layers of society. Unemployment has increased to 15%, as compared with the 8% level of 2004, inflation has quadrupled,

D) Environmental damages:

The most important damage was caused by the bombardment of the electrical center of Jiyeh (Beirut), during which 15,000 tons of oil was discharged in the Mediterranean Sea, causing an oil slick 14 km long and 1.5 km wide, with serious damages to marine life and fishing activities. In addition, it can be foreseen that this action will also cause damage to human health (dermatological problems, cancer, pulmonary diseases).

E) Psychological and cultural damages: OMISSIS

2. LAW

A) In accordance with the unleashing of the Israeli attack and the government in Tel Aviv's alleged justification of 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 FINUL, 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 irregular formations (e.g., national liberation movements) 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 occupant, 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 Conventions 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 populations” as defined by Art 7 of the Statute of the International Criminal Court (“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);
- use of thermobaric (fuel air) weapon on civil structures on open air (1) , use of weapons that do not leave traces and targeting of civil housing and targeting of civilians (2) 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 the International Criminal Court (“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, directly taken again from the 1948 Geneva Convention and thus of the Nuremberg Tribunal, results in permitting its application to many if not all the conflicts of our epoch, characterized as is well-knowns 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) and Statute of the International Criminal Court of 1998, noting the enormous crimes committed by Israel (indiscriminate bombardments and destruction, murder of more than a thousand people, among them children, women and elderly men, enormous damage to social and economic life) declare the Israeli authorities responsible for the 2006 war against Lebanon and guilty of the following international crimes:

1. war crimes
2. crimes against humanity
3. genocide

translation from the French: John Catalinotto