



General Assembly

Distr.
GENERAL

A/HRC/2/G/9
3 October 2006

ENGLISH
Original: ARABIC

HUMAN RIGHTS COUNCIL
Second session
Agenda item 2

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

Letter dated 30 September 2006 from the Permanent Representative of Lebanon to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I have the honour to transmit to you the official observations of the Government of Lebanon on the joint report, contained in document A/HRC/2/7, of the Special Rapporteurs Phillip Alston, Paul Hunt and Miloon Kothari and the Representative of the Secretary-General, Walter Kälin, who visited Lebanon from 7 to 10 September 2006.

Other comments from the competent Lebanese authorities will be provided in due course.

I respectfully request that this reply* be circulated as an official document of the second session of the Human Rights Council.

(Signed): Gebran SOUFAN
Ambassador
Permanent Representative

* Reproduced in the annex as received, in the language of submission and in English.

Annex

Beirut, 29 September 2006

Comments on the facts and conclusions set out in the joint report submitted by four United Nations special rapporteurs on 26 September 2006

Paragraph 4

Use the schedule of official appointments to identify, by name and function, the Lebanese leaders and officials with whom the special rapporteurs met.

Paragraph 6

Neglects to mention the destructive Israeli strikes carried out against civilians in 1996 (the Qana massacre) and other subsequent attacks on infrastructure that affected civilian life.

As for the disarmament of Hezbollah, this matter has been left, as affirmed by the Secretary-General of the United Nations himself and other United Nations officials such as Mr. Terje Roed-Larsen, to the Lebanese internal dialogue.

Paragraph 7

This paragraph plays down the scale of the destructive Israeli aggression and the reasons why it was launched. It clearly implies that both sides in the war violated the principle of proportionality.

Paragraph 8

This paragraph ignores a basic fact, namely that Lebanese deaths and casualties caused by the Israeli aggression were largely the result of a series of massacres that occurred in shelters, peaceful villages, humanitarian convoys and hospitals.

Paragraph 11

Clearly shows the limits of the special rapporteurs' mandate, limits that cannot be overstepped under any circumstances.

Paragraph 12

The party which continued the war after the adoption of Security Council resolution 1701 (2006) was Israel. Hezbollah completely ceased hostilities. The paragraph also perpetuates the mistaken assertion that Israelis returning to their towns and villages found their homes and amenities destroyed and damaged.

Paragraph 13

Israel is not a party to the first and second protocols to the Geneva Conventions.

Paragraph 14

This paragraph confuses a state of emergency as understood under public law with an emergency declared by humanitarian agencies of all kinds, and which Lebanon declared on the first day of the all-out attack.

Paragraph 18

No one denies that Hezbollah is not subject to the exigencies of international humanitarian law or suggests that it regards itself as being outside the framework of such law.

Paragraphs 23 and 28

Fails to name the attacker and confines itself to the duties that they theoretically bear under applicable international humanitarian laws and norms, even though the magnitude of the Israeli aggression, and the devastation and destruction which it caused totally defies the imagination and surpasses all understanding.

Paragraph 30

The excuse of time, information and other constraints does not justify the special rapporteurs' failure to determine the responsibility of individuals for crimes under national or international law. It is totally inappropriate to mention the existence of war crimes and leave it up to national authorities to attribute responsibility, since war crimes, by their very nature, are among the most serious crimes under international criminal law.

Paragraphs 31 and 33

The fact that Lebanese civilians were targeted by Israel in its most recent aggression is not something that needs to be proved, nor is it merely a question of alleged violations that need to be discussed.

As for the assertion in paragraph 33 that Hezbollah used civilians as human shields, this is completely erroneous, untrue and unproven, since the civilians in question are people of the resistance.

Paragraph 34

The total bias in favour of Israel in the report is expressed in the notion that Israel set limits on its attack against Hezbollah for principled and pragmatic reasons.

The Israeli aerial attacks, ground bombardment and ground attacks were not measured in any way, as demonstrated by the scale of the devastation and destruction.

Paragraph 35

The leaflets dropped from Israeli aircraft and the telephone calls were largely misleading and propagandistic. Israel's failure to abide by its obligations towards the United Nations (the Marjayoun convoy) suffices to underline the futility of according any importance to these leaflets and announcements.

Paragraph 42

It is easy to gather the necessary information about the reasons for targeting buildings in the Dahiya area and whether they all housed military headquarters or serviced the military operations of Hezbollah.

Paragraph 43

This paragraph ignores most of the Israeli massacres in southern Lebanon and thus the fact that the majority of Lebanese fatalities and injuries occurred in that area.

Paragraph 47

Refers to the inability of the special rapporteurs to rely on any evidence of Hezbollah's responsibility for targeting the Marwahin convoy, as claimed by Israel. However, this paragraph raises real questions about this issue which ought to have led it to make a definitive determination in this regard.

Paragraph 52

Refers to a range for the number of time bombs which Israel left on the ground in southern Lebanon. Both the international and Emirates demining teams cite information suggesting that the figure is over 1 million. Therefore, it is necessary to correct the figure given for the number of unexploded time bombs in South Lebanon.

Paragraph 56

States that it is clear that Hezbollah made use of houses and residential sites for its military purposes while affirming that there is no clear evidence of this other than Israeli video films showing rockets being launched by Hezbollah from civilian residential buildings in South Lebanon. This paragraph fails to reach any definitive conclusion on the subject of the use by Hezbollah of human shields, even though it says that there is no clear evidence in this regard.

Paragraph 58

The paragraph ignores the Israeli military's targeting of other civilian areas in Lebanon apart from the Dahiya area of southern Beirut and the South, such as the city of Baalbek and the village of Qa` where a massacre took place. These are areas located in eastern Lebanon (the Bekaa). The figure given for the number of persons who were left without a home is far lower than the true figure, since the calculation method used was unscientific.

Paragraphs 60 and 62

Ignores the fact that displaced persons sought refuge in open spaces and camped out in public gardens (such as Sanai` Garden).

Paragraph 66

Refers to public statements by the Secretary-General of Hezbollah, Hassan Nasrallah, rejecting the requirements of international humanitarian law. Where is this rejection found in the Secretary-General's public or televised speeches, statements or declarations?

Why ignore his constant reference to the fact that he reserves the right to respond and the right to self-defence and his references to the taking of innocent Lebanese civilian lives and the systematic destruction of entire villages and towns?

How did the special rapporteurs arrive at the conclusion that Hezbollah believes it has a right, and even a duty, to attack Israeli civilian targets without making any distinction as to military targets? Where is the principle of proportionality in all this?

Paragraph 69

Does not refer to any military targeting of Hezbollah rockets in Israel.

Paragraphs 70 and 72

Neglects to mention that none of the munitions used by Hezbollah are classified as internationally prohibited weapons.

Paragraph 73

Takes as a proven fact that Hezbollah only targeted civilian areas and facilities in Israel. This is tendentious and untrue.

Paragraph 82

Does not give the correct figure for the number of persons left homeless in the southern Dahiya and South Lebanon (not to mention the populated areas of the Bekaa that were affected by the destruction). The figure far exceeds 45,000 persons.

Paragraph 90

The Jiyeh facility was attacked repeatedly between the 15th and 16th. The clean-up and environmental remediation costs are estimated at around \$100 million. However, the Athens Conference determined that \$50 million was needed before the end of 2006 to implement its recommendation at the Stockholm Conference.

The report considers that the Lebanese-Israeli conflict ended in 2000, following the withdrawal of Israeli forces from Lebanon in accordance with Security Council resolution 425 (1978). It does not mention Israeli violations between 2000 and 2006 as enumerated in the tables annexed hereto, nor does it refer to Lebanon's reservations regarding the Israeli withdrawal which did not extend to all occupied Lebanese territory.

The report mentions the psychological impact on Israeli civilians, but does not mention the impact on Lebanese civilians.

The report does not accord the necessary importance to Israeli bombardment of civilians and infrastructure affecting areas a long way away from combat zones in Lebanese territory.

The report makes no mention whatever of Israel's deliberate bombing of a United Nations observer post and the killing of four (4) observers.

The report does not mention Israel's use of internationally prohibited weapons (phosphorous-toy-shaped bombs-gas).

As for the report's conclusions, the following points need to be made:

1. The report places Israel and Hezbollah on the same footing with regard to the violation of international and humanitarian law and norms, particularly the violation by both combatants of the principle of proportionality. This is very biased and is not objective.
2. The recommendations addressed at Hezbollah refer to its obligation to inform its fighters of the possibility of criminal prosecution for violations of international humanitarian law, although the same recommendation is not made to the Government of Israel, a fully-fledged State, as compared with the Party, which is merely a popular resistance organization.
3. The recommendations addressed to the Human Rights Council state that Hezbollah's targeting of civilians in Israel could amount to a war crime. This is deplorable, firstly, because it regards Hezbollah's operations as falling into this category and, secondly, because it effectively denies Lebanon its right to bring legal proceedings against Israel before the competent international bodies and to seek compensation.
4. The recommendations to Israel do not refer to the need to refrain from threatening the official headquarters of authorities and national political leaders and from destroying sites belonging to the national government authorities.
5. The conclusions and recommendations avoid making any comparison between the scale of the destruction and damage visited upon Lebanon and the damage done in Israel, as well the impact on the civilian population.

Conclusion

We consider that the rapporteurs, having seen with their own eyes the impact of the Israeli aggression against Lebanon, ought to have expressed surprise at the scale of the destruction which it inflicted on human beings and structures, as well as the scale of the tragedies caused. They ought to have at least mentioned in their report, in order to avoid being accused of bias and lack of objectivity, a few examples from the history of destructive wars which came to their minds when they saw the impact of the comprehensive and systematic destruction that the Israeli assault inflicted upon Lebanon and which was not confined to the Dahiya in southern Beirut or to South Lebanon but brought destruction and death to all of Lebanon, albeit to different degrees.

Annexes:

- Table comparing enemy and military operations;
- Table of Israeli violations by air, sea and land;
- Statistical table of Israeli violations by air, sea and land.

STATISTICAL TABLE OF ISRAELI VIOLATIONS FROM 2001 TO 2006

Israeli air violations -●-

Israeli sea violations -□-

Israeli land violations

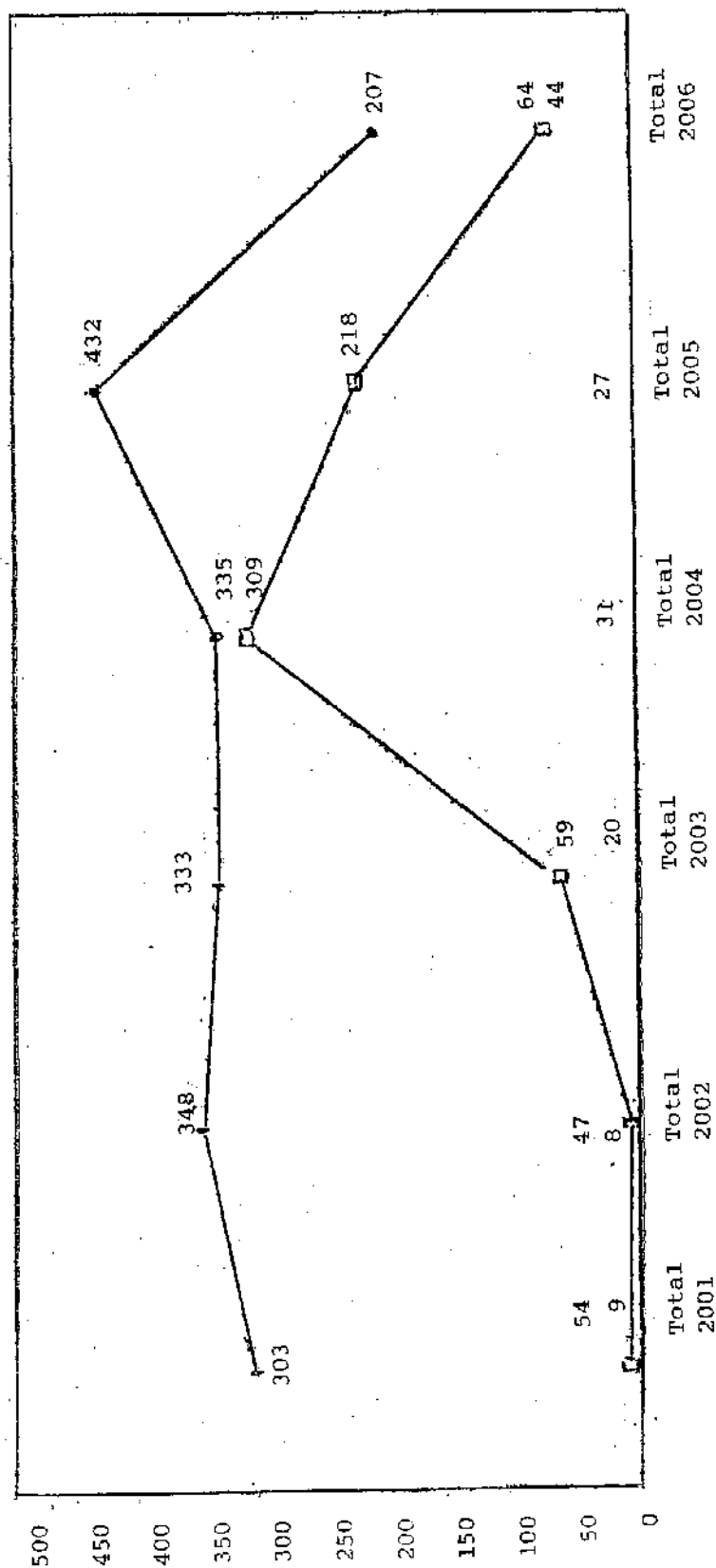


Table comparing hostile and military operations

	Lebanon	Israel	Comments
Displaced persons	1 000 000	300 000	
Destroyed bridges	337	None	
Airports	3	None	
Power stations	1	None	
Fuel stores destroyed	2	None	
Long-term environmental pollution	1 (sea)	None	
Deaths	1 191	43	
Injuries	4 405	2 237 (psychological trauma)	
Cluster bombs	1 200 000	None	
Civilian communications stations and transmitters	6	None	
Destroyed homes	60 000	90, partially destroyed	
Roads completely interrupted	137	None	
Hostile aerial sorties	15 000	None	

Total/year	2001	2002	2003	2004	2005	2006	Grand total
Israeli air violations	303	348	333	335	432	207	1 958
Israeli sea violations	9	8	59	309	218	64	667
Israeli land violations	54	47	20	31	27	44	223
