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人权理事会
第二届会议
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大会 2006 年 3 月 15 日题为
“人权理事会”的第 60/251 号决议的执行情况

法外处决、即审即决或任意处决问题特别报告员 **Philip Alston**、
人人有权享有最佳身心健康问题特别报告员 **Paul Hunt**、
负责国内流离失所者人权问题的秘书长代表 **Walter Kälin**、
适足生活水准权所含适足住房及在此方面不受歧视权问题
特别报告员 **Miloon Kothari** 的报告

访问黎巴嫩和以色列 *
(2006 年 9 月 7 日至 14 日)

* 由于本文件篇幅过长，尾注和附件不译，原文照发。

概 要

法外处决、即审即决或任意处决问题特别报告员、人人有权享有最佳身心健康问题特别报告员、负责国内流离失所者人权问题的秘书长代表、适足生活水准权所含适足住房及在此方面不受歧视权问题特别报告员在 2006 年 7 月 12 日至 8 月 14 日发生的武装冲突过后不到一个月访问了黎巴嫩和以色列。

本报告载有 4 位特别程序任务负责人的调查结果，涉及以色列和真主党进行敌对行动如何影响黎巴嫩和以色列平民的生命权、健康和住房权，以及武装冲突所致国内流离失所者的权利。本报告还分析冲突之后在享受这些权利方面的重大挑战。

根据调查结果，4 位任务负责人向以色列政府和黎巴嫩政府、真主党、人权理事会、理事会 S-2/1 号决议所设调查委员会以及国际社会提出建议。

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一、导 言

1. 法外处决、即审即决或任意处决问题特别报告员 Philip Alston、人人有权享有最佳身心健康问题特别报告员 Paul Hunt、负责国内流离失所者人权问题的秘书长代表 Walter Kälin、适足生活水准权所含适足住房及在此方面不受歧视权问题特别报告员 Miloon Kothari 应黎巴嫩政府和以色列政府的邀请，并根据各自的任务，与 2006 年 9 月 7 日至 10 日访问了黎巴嫩，并于 2006 年 9 月 10 日至 14 日访问了以色列。

2. 访问的主要目的是：(一) 从各自任务所涵盖的国际人权和人道主义法的角度评估 2006 年 7 月 12 日至 8 月 14 日发生在黎巴嫩南部和该国其他地区以及以色列北部的武装冲突对平民的影响；(二) 联系两国政府的人权义务和面临的挑战，就如何履行保护和协助受影响平民的责任问题向两国当局提出建议；以及(三) 就如何以最佳方式处理受影响群众特别是最弱势群体在保护方面的需要，向联合国机构和其他有关行为方提出建议。

3. 这次是 4 位任务负责人响应人权理事会主席的提议自行前往进行的访问。这次访问完全独立于根据理事会 S-2/1 号决议设立的调查委员会。

4. 在黎巴嫩，访问团会见了拉胡德总统、西尼乌拉总理、外交部长、卫生部长、内务部长、司法部长、社会事务部长，以及一些政府机构和议会人权委员会的代表。访问团走访了贝鲁特南郊，并且前往南部，包括提尔、宾特朱拜勒以及 Ayta ash-Shab。在以色列，访问团会见了最高法院院长和政府官员，包括旅游部长、总理高级新闻顾问、外交部和卫生部的高级官员、前情报调研负责人，以及以色列国防军作战师监控处负责人和后方司令部军官、议会人权委员会，以及以色列国防军法律顾问和外交部法律顾问。访问团还前往以色列北部，包括 Mrar、什姆纳镇、Majd al Krum、纳哈日亚、海法、拿撒勒。任务负责人在两国还会见了民间团体代表以及冲突受害者。¹

5. 访问团成员表示赞赏两国有关当局充分合作的态度，以及进行讨论的公开和建设性方式。他们还十分感谢民间团体成员会见访问团并提供情况，并感谢许多受害个人讲述自己的经历。

二、大背景

6. 黎巴嫩和以色列历来关系紧张，并发生过一系列冲突，特别是 1978 年和 1982 年。2000 年 5 月，以色列政府按照安全理事会第 425(1978)号决议和第 426(1978)号决议的要求从黎巴嫩撤出了部队。2004 年 9 月 2 日，安全理事会通过了第 1559(2004)号决议，其中重申对黎巴嫩领土完整、主权和政治独立的强有力支持，呼吁从黎巴嫩撤出所有其余部队，解散所有黎巴嫩民兵和非黎巴嫩民兵并解除其武装。2005 年 4 月，阿拉伯叙利亚共和国政府从黎巴嫩撤出了 1976 年以来驻扎在黎巴嫩领土上的部队。尽管黎巴嫩国内在这个问题上一直在进行对话，但真主党没有根据黎巴嫩内阁的决定解除武装，该决定规定“除了属于黎巴嫩政府的武器和权力机构以外，黎巴嫩将没有任何其他武器或权力机构”。²

7. 2006 年 7 月 12 日，真主党战斗人员越过边界进入以色列，袭击了 Zarit 村附近的以色列巡逻队，打死 8 名以色列士兵，并带着 2 名俘虏的以色列士兵返回黎巴嫩。由此触发了真主党与以色列的一次大规模武装冲突。黎巴嫩遭受了空中、海上和地面袭击，真主党向以色列北部发射了数千枚火箭。

8. 冲突对平民造成了深远的影响。在黎巴嫩，据报有 1,191 人被打死，4,405 人受伤。³ 儿童占伤亡人数的三分之一，占国内流离失所者人数的估计 45%。⁴ 数以万计的住房和大量公共基础设施毁损，国内流离失所者人数可能达到 100 万。没有能力或不愿意离开危险地区的人难以得到人道主义救援，即使得到也很有限，一些社区长时间与外界隔绝。

9. 以色列紧急医疗服务协会(Magen David Adom)的统计数字表明，以色列有 43 名平民被打死，其中包括 7 名儿童。死者三分之一是以色列阿拉伯人。75 名平民受重伤，115 名平民中度受伤，807 名平民受轻伤。⁵ 数 10 万人流离失所，还有更多的人一度被迫住进掩蔽所。⁶

10. 2006 年 8 月 11 日，安全理事会通过了第 1701(2006)号决议，其中，安全理事会除其他外呼吁“在真主党立即停止所有攻击和以色列立即停止所有军事进攻行动的基础上，全面停止敌对行动”，强调“必须按将黎巴嫩政府的管辖权扩展到黎巴嫩全部领土”，并扩充了联合国驻黎巴嫩临时部队及其任务。

11. 同日，人权理事会举行了第二届特别会议。在第 S-2/1 号决议中，理事会强烈谴责以色列在黎巴嫩严重侵犯人权、违反国际人道主义法。理事会还决定设立

并立即派遣一个高级别调查委员会，除其他外调查以色列在黎巴嫩蓄意以平民为攻击目标的情况，并评估以色列对人的生命、财产、重大基础设施和环境攻击的影响。

12. 虽然安全理事会第 1701(2006)号决议通过之后战斗仍然持续了一段时间，到最后一刻甚至还进一步加剧，但敌对行动终于在 2006 年 8 月 14 日上午 8 时结束。两国因冲突而流离失所的人随后即开始大量返回居住地区。返回黎巴嫩南部的许多人的住房已经被毁，面临水、电供应短缺的局面，并且保健和其他公共服务因在冲突中受损而十分有限。未爆弹药，特别是集束炸弹，也对平民特别是黎巴嫩南部的平民构成严重威胁。返回家园的以色列人则发现住房和其他生活设施毁损。

13. 本报告从作者的任务角度出发评述这些事项，但由于篇幅限制很严以及其他制约因素，无法彻底全面地分析所有有关问题。举例而言有，与诉诸战争权、以色列国防军打死 4 名联合国军事观察员⁷、人道主义走廊、以色列在停火后袭入黎巴嫩，以及真主党、黎巴嫩和其他国家之间的关系等有关的问题。其中每个问题以及一系列其他问题都提出了超出本报告范围的重要问题。虽然本报告多处比较了冲突分别对双方产生的影响，但本报告的目的在于就冲突对人权的影响提供详细的法律和事实情况及分析。有待人权理事会和本报告的其他提交对象根据所提供的数据和分析得出适当的结论。

三、法律框架

A. 人权法

14. 以色列和黎巴嫩都是与当前局势有关的各项主要人权条约的缔约方。⁸

15. 人权法在战争时期并不停止适用，除非是根据与紧急时期有关的确切的克减规定。⁹ 具体而言，《公民权利和政治权利国际公约》和其他国际人权文书允许在危及国家生存的情况下可以克减某些保障，但条件是措施以严格需要者为限，并须在公共紧急状态或武装冲突停止后立即解除。¹⁰ 某些保障不得克减，特别是关于禁止酷刑和残酷、不人道或有辱人格待遇的规定或关于生命权的保障。¹¹ 黎巴嫩并没有宣布《公民权利和政治权利国际公约》第四条所指的紧急状态，但于 2006 年 7 月 12 日宣布了全国紧急状态。以色列至今仍处于《建国宣言》发表 4 天后 1948 年 5 月 19 日宣布的公共紧急状态中。¹² 以色列在批准《公民权利和政治权利国际公

约》之时就该紧急状态的存在作出了一项声明，并就第九条(人身自由和安全)提出了一项保留。¹³ 关于经济、社会和文化权利，《经济、社会、文化权利国际公约》并未明文允许紧急状态时期的克减，但根据第四条和第五条，以及由于第二条第 1 款意义内可得资源匮乏的可能性，在武装冲突时期可以克减《公约》的保障。¹⁴

16. 在武装冲突时期，人权法和国际人道主义法并不相互排斥，而是相辅相成，要进行全面的法律分析，就需要考虑这两方面的各项法律。¹⁵ 就解释某些人权的目的而言，较具体的国际人道主义法规则可能与之相关。¹⁶

17. 国际人权制度除了包含公民权利和政治权利以外，还包含全部经济、社会和文化权利(诸如与享有最佳身心健康和适足住房有关的权利)，因而可据以分析本次冲突。

18. 关于领土适用范围，《公民权利和政治权利国际公约》第二条规定每一缔约国有义务“尊重和保证在其领土内和受其管辖的一切个人享有”该公约所承认的权利。国际法院得出结论认为，《公民权利和政治权利国际公约》“适用于一国在本国领土外为行使管辖权而实施的行为”。¹⁷ 《经济、社会、文化权利国际公约》和《消除对妇女的一切形式歧视公约》不包含限制其对缔约国领土适用的规定。《禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约》(《禁止酷刑公约》)第 2 条第 1 款和第 16 条第 1 款提到每一缔约国有义务防止“在其管辖的任何领土内”出现酷刑的行为。

19. 真主党是一个非国家行为方，虽然真主党不能成为这些人权条约的缔约方，但仍然要服从国际社会最初在《世界人权宣言》中提出的关于每个社会组织都应尊重和增进人权的要求。安全理事会长期以来一直在呼吁会员国不承认具有相关行事能力的各种团体正式承担尊重人权的国际义务。¹⁸ 武装团体“如果……对领土和人民实行严格控制，并具有可识别的政治结构”，那么呼吁这种团体尊重人权准则就尤其是适当和可行的。¹⁹

20. 本报告重点关注的并非仅仅是对生命权和有关政治权利和公民权利的侵犯，而且还具体关注健康和住房权²⁰ 以及国内流离失所者的境况。

21. 国内流离失所者作为各自国家的公民，有权享受有关国家接受或在习惯国际法基础上适用的国际人权和人道主义法的所有保障。同时，他们也有一些与非流

离失所者不同的具体需要，必须通过具体的保护和援助措施予以解决。《关于国内流离失所的指导原则》中反映并详细规定的这些权利。²¹

B. 国际人道主义法

22. 以色列和黎巴嫩都是 1949 年 8 月 12 日《日内瓦四公约》的缔约方。黎巴嫩是《日内瓦四公约》第一附加议定书和第二附加议定书的缔约方。冲突各方也都要服从人道主义方面的习惯国际法。²²

23. 以色列国防军向访问团说明，所作决定的依据是关于国际武装冲突的法律，特别是 1949 年 8 月 12 日《关于战时保护平民之日内瓦公约》（《第四号日内瓦公约》），以及第一号附加议定书宣示习惯国际法的规定。对于冲突是界定为国际性还是非国际性是一个复杂的问题，但本报告主要依据的是对两种形式的冲突都适用的习惯国际法。

24. 在适用于攻击方的规则中，最相关的涉及区别原则、相称原则以及采取预防措施的义务。这些义务是总合性的：只有遵守所有规则的攻击才是合法的。

25. 首先，在区分原则之下，冲突各方在任何时候都必须区别平民和战斗员，²³ 攻击只能针对军事目标，军事目标的定义是：由于性质、位置、目的或用途对军事行动具有实际贡献，而且在当时情况下其全部或部分毁坏、缴获或失去效用可提供明确的军事利益的物体。²⁴ 唯一可以针对平民的攻击是平民作为敌对行动直接当事方的情况。²⁵ 所以，攻击民用物体²⁶ 是非法的，除非在攻击时这种物体被用于军事目的而且其毁坏可提供明确的军事利益。

26. 不分皂白的攻击也在禁止之列。²⁷ 这种攻击是指(一) 不以特定军事目标为对象、(二) 使用不能以特定军事目标为对象的作战方法或手段或(三) 使用其效果不能按照国际人道主义法的要求加以限制的作战方法或手段，而因此在上述每个情况下都是属于无区别地打击军事目标和平民或民用物体的性质的。²⁸ 禁止使用将城镇或乡村内的许多明显分散而独立的军事目标视为单一的军事目标的方法或手段进行轰炸的攻击，包括使用火箭弹进行的攻击。²⁹ 关于禁止不分皂白攻击的规定不仅必须用以确定某次特定军事行动的策略，而且也限制在影响平民的情况下使用某些武器。

27. 第二，根据相称原则，禁止可能附带使平民生命受损失、平民受伤害、平民物体受损害或三种情况均有、而且与预期的具体和直接军事利益相比损害过分的、对正当军事目标的攻击。³⁰

28. 第三，攻击方必须采取一切可行的预防措施，避免并在任何情况下都尽量减少平民生命损失、平民受伤和平民物体受损。³¹ 国际人道主义法针对攻击的计划和实施规定了一系列具体的预防措施。³² 此外，要求攻击方就可能影响平民的攻击发出有效的预警，除非当时情况不允许。³³

29. 国际人道主义法对于防御方也规定的义务。禁止使用“人体盾牌”。³⁴ 违反这项规则可被视为意味着防御方专门意图利用平民避免本属正当的军事目标遭受合法的攻击。³⁵ 除了这项禁止之外，防御方还负有保护平民使之远离军事目标的义务。³⁶

30. 冲突一方违反对平民采取预防措施的义务或将平民用作“人体盾牌”，并不改变冲突另一方对比具体和直接军事利益衡量什么构成过分攻击的义务。

31. 由于时间、信息和其他方面的局限，访问团没有能够评估个人在国家法律或国际法之下的犯罪责任。然而，个人的上述严重侵权行为和违反国际人道主义法其他原则的行为均构成战争罪。国家必须调查指称本国国民或武装部队所为的或发生在其领土内的战争罪行，并在适当情况下起诉嫌疑人。³⁷ 国家还必须调查其管辖内的其他战争罪行，并在适当情况下起诉嫌疑人。³⁸

四、冲突期间对平民的保护³⁹

A. 黎巴嫩

32. 在 2006 年 7 月 13 日至 8 月 14 日的“变向”作战行动中，以色列国防军作出了两项平行的努力，一是“空战”，攻击对象为真主党固定目标和活动目标，以及黎巴嫩基础设施和私人住房，和一场“地面战”，涉及入侵黎巴嫩并与真主党战士交战。

33. 与有限的地面入侵相比，空战对平民人口的影响更大，在空战的进行中，以色列动用了空军、海军和陆军。以色列空军在黎巴嫩飞行架次约为 15,500 次，攻

击了 7,000 多个“目标”。⁴⁰ 以色列海军对黎巴嫩沿海地区的目标实施了 2,500 多次轰击。以色列陆军发射了成千上万发炮弹和多管火箭弹。⁴¹

34. 在敌对行动的进行中，以色列被指控违反了区别军事和民事目标的原则，成比例的原则，和禁止不加区分的攻击的原则。真主党被指控用贝鲁特南郊和东郊 (Dahiye)、以及黎巴嫩南部各村镇的平民人口作为“人体盾牌”。由于其对四位独立专家任务授权所涵盖的人的生命、住房、健康以及国内流离失所问题的影响，必须讨论这些指控的违反事项。

1. 开展敌对行动的预防措施和原则限制

35. 出于原则和实际的理由，以色列在其对真主党的敌对行动中确定了某些限制。⁴² 以色列国防军代表向特派团通报说，以色列按照其做法，拟订潜在目标清单，列出每一项目标，以及所用的武器类别，由以色列国防军人道主义法专家审查。

36. 以色列广泛利用从空中散发的传单，并用电话警告平民即将进行的攻击，除非情况不允许，这项义务应予履行。⁴³ 尽管特派团发现警告的有些方面很成问题 (见下文第 66 段)，但这些警告确实在黎巴嫩南部和利塔尼河南部拯救了许多生命。

37. 但是，尽管以色列所说的目标是在国际人道主义法所确定的参数范围内开展敌对行动，⁴⁴ 但实际做法却在许多方面没有做到这一点，包括：

- 拒绝总是区别真主党战士与平民，包括真主党的民事人员(见下文第 38 至 48 段)；
- 检查目标的办法看来是将整个类别的两用目标作为合法军事目标对待 (见下文第 49 至 51 段)；和
- 不计后果、也许甚至故意不计后果地使用集束弹药(见下文第 52 至 57 段)。

2. 对真主党的攻击与区别原则

38. 一份关于以色列目标瞄准政策的相当知情的分析得出的结论是，瞄准政策以允许瞄准整个真主党的基础设施为前提：

“在黎巴嫩南部什叶派附近地区(如 Dahiya)和黎巴嫩其他地区，属于真主党基础设施、支持恐怖主义活动机构的目标[为]：总部、办事处、作为真主党各分部的建筑物、领导人的住所及其藏身的掩体，以及该组织的“宣传”设施(Al-Manar TV)，和该组织社会和财政基础设施各办事处。”⁴⁵

39. 此种关于允许攻击的目标的列举不符合区别的原则。

40. 尽管真主党与以色列冲突，但并非真主党的每一位成员都可以是可以攻击的目标。除非其为作战人员或直接参与敌对行动的平民，个人并不成为合法的军事目标。真主党的许多成员和支持者并不符合这两项标准。同样，并非真主党所拥有的或与其相关的每一座建筑物都构成合法的军事目标。除了是一个采用暴力的组织之外，真主党是一项政治运动，一个社会服务企业，特别是在 Dahiye 和什叶派人口占多数的黎巴嫩南部地区。真主党开办医疗设施、学校、食品杂货店、一个孤儿院，一个垃圾处理厂和一个重建方案，重建在以色列入侵期间被毁的房屋。真主党是该国第二大雇主，⁴⁶ 在议会拥有 14 个席位，自 2005 年以来为该国政府的一部分。

41. 各种以色列的目标瞄准决定的实施并未区别军事和民事目标。例如，有些警告中说，“在利塔尼河以南运行的任何类别的任何车辆，凡怀疑运输火箭弹、军事装备和恐怖主义分子的，将予轰炸。”⁴⁷ 警告平民他们将被作为目标，以色列区别作战人员与平民的责任并没有以任何方式得到履行。要求提出警告，以利平民，但平民并没有义务遵守警告。原地不动的决定——无论自愿作出还是由于选择有限——不以任何方式减少对平民的法律保护。明确和绝对地禁止以并非直接参与敌对行动的平民为目标。

42. 关于摧毁贝鲁特东南郊 (Dahiye) 的高层建筑问题，以色列的轰炸摧毁了约 150 栋公寓楼，损坏了大约相同数目的楼房。这些楼房中通常住有 3 万到 6 万人，⁴⁸ 但由于在被摧毁之前，住户几乎全部撤离，生命的损失有限。由于特派团无法从黎巴嫩当局获得关于总数为 1,191 的死亡在黎巴嫩各地分布情况的分列的数据，在这一阶段，不可能更确切地说明有关情况。但是，受害者中有多少是真主党战士，这一点仍然不清楚。⁴⁹

43. 以色列国防军的立场是，根据上文所述关于真主党基础设施的定义，作为目标的每一栋建筑物都是具体的军事目标，其中最重要的是真主党的总部和掩体，据称其中有远距离导弹发射点。他们争辩说，在其他被完全摧毁的建筑物周围，个

别建筑物仍然存在，这一事实表明，以色列国防军瞄准目标很有选择性。特派团要求提供关于摧毁每一栋建筑物所针对的具体军事目标，以及在攻击之时所预计的具体和直接的军事好处，但是，这一要求仍未得到答复，理由是这种信息仍然必须保密。但鉴于现有的证据，有关答复是不充分的。⁵⁰

44. 在黎巴嫩南部，⁵¹ 以色列国防军的攻击摧毁了成千上万的建筑物，损坏了许多其他建筑物。⁵² 特派团没有获得冲突期间在黎巴嫩南部遇害人员总数的任何确切数据，尽管很清楚，有大量平民遇害。关于死者中真主党战士的人数，真主党声明中所载数字与以色列政府所提供的数字之间有很大差异。⁵³

45. 特派团在黎巴嫩南部驱车从提尔前往 *Ayta ash-Shab*，途经 *Qana* 和 *Bint Jbeil*，特派员成员目睹了成百上千的住房被毁，其中有些被推土机推倒。

46. 以色列说，在“空战”中作为目标瞄准的建筑物的依据是，第一，这些建筑物用作火箭发射点或火箭或其他材料的储存地点，第二，这些建筑物中有真主党战士。以色列提供的录像说明显示了从住宅楼发射火箭弹的情况，从而确认了真主党在其军事活动中滥用民用物体的情况。但这不能作为摧毁黎巴嫩南部成百上千的民用住房、以及其他远处的住房或基础设施的决定性理由。为了表明有关攻击并未违反区别和成比例的原则以及禁止不加区分的攻击的原则，以色列需要提供有关类别信息的更加实在和质量上不同的信息，根据这些信息而瞄准具体的住房和村庄，从一座住宅或村庄发射导弹到以色列国防军作出反应实施攻击之间的时间，以及在攻击之时以色列国防军对目标及其周边平民存在情况的估计。在没有这种信息的情况下，特派团不能得出结论，认为以色列国防军普遍瞄准民用住房符合国际人道主义法。但是，在没有任何类别系统证据的情况下，不可能确认关于每一个目标都是合法军事目标，或区别原则得到尊重的主张有理。⁵⁴

47. 对有关 12 所医疗设施被毁，38 所被严重损坏的报告，也必须得出同样的结论，特别是在 *Bent Jbeil*, *Marjayoun* 和 *Nabatieh*。⁵⁵ 据红十字国际委员会说，在冲突期间，救护车和医疗车队也被击中。⁵⁶ 在没有相反的具体证据的情况下，必须假定，遭到攻击的有关医疗设施和救护车并非合法目标。在这方面，重要的是要着重指出，杀害丧失战斗力的人员，无论何时何地，都在被禁之列。⁵⁷

48. 由于以色列国防军的警告，有平民车队逃离南部各村庄，有记录翔实的报告说，以色列国防军对其进行了攻击，包括造成逃离 *Marwahin* 的 21 名平民死亡的

攻击。⁵⁸ 以色列一般并未反驳发生了这些攻击，并造成了死亡，但以色列争辩说，如果平民车队遭到攻击，这恰恰证明真主党滥用平民车队，运送真主党战士和物资。特派团无法进行重大的事实调查，以评估真主党是否事实上以这种方式不当利用 Marwahin 或其他车队。但是，重要的是要注意到，对这一问题的答复本身并不能解决这个问题。为此，以色列必须详细表明，估计平民中有多少真主党战士，其运送的物资类别，采取了哪些预防措施来限制对车队中平民的攻击，在攻击之时所预期的具体和直接的军事好处，这些估计的好处如何超过预计平民伤亡，以及是否充分考虑了旨在达到希望的军事效果的其他各种备选办法。

3. 对两用物体的攻击

49. 除其他外，冲突的特征是对黎巴嫩部分基础设施的大规模空袭，特别是道路和桥梁。⁵⁹ 特派团注意到，对交通基础设施的这种攻击特别影响到安全运送国内流离失所者，提供人道主义援助及获得医疗照顾，削弱了有关能力，从人权的角度看，引起了一些问题。以色列提到这些物体的军事使用，以此来证明攻击有理，将其称为所谓的两用物体，可以合法加以攻击。

50. 在将有关物体、特别是主要为民用目的服务的物体定性为合法军事目标方面(见上文第 38 段)，以色列严重依赖红十字国际委员会《关于战时限制对平民人口的危险的规则草案》(1956 年)中所列的“军事目标类别清单”。该清单很重要，但却不能被视为分析的终点。《第一号附加议定书》所通过的、并被承认为习惯的现行法律规则，不仅要求所瞄准的目标为由于“其性质、位置、目的或用途对军事行动有实际贡献”的物体，而且要求“在当时情况下其全部或部分毁坏、缴获或失去效用提供明确的军事利益”的物体。⁶⁰ 因此，现行法律规定了一个检验标准，要求对每一目标进行具体物体和具体情况的评估，而非基于对物体属性归类的检验标准。

51. 类别办法和情况具体办法之间的区别，对于评价以色列在这次冲突期间目标瞄准的做法十分关键。例如，一条连接黎巴嫩南部与该国其他部分的道路可能被视为对真主党的军事行动有所贡献，该道路之上的一座桥梁可能因此为一个合法的军事目标。⁶¹ 但是，在大多数其他地区，此种证明理由似是而非，包括在与真主党没有联系的人口居住地区的目标。特派团注意到，对交通基础设施的这种攻击对于

安全运送国内流离失所者，提供人道主义援助和获得医疗照顾特别具有削弱能力的影响。

4. 在黎巴嫩南部使用集束炸弹

52. 在黎巴嫩，特派团与之交谈的许多人的一个主要关注是，以色列国防军大量使用技术弹药，以及未爆炸弹药(子炸弹)对平民人口的持续影响。

53. 在提尔的联合国地雷行动协调中心于 2006 年 9 月 23 日记录并确认了 590 次单独的集束炸弹攻击地点，⁶² 主要是在建筑区⁶³ 和农业区，地雷行动协调中心继续发现额外的攻击地点。这些未爆炸的子炸弹很小，难以发现，且极不稳定。从武装冲突结束到 2006 年 9 月 26 日，未爆炸集束炸弹子弹药致使 14 人死亡，90 人受伤。

54. 根据现有资料，不足以肯定或确切地估计子炸弹的总数。可以想象，已爆炸和未爆炸的子炸弹总数少则 158,000 枚，多则 1,170,000 枚。但是，根据关于以色列国防军使用的集束弹药类别、所用此种武器的总量、攻击地点以及发现和被摧毁的子炸弹总量的现有资料，特派团认为，最为可能的估计数是，所用的子炸弹在 850,000 至 100 万之间。根据有关故障(哑弹)率——在这次冲突中看来故障率特别高，很可能在黎巴嫩南部留下的未爆炸子炸弹在 170,000 至 340,000 枚之间。在访问之时，已经发现并销毁了约 15,000 枚子炸弹。

55. 以色列政府对使用集束炸弹所提出的理由是，这些炸弹是对付真主党导弹发射场所的最有效的武器。从理论上来说，这一证据可类比于使用反人员集束炸弹的军事上的理由，因为其破坏半径可达一个足球场那么大，因而能够使活动的火箭弹发射器无效。特派团与之交谈的以色列国防军的人员并未提供任何信息，确认这些武器实际上是以符合这种军事理由的方式使用的。

56. 无论这种军事上的理由是否站得住脚，集束弹药的使用都不符合区别和成比例的原则。集束弹药撒布的子弹药故障率很高，以色列没有理由不知道这一事实。实际上，作出这种决定是要用小型和不稳定的爆炸物实施面攻击，覆盖大量平民所占据的地区。这些子炸弹的影响显然是不加区别的，其对平民的意外影响几乎肯定是不成比例的。特派团从以色列国防军所听到的说法都未表明，在作出使用集束弹药的决定之前，这些弹药对平民人口的长期影响就被认为是问题的。集束弹药不

属于被禁止的武器这一事实不应当导致以色列无视国际人道主义法的其他各项要求。

57. 而且，一位政府官员承认，使用集束炸弹部分是为了防止真主党战士在停火后返回这些村庄。由于这些场所常常位于民用建筑区或农业区，对平民人口的长期影响本来应该是很明显的。⁶⁴ 这种理由与地雷行动协调中心和其他资料来源的报告相符，这些报告认为，集束弹药大多数是在停火在即的冲突最后 72 小时内投放的。尽管与之交谈的以色列政府的一些人员否认这一指称，但另一些人员却逐步更多地谈到在冲突最后 10 天中使用集束炸弹。

5. 真主党将民用场所用于军事活动

58. 很清楚，真主党至少部分使用了住房和其他民用场所来隐藏或掩盖其军事活动。尽管没有向特派团提供这方面的系统证据，但以色列政府向其提供了录像材料，明确无误地表明，火箭弹从黎巴嫩南部民用住宅楼房中发射。这种行为违反了国际人道主义法义务。真主党是否使用人体盾牌这一问题则更为复杂，特派团没有收到关于这一问题的明确证据。根据国际法，若“故意将军事目标与平民或非作战人员相搭配，具体意图为防止将这些军事目标作为标准对象”，则“人体盾牌”一语是恰当的。⁶⁵ 应当维持关于这一术语的相对准确的定义，特别是鉴于要区别战争罪和其他违反人道主义法事项。⁶⁶

6. 对平民人口的影响

59. 在 34 天的冲突期间，受影响地区人口的一系列广泛的人权都遭到侵犯。许多人丧失了生命、住房和生计。许多平民人身受到伤害，更多的人十分紧张，在有些情况下相当于创伤后综合症。在这场冲突中，受害最深的是社会中处境最不利的人，包括老年人，儿童、妇女为户主的家庭和那些生活在贫困中的人，冲突加剧了在此之前就存在的不平等。

60. 据说，摧毁该国南部村庄中的住宅是冲突期间平民死亡的主要原因。据联合国驻黎巴嫩临时部队说，2006 年 8 月 15 日，Tayyabah 80% 的居民住宅被摧毁，Markaba 和 Qantarah 各村庄 50%、Mays al Jabal 30% 的居民住宅被摧毁。⁶⁷ 在 Dahiya，

约 150 栋公寓楼被摧毁，大约相同数目的公寓楼被损坏。致使 3 万至 6 万人没有居所。⁶⁸ 2006 年 7 月 30 日，⁶⁹ 由于 Qana 一栋三层的住宅楼被以色列导弹击中而垮塌，至少 28 名平民死亡。这一事件着重表明了摧毁建筑物是平民死亡的一个重要原因。在贝鲁特以外以及黎巴嫩南部地区——如贝卡谷地——也有大量死亡报道。⁷⁰

61. 违反国际人道主义法毁坏住房(见上文第 46 段)以及由此而来的流离失所⁷¹ 相当于强行驱逐，引起了关于许多国际人权要求的问题。正如人权委员会在其第 1993/77 号决议中所述，强行驱逐构成“对人权、特别是适足住房权的严重侵犯”。⁷²

62. 摧毁成千上万住宅迫使许多流离失所的家庭生活在这样的情况中：人口密度高、缺乏手段获得水、卫生设施、电、医疗保健和普遍没有保障的住房和生活条件。⁷³ 另外一些人被迫生活在开放的地方，如 Samaya Garden。这种状况影响到个人和家庭的福利，助成了精神健康问题，特别是在妇女和儿童中。

63. 享有能够达到的最高健康标准的权利的要求之一是，人人都能够得到卫生保健，包括儿童、老年人、妇女、残疾人及其他特别易受伤害的个人和群体。⁷⁴ 在冲突期间，留在黎巴嫩南部许多村庄的居民处于极端隔绝的状况，从而严重危及他们获得基本医疗保健的权利。尽管有许多居民逃离，但留下的居民大多数是老年人和残疾人。⁷⁵ 他们极易受到伤害，安全状况使这种情况更为严重，由于安全状况，任何人旅行都很危险。⁷⁶ 道路和桥梁被毁，使得紧急医疗和其他服务很难到达这些村庄。即使有预先包装好的应急医疗包抵达这些孤立的社区，但这些医疗包中的物品却并非总是顾及老年人独特的慢性疾病(例如高血压和糖尿病)，尽管有关机构努力根据需要补充这些医疗包。即使居民能够离开村庄寻求医疗照顾，但许多当地医务所也都被摧毁、损坏或关闭(见上文第 47 段)。在冲突期间，获得心理健康保健成为一个很大的问题：在冲突最后一周中，无国界医生组织报告说，其所诊疗的所有病例中，20-30% 都与心理健康问题有关。⁷⁷ 这些孤立社区中特别易受伤害的人们还由于缺乏享有能够达到的最高健康标准的其他各种要素——包括获得水的手段——而遭受痛苦(见下文第 89 段)。尽管获得基本卫生保健的问题在这些孤立的乡村社区中特别严重，但这一问题超出了这些村庄的范围。

64. 这些孤立的特别易受伤害人口的社区还由于缺乏能够达到的最高健康标准以及适足住房权中的其他要素而遭受痛苦，如获得饮用水、卫生设施和电力。

65. 有关军事活动造成了大规模的流离失所。根据政府的数字，冲突使得 974,184 人流离失所，估计其中有 128,760 人被安顿在学校和其他公共建筑物中。估计有 220,000 人逃往阿拉伯叙利亚共和国和其他国家，其余的则留在黎巴嫩。由于以色列的军事行动损坏或摧毁了其住宅，共有 128,760 国内流离失所者被安顿在学校中，或留在其亲朋家中，⁷⁸ 还有 200,000 人仍然流离失所。⁷⁹

66. 部分国内流离失所者自己主动离开，但另一些人却是受到以色列国防军飞机散发的传单或个别电话的警告而离开的(见上文第 41 段)。⁸⁰ 国际人权法禁止任意使人流离失所，这一概念包括武装冲突情况中的流离失所——需要确保有关平民的安全或必需的军事方面的原因并不能说明武装冲突情况中的流离失所有理。⁸¹ 采取预防措施的原则要求冲突各方有效地提前警告可能影响平民人口的攻击，并留出足够的时间和机会让平民安全撤离，除非情况不允许。⁸² 报告的关于平民在逃离中遭到攻击的案件使人怀疑这些义务是否总是得到履行。⁸³

67. 关于对流离失所者的保护和援助问题，必须指出，尽管黎巴嫩过去有过流离失所问题，但最近这次流离失所规模之大，却使其猝不及防。这次冲突之烈，影响到该国大部分地区，民用基础设施被毁的程度以及对人道主义进入手段影响深远的限制使危机更为加剧。尽管各非政府组织、民间社会和广大民众表示了前所未有的程度的支持和声援，但许多国内流离失所者十分急切地需要援助，特别是那些老年人、病人和穷人、他们常常家庭人口众多，还带有幼童。尽管在流离失所者中，产妇死亡率和发病率的情况并未恶化，但特派团得知，孕产保健和新生儿保健却受到损害。⁸⁴ 尽管有关情况十分困难，但黎巴嫩当局、黎巴嫩其他行为者和国际社会仍然设法避免了一场大规模的人道主义危机。

B. 以色列

1. 真主党的敌对行动

68. 真主党秘书长 Hassan Nasrallah 发表的公开演讲，明确地拒绝国际人道主义法的要求，而真主党的行为显然反映出了在武装冲突中不守法的行径。虽然他许多讲话中承认，平民与交战者，民用与军事目标之间存在着确凿的区别，⁸⁵ 但是，这些讲话却宣称，真主党有权甚至有义务，不做任何区别，以求赢得战争。

69. 首先，这些言论拒绝了区别原则的绝对性质。⁸⁶其次，这些言论辩称，只要以色列违反人道主义法，真主党即拥有违法的权利：当“犹太复国主义者”的行径背弃了一切规则、戒线和交战的限制，则真主党就有了采取以同样方式予以回报的权利。这样的分析导出的结论是，只要真主党违反法律的行为是针对以色列——不论是违犯战争法，还是界定的交战限制规定——的过度行为的“反应”，就都是有理的。⁸⁷

70. 那种认为某一方违反人道主义法即可成为另一方违法行为的理由的看法是报复概念。暂且不谈报复合法性的必要条件问题，针对平民的报复是绝对禁止的。⁸⁸

71. 真主党的实际行为与 Nasrallah 先生的公开言论是一致的。据以色列方面的消息来源，所有发射的 4,000 至 4,500 枚火箭弹，有 900 枚落在建筑区，即，村庄、城镇和城市；其他一些落在“空旷区”。⁸⁹大部分火箭弹(50%以上)落在三个地点：Shmona 村、纳哈利亚和查法特(Safed)。其他遭严重打击的是 Karmiel、Akko(Acre)、海法和 Tiberias。以色列国防军虽未提供任何军事设施遭打击的证据，但被炸死炸伤的以色列士兵人数似乎表明，大部分真主党的袭击命中的是以色列的军事目标。

72. 真主党发射的大部分是 122 毫米的“卡秋莎”火箭弹，其中一些装有较大的弹头，并在改进之后射程范围扩大到了 50 公里。但是，还有各类其他武器，包括经改进后的 220 毫米移动火箭弹，可携带几千颗小铁珠，当火箭弹落下爆炸时，可散射铁珠形成半径达 300 米的杀伤范围，因此，可造成最大程度的人员伤亡。⁹⁰

73. 卡秋莎和 220 毫米移动火箭弹最远发射距离的精确度是 300-400 百米。因此，火箭弹击中的诸如医院或村庄之类的平民目标，偏离军事目标多达一公里以上，因此，可合理地推测，这些火箭弹要么是针对上述目标，要么就是运用火箭弹狂轰滥炸。

74. 因此，例如，据报约有 20 枚火箭弹落在(距离黎巴嫩边境 6 公里的)纳哈利亚医院临近，包括 7 月 28 日一枚直接命中的火箭弹，严重损毁了眼科病房，由此看来似乎非法瞄准了平民建筑物。

75. 总之，情况显著表明，真主党的火箭弹袭击了以色列的平民和平民建筑物及基础设施，违反了适用的国际人道主义法准则，并有许多攻击违反了禁止不加区别地攻击的原则和区别原则。

2. 对平民人口的影响

76. 据估计，为躲避真主党火箭弹袭击的危险，有 300,000 人逃离或者撤离以色列北部。⁹¹ 以色列北部地区约有 200 多万人口。⁹² 这些人逃到以色列一些安全地寻求躲避，租用旅馆和招待所为私人住房，投奔亲属和朋友，或者在一些民间个人或非政府组织提供的住所里暂住。

77. 那些没有逃离的人们不得不躲在地下室的防空洞里。以色列既有私人防空洞，也有公共的防空洞，构成民防保卫系统的一个关键组成部分。以 Shmona 村为例，那些仍呆在城里的 5,000 至 10,000 名居民生活在防空洞里。据称，这些防空洞内的生活条件极为可怕，人满为患，拥挤不堪，室内温度极高，既无卫生设施，也无新鲜空气。⁹³ 北部某些地方，将近一个月左右，儿童和成年人几乎每天 24 小时都躲避在防空洞内。以色列紧急医疗服务协会就救治和撤离了 2,500 名伤员，包括 1,500 名“焦虑症”患者。⁹⁴ 据报告，由于冲突，妇女和儿童患有严重的心理压抑症。

78. 大量的住房被摧毁。据官方数字，真主党的袭击摧毁了的建筑达 12,000 多座，其中包括约 400 座公共建筑。据估计，Shmona 村大约有 2,000 套公寓被损毁。⁹⁵ 冲突还对工商界形成了严重的后果，并给以色列北方大部分人口的生活带来了相关的影响。

79. 许多交谈者认为，尽管各主管当局——尤其是“后方司令部”和地方当局——作了良好努力，但是，人道主义全局对应措施不足于解决境内流离失所者和滞留在以色列北方的人口需要。据报告，许多人被迫留在以色列北部，尤其因为他们没有离开北方的经济手段，或因为年纪太大，身弱或患病。⁹⁶ 由于没有宣布，根据法律规定可追加人道主义援助的国内“紧急状态”，未向地方当局提供应付所有这些需求的必要手段。许多背井离乡的人未得到地方当局的充分援助。较大幅度的人道主义援助是由民间社会组织和民间个人提供的。为流离失所者和那些居住在防空洞里的人提供的医疗服务来自各种渠道，但据报告称，医疗服务不平衡，各个地点和各提供方之间存在差异。⁹⁷ 在冲突期间，纳哈利亚、海法、查法特和米兹拉大一些医

院遭到损毁。⁹⁸ 其中一家医院——精神病院——不得不撤离。⁹⁹ 此外，社区内约有 300 名精神病患者不得不从北方各医院撤往以色列中部。¹⁰⁰

80. 60%为阿拉伯社区的北方区和海法情况尤其令人关注。一些个人，包括地方当局指称存在忽略以色列阿拉伯社区的情况。据在以色列展开的普查，只有 41% 的阿拉伯社区理事会备有紧急情况预警系统，而且只有 46% 的防空洞——全都设在学校。¹⁰¹ 据报告，为居民准备的紧急情况指导，除了俄文之外，都是用希伯来文撰写的。此外，阿拉伯族以色列人曾多次阐明，在冲突期间和之后，阿拉伯社区不能享有与以色列犹太人一样获得健康服务，包括精神保健的同等机会。¹⁰² 他们还指出，由于许多阿拉伯族以色列人是以色列境内更贫困的平民，其中许多人难以逃离本地区。¹⁰³ 所有交谈者在提及阿拉伯族以色列人在冲突期间面临的困难时，都坚持有必要参照以色列境内阿拉伯社区长期遭受歧视的状况分析这种情况。¹⁰⁴

81. 同时据称，以色列军方紧挨北方的一些城镇和村庄，诸如在费苏塔、Tarsheha 和 'Arab al-'Aramshe 镇邻近，有时甚至在仅几米远的地方部署导弹发射架。¹⁰⁵ 调查团走访的迈季德库姆镇居民证实，在冲突期间，以色列的炮兵阵地就设在该镇边上。

五、冲突之后对平民的保护

A. 黎巴嫩

82. 黎巴嫩政府的数字显然表明，截至 2006 年 9 月 24 日，原先 974,184 名国内流离失所者中有 20 万人尚未返回冲突前的居住地。¹⁰⁶

83. 当流离失所的原因不再存在时，国内流离失所者应有权尽快安全地支援返回家园或其惯常的居住地，¹⁰⁷ 或者作为其所居住国的公民，有权继续留在境内，或在本国的其他地方重新定居。¹⁰⁸ 除了法律规定之外，出于保护国家安全、公共持续、公共健康或道德，或他人的权利和自由，对上述权利的限制，法律不加任何禁止。¹⁰⁹

84. 虽然每一类人员都面临具体的问题，但仍在流离失所的人们、返回者和那些在冲突期间没有离开黎巴嫩南部家园的人们在力求安全和有尊严地恢复其生活时，都在相当大程度上面临着一些同样的重大障碍。黎巴嫩一些受影响地区恢复正

常生活的主要障碍是，违反适足住房和保健权的情况，包括住房被摧毁、得不到供水、供电和卫生设施，以及未爆弹药的危险。

85. 由于以色列的轰炸，几十万人逃离了 Dahiye 和黎巴嫩南部。¹¹⁰ 调查团目睹了清理废墟¹¹¹ 和重建被摧毁和损毁住房的工作。这些工作在真主党领导下，尤其是真主党的建筑队伍，Jihad Al-Bina 率领下开展。¹¹² 许多报告表明，除了为什叶派地区服务之外，Jihad Al-Bina 还主要在诸如北方的阿尔卡等，逊尼派区地开展重建工作，最近修建了 13 个村庄的约 200 座住房。¹¹³ 真主党显著的成效对政府的作用构成了相当程度的挑战，并呼吁在战后重建工作中实现比目前现状更大程度的协调配合。¹¹⁴

86. 政府成功地筹集了重建资金。¹¹⁵ 政府还宣布，政府准备向家园被摧毁的家庭发放 33,000 美元，¹¹⁶ 但是，这笔款项尚未兑付，而政府主要是证实在重建工作方面的绩效。最终，黎巴嫩的重建工作将很可能形成私人所有者、政府和 Jihad al-Bina 三位一体的构架。¹¹⁷ 这就需要实现相当程度的协调配合，以防某些受害者被疏漏。随着冬天寒雨季节即将来临，时间是关键。

87. 正如 2006 年 9 月 23 日造成 104 人被炸——其中 14 人丧生——的事件所证明的，极无稳定性的未爆集束炸弹构成了清理建筑废墟的危险，且更广泛地威胁平民人口的生命和健康权。¹¹⁸ 在查清这些集束炸弹的落点以及对落弹地点的清理工作完成之后，或者至少在取得重大进展(据联合国排雷行动协调中心估计，清理工作需要 12 至 15 个月¹¹⁹)之前，人们将不能返回其家园、儿童将不能上学，而且原先从事农业耕作的返回者将被剥夺其生计。¹²⁰

88. 围绕着相当大量固定资产法律地位的不确定性问题致使返回和重建工作更加复杂。据报告，南贝鲁特和黎巴嫩南部各地许多被炸摧毁的，是建造在黎巴嫩国有、宗教捐赠和 1975-1989 年内战期间背井离乡的私有地皮上的非法建筑物。因此，牵涉到资产纠纷的实际风险会延误或阻碍重建和返回工作。

89. 对医疗设施造成的损毁，加上燃料、供电、供水和供应的短缺，严重影响了所有受冲突影响地区提供的服务。¹²¹ 例如，在孕妇和儿童照管服务方面存在着严重的空缺。只有 4 个初级保健照顾设施可以提供产前护理，而 10 个医疗设施中只有 1 个可支持适当的接生和紧急产科护理。只有三分之一的设施可以储放疫苗，只有 13% 可以提供某种精神保健服务。通常所有医疗设施都应能够提供一切此类服

务。¹²² 在冲突期间遭受摧毁严重的南部各社区，这种情况显得尤为紧迫(见上文第 63 段)。冲突很可能会加深黎巴嫩保健护理部门在服务提供方面先前存在的不均衡状况。¹²³

90. 享有可达到的最高健康水准的权利不仅包括保健照顾，而且还包括获得健康的基础决定因素，诸如充分的饮水和卫生设施。¹²⁴ 获得供水、卫生设施和供电也是享有适足住房权的基本要素。黎巴嫩的供水、卫生设施和供电不足是近期冲突引起的一系列最严重问题之列。黎巴嫩的分配工程(例如，供水管道)遭到严重损坏，而下水道和垃圾清理系统被破坏，导致水传疾病风险的日趋加剧。¹²⁵ 南部一些孤立的飞地主要由于许多私人和社区拥有的蓄水池被摧毁¹²⁶、供水分配系统被破坏和电源供应被切断，继续面临着安全饮用水有限的状况。在斯德哥尔摩举行的争取黎巴嫩早日恢复会议估计，对供水部门造成了 8,100 万美元的损害，而黎巴嫩南部需要修复的供水设施占四分之一以上。

91. 精神健康虽经常遭忽视，但却是享有最高可达到的健康水准权的一个组成部分。¹²⁷ 近期的冲突许多人的精神和心理福祉造成了深刻和长久的挑战。妇女、儿童和残疾人感受的心理压力尤其大。往往竭尽全力照顾家庭的妇女，¹²⁸ 面临增长的家庭暴力风险。行为和情绪上的困难境况，是对诸如近期敌对现象的一种普遍和常见的反应。有些个人患有丧失能力的事后心理创伤压抑紊乱症，有些人的这种心理紊乱状况将持续终生。

92. 享有健康和适足住房权也包括了安全和健康的环境。¹²⁹ 冲突不仅仅摧毁了 Jiyeh 发电厂，而且从各方面都对环境造成了损害。¹³⁰ 7 月 13 和 15 日以色列轰炸了离贝鲁特以南约 30 公里建在地中海沿岸的 Jiyeh 发电厂。储油罐着火连续焚烧了几周。同时，10,000 至 15,000 吨重油泄漏入海，一直向北漂移。污染了约 150 公里的海岸线。争取黎巴嫩早日恢复斯德哥尔摩会议估计，清理海岸的费用约 5,000 万美元。¹³¹ 要评估石油外泄造成的长期性影响，尤其对人类健康的影响，还为时尚早。虽然有些地方保健专业人员报告，越来越多的人抱怨可能由于自七月中旬袭击以来的烟雾和其他污染引起了腹痛和皮肤疾病，但在目前，这些报告都未得到科学证据的核实。

B. 以色列

93. 据报道，以色列境内由于住房尚未重建或未修复而无法返回家园的人数极少。在走访北部期间，调查团成员可以看到重建工作进展迅速。以色列税务局，在财务部的监督下，按照财产税的百分比，发放融资基金。¹³² 2006年9月23日，税务局局长在一份临时报告中宣布，税务局解决了7月期间受损的约1万多起直接损坏索赔，和25,000多起间接损坏索赔。总共提出了6万起索赔要求。税务局还宣布，该局将支助由于住家损毁程度过严重已经无法居住的100个家庭。其中有400人依然居住在招待所内。¹³³ 政府还将补偿那些由于冲突，例如，被火箭弹被弹片击中受伤的人。

94. 然而，在走访期间，调查团不断地听到有申诉称，受影响的以色列阿拉伯族社区成员遭歧视，并在领取战争期间蒙受损害的补偿支付款方面处于不利地位。那些与调查团交谈的人认为，税务局评估人员蓄意低估他们的财产损失。对税务局的评估提出质疑需要花钱，而阿拉伯族以色列人往往无钱，且会拖延付款手续，而这是许多阿拉伯族以色列人无法承受的。同样，对于因伤情提出的索赔情况，调查团得悉有指控称，卫生官员以无法证明伤情与战争相关为由驳回索赔要求。对于伤情需要长期治疗，包括精神健康患者，伤情的判定对受害者今后获取健康照顾和其家庭经济影响的严重程度显而易见。调查团既无法核查据称遭不公正拒绝的个人案情，当然也无法核实据称此类拒绝的蓄意性和由此形成的歧视现象。

95. 为了确保今后对平民人口更好地保护，当局显然有必要在全国建造、整修和加固防空洞，尤其是阿拉伯族人口居住村镇的防空洞。同时，当局要由更好地准备在今后可能的武装冲突中提供充分的人道主义援助，尤其援助贫困者、儿童、病人和老年人。

96. 对于冲突在北方造成的环境损害，官方评估确认，尤其是污水处理厂遭到破坏，有时不得不向海里排放污水和(由焚烧)向大气排放。¹³⁴ 调查团还得悉，大面积散落的未爆弹药造成了大面积覆盖的问题。

97. 医疗服务部门虽恢复了医疗活动，但医院仍有必要为应付今后的袭击作出更好地准备和配备(例如，配备设备齐全的地下设施)。与黎巴嫩情况一样，考虑到许多事后心理创伤压抑紊乱症的出现，近期的冲突对以色列人口，特别是妇女和儿童以及老年人的精神和心理福祉形成了深刻和持久的挑战。¹³⁵ 在敌对行动结束4个

星期后，一位以色列精神病专家报告，各所医院接收了冲突“近期反应病人”。他估计病员达“数百人”，但是他预计患者人数将上升至“数千人”。黎、以两国的卫生专业人员都强调心理压抑紊乱症患者人数多，指出要就冲突对个人精神和心理健康造成的全面影响进行评估还为时尚早，并敦促在平等的基础上为那些极其严重的问题提供更多的资源。¹³⁶

六、结论和建议

98. 除了人权法之外，人道主义法原则也完全适用于这场冲突，不能以这场冲突具有所谓新奇特点或不同于众来为背离这些原则作辩护。

99. 访问团得出结论认为，以色列严重违反了人权法和人道主义法。现有的资料强烈表明，在许多情况下，以色列违背了下列法律义务：区分军事和平民目标；充分实施相称性原则；采取一切可行的谨慎措施，将对平民的伤害和对平民目标的破坏降到最低限度。

100. 在许多情况下，真主党违反了适用的人道主义法原则。真主党有时以以色列北部平民人口为目标，有时又无视区分原则。

101. 违反国际人权法和人道主义法造成许多伤亡，引致许多人流离失所，并导致包括医院在内的家园和基础设施受到大规模破坏，并且导致与医疗有关的服务严重中断。黎巴嫩南部的平民，无论是那些现在已经返回的平民，还是那些尚无法返回的平民，继续因大规模破坏和未爆弹药造成的严重威胁而继续遭受苦难。

102. 未来的恢复和重建活动必须特别注意两国境内的最脆弱和边缘化群体。他们在冲突期间遭受的损失最大，他们的需要和权利尚未充分反映在冲突后重建计划中。

103. 访问团向以色列政府提出下列建议：

- (a) 政府应该提供使用集束弹药的详细情况，以便利销毁未爆弹药并将平民伤亡降到最低限度。尽管声称有关“地图”已经提供给黎巴嫩当局，但证据显示，所提供的信息不充分，也基本上无用。政府应立即提供全面的信息，包括目标的网格坐标，并且应为消除剩余的未爆弹药进行充分合作；

- (b) 访问团接受下述一点：政府为评估目标，以遵守国际人道主义法，而拿出了大量的专业力量，但是在缺乏任何系统性证据的情况下，不可能确定下述说法的有效性：每个目标都是合法的军事目标，或者说尊重了区分原则。访问团呼吁政府就显然是针对平民目标的所有攻击行动提供说明，指出目标的性质和预料的附属或连带后果；¹³⁷
- (c) 政府应采取适当措施，调查以色列的犹太公民和阿拉伯公民是否得到了平等待遇，特别是在下列方面：受破坏或毁坏财产得到补偿；获得免费的医疗服务；建造新的或改造现有的庇护所和报警系统；
- (d) 虽然以色列指出，它没有故意瞄准供水和供电设施，但这些目标仍然受到了以色列攻击造成的破坏。鉴于这种攻击对平民人口所具有的极大的破坏影响，访问团敦促政府作为优先事项，正式确定其这方面的政策；
- (e) 在冲突之后的有关住房、医疗和其它部门的重建活动中，存在着一个重要缺陷是与那些受影响者进行磋商不够。应该制订办法纠正这种情况，确保进行适当的磋商和参与；
- (f) 访问团欢迎政府设立调查委员会，调查战争行动的管理问题。访问团建议，委员会的职责范围应该解释为包括调查是否违反了人权法和人道主义法，以及是否犯下了战争罪。

104. 访问团向黎巴嫩政府提出下列建议：

- (a) 在开展重建的过程中，政府应该考虑到黎巴嫩居民的适足住房权在冲突后重建恢复阶段所具有的关键意义，并为此设立一个住房部，全面负责与住房有关的问题。现在急需解决下列问题：因大量房屋受破坏而存在的安全问题；住房的可使用能力和提供能力；以及土地和房产的投机问题，这一问题使低收入家庭找到居住之地更为困难。他们在受影响的人口中占了大部分；
- (b) 政府应该认真地重新考虑向受冲突影响的居民提供大量预制房单元的政策。国际经验，包括难民署的广泛经验都表明，单纯依赖预制件住房单元可能对受影响人口持久地解决住房问题产生有害的影响；

- (c) 为了纠正目前为止所发现的各种缺点，参与评估需要并为受冲突影响的居民和社区提供住房解决方案的各方面国内和国际行为者应该设法更有效地协调其努力；住房部在这方面可以发挥重要作用；
- (d) 这场冲突突出地说明了黎巴嫩的医疗系统存在着严重缺陷，例如缺乏一个充分有效的医疗信息系统，另外在获得统一的医疗保健服务方面存在着惊人的不平等。由于这些缺陷妨碍居民冲突后恢复的能力，访问团敦促政府努力建设一个有效、一体化、反应灵敏的医疗系统，并且能为所有人享用，特别是儿童、妇女、老年人、残疾人以及贫困者。当前紧迫的挑战是满足那些流离失所者以及失去家园和生计的人的医疗需要。中期优先目标应是重新建立并改善受冲突影响最重地区的医疗、供水、排污和供电设施；
- (e) 冲突之后有关住房、医疗和其他部门的重建活动的一个重要缺陷是与受影响者进行磋商不够。应制订办法纠正这一情况，确保适当的磋商和参与；
- (f) 政府应该与国际社会合作制定一项全面的战略，协助国内流离失所者和返回者，同时考虑到最脆弱的群体，如担任一家之主的女性、儿童、或无人照料的老年人。这一战略应该按照《关于国内流离失所问题的指导原则》，采纳基于权利的方法，并紧急处理下列保护问题：(一) 为返回者和那些继续流离失所者中的穷人和脆弱群体提供基本服务(尤其是住房、饮水、卫生设施、教育和医疗)；(二) 获得生计、特别是在受未爆弹药影响的农业地区；(三) 针对家庭暴力提供保护，这种现象因精神紧张、住房拥挤和生活条件恶劣很容易增加；(四) 在贝鲁特南部和黎巴嫩南部一些地区很可能出现财产纠纷，为此应提供诉诸法院和其他解决冲突办法的便利。

105. 访问团向真主党提出下列建议：

- (a) 真主党应公开申明，它遵守国际人道主义法，并且应公开宣布放弃在任何情况下以平民为目标；

- (b) 真主党应按照国际人道主义法的要求培训其作战人员，应使其作战人员了解严重侵犯国际人道主义法有可能受到刑事指控，并且应采取一切其他必要措施，确保未来遵守这种法律。

106. 访问团向人权理事会提出下列建议：

- (a) 理事会在 S-2/1 号决议里处理了以色列的行为问题之后，还应确保真主党的攻击行为得到彻底调查，因为这种行为对以色列北部平民造成严重后果；
- (b) 真主党广泛使用装有杀伤人员弹丸的火箭弹并瞄准人口稠密的居住区，这是对人道主义法的明显违反。这种行为是否也构成战争罪，有待根据更详细的证据加以确定，但这是访问团所无力做到的，但明显的证据显然是有说服力的，这一问题值得认真调查；
- (c) 显然，真主党至少利用了一部分民房和其他平民场地来隐藏或掩盖其军事活动，虽然访问团在这方面所得到的证据还不够系统。理事会进行的任何进一步调查应该考虑这种做法是否违反了人道主义法规则，是否任何情况构成了使用人体盾牌的问题；
- (d) 人权理事会应该请求有关国际机构，包括《禁止或限制某些可被认为具有过分伤害力或滥杀滥伤作用的常规武器公约》缔约国会议和《关于禁止使用、储存、生产和转让杀伤人员地雷及销毁此种地雷的公约》缔约国会议，采取紧急行动，将集束弹药列入根据国际法禁止的武器名单上。

107. 访问团向国际调查委员会提出下列建议：

- (a) 在 S-2/1 号决议的框架内，委员会应全面地检查以色列的攻击行为，以评价这些行为是否针对了合法的军事目标并遵守了相称性原则。委员会还应调查所报导的对逃亡的平民、救护车和医疗设施所进行的攻击行为，以及住房和财产所受到的破坏，确定任何此种行为是否构成战争罪；
- (b) 虽然集束弹药本身并不违反国际法，但以色列使用集束弹药的方式似乎与区分原则和相称性原则不符。广泛报导的指控说，绝大部分这种弹药是在作战行动结束前 72 小时，即停火即将生效前投放，那么这种

指控一旦得到证明，就显示以色列有意禁止并防止平民返回，也是公然置预料会发生的平民伤亡于不顾。这些问题值得委员会进行深入分析。

108. 访问团向国际社会提出下列建议：

- (a) 国际社会应确保在重建过程中向黎巴嫩当局继续提供必要的支持；
- (b) 应鼓励国际社会包括所有联合国机构增加对黎巴嫩医疗和住房部门的支持；
- (c) 国际社会应大幅度增加对联合国排雷行动协调中心的资助，以便它能够更快地完成销毁未爆弹药的任务，从而使平民恢复正常生活；
- (d) 国际社会，特别是捐助者、联合国机构和有关国际非政府组织，必须高度重视在与黎巴嫩和以色列政府及其各自的国内民间团体的密切合作下，解决冲突给精神和心理健康带来的影响。

注

¹ This is not a complete list of those whom the mission met. For example, it met the International Committee of the Red Cross, the Lebanese Red Cross, Magen David Adom, the National Committee for Local Authorities in Israel, the World Health Organization (WHO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Populations Fund (UNFPA), the United Nations Children's Fund (UNICEF), Jihad al-Bina ("Struggle to Reconstruct") and others. It also visited hospitals in both Lebanon and Israel.

² Cited in the report of the Secretary-General on the implementation of Security Council resolution 1701(2006) (S/2006/730), para. 14.

³ See <http://www.lebanonundersiege.gov.lb/english/F/Main/index.asp?>, as of 26 September 2006.

⁴ UNICEF, Lebanese Situation Report for 1-8 September 2006.

⁵ Information provided by the Government of Israel.

⁶ The most commonly cited figures, appearing in news reports and reports by NGOs, are those disseminated by the Israeli Ministry of Foreign Affairs which indicate that "6,000 homes were hit, 300,000 residents displaced and more than a million were forced to live in shelters." See <http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Terrorism+from+Lebanon-+Hizbul+Hizbullah+attack+in+northern+Israel+and+Israels+response+12-Jul-2006.htm>. According to a report by the Police North District submitted to the mission, however, the killed civilians numbered 52, the seriously injured 39, the moderately injured 51 and the lightly injured 770, while an additional 1,466 persons were taken to hospital and treated for shock. With regard to the number of persons forced to live in shelters, the mission's assumption is that the figure of "more than 1 million" provided by the Israeli Ministry of Foreign Affairs covers every person who at any time during the month-long conflict took refuge in a shelter.

⁷ This a matter with which the Security Council is seized. The the Presidential Statement issued by the Council (S/PRST/2006/34) which called upon "the Government of Israel to conduct a comprehensive inquiry into this incident".

⁸ These include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC). In addition, Israel has ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (CRC-OP-AC).

⁹ International Court of Justice, *Legality of the Threat or Use of Nuclear Weapons*, advisory opinion of 8 July 1996, *I.C.J. Reports 1996 (I)*, p. 226, at p. 240, para. 25; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, advisory opinion of 9 July 2004, *I.C.J. Reports 2004*, para. 106; *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, *I.C.J. Reports 2005*, para. 219 (finding substantive violations of human rights law during an armed conflict). Affirmations to the

contrary by Israel are not persuasive. See concluding observations of the Human Rights Committee on the second periodic report of Israel (CCPR/C/ISR/2001/2), in Report of the Human Rights Committee, *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 40 (A/58/40)*, vol. I, p. 64, para. 11.

¹⁰ ICCPR, art. 4, para. 1; Human Rights Committee, general comment No. 29 (2001), para. 3.

¹¹ ICCPR, art. 4, para. 2.

¹² CCPR/C/ISR/2001/2, para. 71.

¹³ A/58/40, vol. I, p. 64., para. 12. The Human Rights Committee has expressed concern that the article 9 reservation is broader than is permissible under article 4 of ICCPR, and that Israeli policies related to the state of emergency appear to have unofficially derogated from additional provisions of ICCPR (*ibid*).

¹⁴ See Committee on Economic, Social and Cultural Rights (CESCR), general comment No. 14 (2000), paras. 28-29.

¹⁵ *Case Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda)*, *I.C.J. Reports 2005*, paras. 216-20, 345(3); *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories*, *I.C.J. Reports 2004*, para. 106; and *Legality of the Threat or Use of Nuclear Weapons*, *I.C.J. Reports 1996*, para. 25. Although the Court concluded in the Nuclear Weapons Advisory Opinion that “[t]he test of what constitutes an arbitrary deprivation of life „, falls to determined by the applicable *lex specialis*, namely, the law applicable in armed conflict”, more recently, in *Congo v. Uganda*, it found independent violations of human rights law during armed conflict without applying the *lex specialis* principle (paras. 216-219).

¹⁶ See Human Rights Committee, general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant (art. 2).

¹⁷ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories, Advisory Opinion*, para. 111. The Court reached the same conclusion with regard to the applicability of CRC. *Ibid.*, para. 113. In *Congo v. Uganda*, para. 220, the Court concluded that Uganda was internationally responsible for its violations of international human rights law committed in both occupied and unoccupied sections of the Congo. The Human Rights Committee has clarified that “a State party must respect and ensure the rights laid down in the Covenant to anyone within the power or effective control of that State party, even if not situated within the territory of the State party”. General comment No. 31 (2004), para. 10. See also Human Rights Committee, *Lopez v. Uruguay*, communication No. 52/1979 (CCPR/C/OP/1), paras. 12.1-12.3 (1984).

¹⁸ However, the respective committees have stressed the relevance of jurisdiction as a criterion to determine the scope of States parties’ obligations. See e.g. CESCR, general comment No. 4 (1991), para. 13 and No. 14 (2000), paras. 12, 51.

¹⁹ Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions submitted to the Commission on Human Rights at its sixty-first session (E/CN.4/2005/7), para. 76. Furthermore, the obligations of Lebanon under international human rights law continue to apply in territories under the control of de facto authorities. Their acts are classified, under the

law on State responsibility, as acts of the State to the extent that such authorities are in fact exercising elements of governmental authority in the absence or default of the official authorities, and in circumstances which call for the exercise of such authority (see article 9, Draft Articles on Responsibility of States for Internationally Wrongful Acts, adopted by the International Law Commission at its fifty-third session (2001), in *Official Records of the General Assembly, Fifty-sixth session, Supplement No. 10 (A/56/10)*, chap. IV.E.1.)

²⁰ For a summary of the sources and scope of the right to adequate housing, see the reports of the Special Rapporteur, Miloon Kothari, submitted to the Commission on Human Rights at its fifty-seventh (E/CN.4/2001/51, paras. 13-22) and fifty-ninth (E/CN.4/2003/55, paras. 10-19) sessions. For a summary of the sources and scope of the right to the highest attainable standard of health, see the report of the Special Rapporteur, Paul Hunt, to the Commission at its fifty-ninth session (E/CN.4/2003/58, para. 10-36 and annexes I and II). In the present report “the right to health” and “the right to the highest attainable standard of health” are used as shorthand for the full formulation of the right. As set out in the reports of both Special Rapporteurs, the right to adequate housing and the right to health are closely related to the enjoyment of a number of other human rights and fundamental freedoms contained in the major international human rights treaties.

²¹ E/CN.4/1998/53/Add.2. The Guiding Principles are recognized by States as “an important international framework for the protection of internally displaced persons” (General Assembly resolution A/60/1, para. 132).

²² International Committee of the Red Cross, *Customary International Humanitarian Law*, Jean-Marie Henckaerts and Louise Doswald-Beck (eds.), Cambridge University Press, 2005 (hereafter “ICRC Study”). This study was prepared upon recommendation of the twenty-sixth International Conference of the Red Cross and Red Crescent (December 1995) and is based on an extensive analysis of State practice (e.g. military manuals) and documents expressing *opinio iuris*. The application of these customary standards to the present conflict has been the subject of extensive analysis by civil society groups. See for example Human Rights Watch, *Fatal Strikes: Israel’s Indiscriminate Attacks Against Civilians in Lebanon* (August 2006); Human Rights Watch, *Hezbollah Must End Attacks on Civilians* (August 2006); Amnesty International, *Deliberate destruction or “collateral damage”? Israeli attacks on civilian infrastructure* (August 2006); and Amnesty International, *Under fire: Hizbullah’s attacks on northern Israel* (September 2006).

²³ *Ibid.*, pp. 3-8 (Rule 1), 25-36 (Rules 7-10).

²⁴ *Ibid.*, pp. 25-32 (Rules 7-8).

²⁵ *Ibid.*, pp. 19-24 (Rule 6).

²⁶ *Ibid.*, pp. 32-34 (Rule 9).

²⁷ *Ibid.*, p. 37 (Rule 11).

²⁸ *Ibid.*, pp. 40-43 (Rule 12).

²⁹ *Ibid.*, pp. 43-45 (Rule 13).

³⁰ *Ibid.*, p. 48 (Rule 14).

³¹ *Ibid.*, p. 51 (Rule 15).

³² Ibid., pp. 51-67 (Rules 15-21).

³³ Ibid., pp. 62-65 (Rule 20).

³⁴ Ibid., pp. 337-340 (Rule 97).

³⁵ Ibid., p. 340 (Rule 97).

³⁶ Ibid., pp. 68-76 (Rules 22-24).

³⁷ See also the recommendation contained in para. 107 below.

³⁸ Ibid., pp. 568-603, 607-611 (Rules 156 and 158); see also E/CN.4/2006/53, paras. 33-43.

³⁹ Some of the issues described in the section below are visually depicted in the situation map provided by UNOSAT (annex).

⁴⁰ The total number of 15,500 sorties includes 1,200 transport missions, over 1,300 reconnaissance missions, and 1,000 combat search-and-rescue missions. It is unknown how many of the 15,000 sorties actually involved delivery of ordnance.

⁴¹ At the end of the second week (30 July), IDF said that its artillery batteries had fired more than 25,000 shells into south Lebanon. IDF also said that the army had carried out broad artillery attacks against rocket launching sites, against “squads of Hezbollah terrorists”, and structures and “strongholds” along the border.

⁴² As the Government of Lebanon has stated: “Israel has largely avoided some types of targets: major power plants, water treatment facilities, telephone systems, central government buildings and most factories. The bombing has focused on Shiite areas of southern Lebanon and the Beirut suburbs”. Government of Lebanon, “Setting the stage for long-term reconstruction: The national early recovery process”, Stockholm Conference for Lebanon's Early Recovery, 31 August 2006.

⁴³ ICRC Study, see note 21 above, Rule 20.

⁴⁴ The mission also took note of statements by some Israeli officials that are incompatible with international humanitarian law. For example, Haim Ramon, at the time Israeli Justice Minister, is reported to have said that “in order to prevent casualties among Israeli soldiers battling Hezbollah militants in southern Lebanon, villages should be flattened by the Israeli air force before ground troops moved in” (BBC, 27 July 2006).

⁴⁵ IDF, Intelligence and Terrorism Information Center at the Center for Special Studies (CSS), “The IDF-Hezbollah confrontation (Updated on the morning of Thursday, July 20),” 20 July 2006.

⁴⁶ Robin Wright, “Inside the Mind of Hezbollah”, *The Washington Post*, 16 July 2006, at <http://www.washingtonpost.com>.

⁴⁷ Translation from Arabic provided in Israel Ministry of Foreign Affairs, “IDF warns Lebanese civilians to leave danger zones” (25 July 2006) at <http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Terrorism+from+Lebanon-+Hizbulah/IDF+warns+Lebanese+civilians+to+leave+danger+zones+3-Aug-2006.htm>.

⁴⁸ Different sources provide varying data about the number of buildings and housing units destroyed in the *Dahiye*, as well as on the population of the destroyed and damaged buildings. For details, see note 60 below.

⁴⁹ Information referred to by the Government of Israel named some 400 alleged Hezbollah fighters as being among the total and claimed that an additional 200 of those killed were also fighters.

⁵⁰ See the recommendation in para. 103 (b) below.

⁵¹ The term South Lebanon is used to refer to the three districts of Tyre, Bint Jbeil and Marjayoun.

⁵² These figures are taken from the *Rapid Preliminary Damage Assessment* (p. 6) prepared by the European Commission Joint Research Centre (JRC) and the European Union Satellite Centre (EUSC) with a view to the 31 August 2006 Stockholm Conference on Lebanon's Early Recovery, <http://www.lebanonundersiege.gov.lb/Documents/rapidpreliminarydamageassessment.pdf>. Buildings include residential buildings, medical facilities, industrial buildings and greenhouses. In Tyre, the only district for which disaggregated data are available, 292 of the 306 destroyed buildings were residential.

⁵³ According to statements by Hezbollah, 74 Hezbollah combatants were killed – in all of Lebanon - in the course of the armed conflict (Amal also announced the death of 17 fighters; the Popular Front for the Liberation of Palestine-General Command (PFLP-GC) announced the deaths of two fighters). IDF, on the other hand, IDP informed the mission that 600 fighters were killed (400 of whom it reports having identified by name). In statements to the media, the IDF Chief of Staff reportedly stated that 650 Hezbollah fighters were killed, adding that this was not a final figure (YnetNews, "Halutz: I don't need a lawyer", 20 September 2006 <http://www.ynetnews.com/Ext/CompArticleLayout/CdaArticlePrintPreview/1,2506.L-3306396.0.html>.)

⁵⁴ For international humanitarian law prohibitions on destruction of civilian property, including homes, see articles 53 and 147 of the Fourth Geneva Convention and article 52 of Additional Protocol I.

⁵⁵ Lebanon crisis: Service Availability Assessment, Ministry of Health and WHO, 29 August 2006. For international humanitarian law prohibitions on attacking civilian hospitals, see e.g. article 18 of the Fourth Geneva Convention, article 12 of Additional Protocol I and Rule 28 in the ICRC Study.

⁵⁶ During the evening of 23 July, for example, two Lebanese Red Cross (LRC) ambulances carrying six wounded to Tebnine Governmental Hospital were hit by Israeli aircraft in two separate attacks, wounding six LRC volunteers (ICRC press release, 29 August 2006). On 11 August, an LRC ambulance was hit directly by two projectiles, injuring two LRC volunteers; no hostilities were taking place in the vicinity at the time. That night, a convoy of hundreds of cars occupied mostly by civilians fleeing the area of Marjayoun came under fire from Israeli aircraft; one LRC first aid volunteer, Mikhael Jbayieh, was killed in the attack. LRC continued its work, taking six dead and 32 wounded to nearby hospitals (ICRC press release, 12 August 2006). For international humanitarian law prohibitions on attacking medical

transports, see e.g. articles 21 and 22 of the Fourth Geneva Convention, article 21 of Additional Protocol I and Rule 29 in the ICRC Study, see note 21 above.

⁵⁷ Common article 3 to the Geneva Convention (preventing “violence to life and person, in particular murder of all kinds” of those placed *hors de combat* by sickness, wounds, detention, or any other cause”). Common article 3 is considered by the International Court of Justice to “constitute a minimum yardstick ... which, in the Court’s opinion, reflects what the Court in 1949 called ‘elementary conditions of humanity’”. *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*. *I.C.J. Reports 1986*, para. 218. See also ICRC Study, note 21 above, p. 312. (“The prohibition on killing civilians and persons *hors de combat* is set forth in numerous military manuals. It is also contained in the legislation of a large number of States. This prohibition has been upheld extensively in national and international case-law. Furthermore, it is supported by official statements and other practice.”)

⁵⁸ See Human Rights Watch, *Fatal Strikes*, pp. 37-38.

⁵⁹ According to Lebanon, Israel destroyed 107 bridges and overpasses and 137 roads over an area of 445,000 m². Government of Lebanon, “Setting the stage...”, see note 42 above, p. 12, available at <http://www.lebanonundersiege.gov.lb/Documents/StockholmConferenceDocument.pdf>.

⁶⁰ ICRC Study, see note 21 above, Rule 8; Additional Protocol I, art. 52 (2). Israel agrees that this definition is “generally accepted”. Israel Ministry of Foreign Affairs, Jerusalem, “Responding to Hizbullah attacks from Lebanon: Issues of proportionality, Legal Background”, 25 July 2006.

⁶¹ However, once a transportation artery has been severed, future attacks on that artery will provide, at the most, severely diminished military advantage. The only area in which a more general degradation of the transportation infrastructure could plausibly have been legitimate is in the area of ground confrontation between Israeli and Hezbollah forces.

⁶² <http://www.maccsl.org/reports/Leb%20UXO%20Fact%20Sheet%2023%20September%202006.pdf>. According to a map prepared by UNMACC of the 482 sites, cluster bomb use was concentrated in two bands away from the border area: from southeast of Rashidiyah on the coast (south of Tyre) to the northeast of Tyre; with a second band from southwest of Brashit and south of Tibnin extending northwards through Qabrikha into the Bekka valley to the west of Marjayoun. The only significant uses in the border zone were in the Yarun area south of Bint Jbeil and opposite (west of) the Israeli town of Metula.

⁶³ One of the Rapporteurs visited Tibnine Governmental Hospital. During the conflict, this hospital provided medical services, shelter for 1,800 IDPs, and support (e.g. food) for over 10,000 transiting IDPs. The Rapporteur was informed that, in the last days of the conflict, between 50-100 cluster bomb sub-munitions hit the hospital and fell in the hospital grounds or the immediate vicinity; some exploded, some did not. Two unexploded bomblets hung in trees within the hospital grounds. One exploded within three or four metres of the door to the emergency clinic. A hospital fuel tank was hit (it did not explode) and windows broken. Installed on the roof, the systems for air conditioning and lifts were hit and malfunctioned. More than ten cars, parked within a few metres of the hospital, were hit and burnt, blackening the hospital’s wall. The hospital’s occupants were sheltering in an underground floor at the

relevant times and none was injured. UNMACC has now cleared the hospital and its immediate environs of unexploded ordinances.

⁶⁴ On the question of the adequacy of the provision of maps by Israel, see the conclusions addressed to the Government of Israel below.

⁶⁵ ICRC Study, see note 21 above, p. 340.

⁶⁶ Ibid., pp. 568-603 (Rule 156).

⁶⁷ OCHA, Situation Report - Lebanon response, No. 23, 15 August 2006.

⁶⁸ Jihad al-Bina, the Hezbollah construction arm which has carried out extensive damage assessment on the ground, estimates that 5,000 housing units were completely destroyed in Dhahiya, with 17,000 having endured some level of damage. They further estimate that presently 14,000 families are without homes in Dhahiya, equaling over 60,000 persons. (Based on local demographic realities, the quantification method applies a multiplication factor of 4.7 for family units to arrive at a total population figure. Thus, 14,000 families would approximate 65,800 persons.) *Rapid Preliminary Damage Assessment*, see note 52 above, p. 11, <http://www.lebanonundersiege.gov.lb/Documents/rapidpreliminarydamageassessment.pdf>, refers to 195 residential buildings “collapsed or destroyed” in all of Beirut, of which 144 are located in the cadastral limit Haret Horaik, the most impacted area of the Dahiye (132 of these buildings had more than 5 floors); and 131 buildings with “visible damage as debris”, of which 113 in Haret Horaik. They estimate the impacted population for all of Beirut as up to 30,000 (p. 12).

⁶⁹ Human Rights Watch, op. cit., p. 32.

⁷⁰ See note 3 above.

⁷¹ For international humanitarian law prohibitions on displacement of civilian populations, see article 49 of the Fourth Geneva Convention, article 52 of Additional Protocol I and article 17 of Additional Protocol II.

⁷² See also general comment No. 4 (1991) and No. 7 (1997) of CESCR in which the Committee states (para. 5) that “Although the practice of forced evictions might appear to occur primarily in heavily populated urban areas, it also takes place in connection with forced population transfers, internal displacement, forced relocations in the context of armed conflict, mass exoduses and refugee movements. In all of these contexts, the right to adequate housing and not to be subjected to forced eviction may be violated through a wide range of acts or omissions attributable to States parties. Even in situations where it may be necessary to impose limitations on such a right, full compliance with article 4 of the Covenant is required so that any limitations imposed must be “determined by law only insofar as this may be compatible with the nature of these (i.e. economic, social and cultural) rights and solely for the purpose of promoting the general welfare in a democratic society”.

⁷³ On the content of adequate housing and living conditions, see CESCR general comment No. 4 (1991), para 8. Also see CESCR general comment No. 15 (2002), para 22. For a discussion on the impact of forced evictions on women and on children, see the report of the Special Rapporteur, Miloon Kothari, submitted to the Commission on Human Rights at its sixtieth session (E/CN.4/2004/48), paras. 41-61.

⁷⁴ See, for example, ICESCR, articles 2(1), 3 and 12, and CESCR general comment No. 14 (2000), para. 12, as well as CRC article 24. It is very difficult to assess some vital dimensions of the conflict's impact on health because Lebanon does not have an adequate national health information system. It is not known, for example, how many of the reported casualties were severely or lightly wounded.

⁷⁵ Recently completed and sent to the General Assembly for adoption, the Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities (A/AC.265/2007/2, annex II) includes the following preambular paragraph: "(s) Concerned that situations of armed conflict and the occurrence of natural disasters have considerably increased the experience of disability in war stricken and disaster prone countries, as well as having especially devastating consequences for the human rights of persons with disabilities."

⁷⁶ Additionally, some reported that there was no effective system of safe passage or "humanitarian corridors" in the south. See e.g. Médecins sans frontières, "Humanitarian corridor into south Lebanon is a delusion", 1 August 2006.

⁷⁷ Ibid. Also see The Situation of Human Rights of Internally Displaced Persons in the conflict opposing Hizbollah (Lebanon) to the State of Israel, NDH/ALEF, 1 August 2006, and Health and Psychological Assistance Commission Report for the Victims of War in South Lebanon, LRC, 9 August 2006. For further discussion of mental health issues in Lebanon, see para. 88.

⁷⁸ <http://www.lebanonundersiege.gov.lb/english/F/Main/index.asp>.

⁷⁹ Ibid.

⁸⁰ On 25 July 2006, for example, leaflets warned that anyone present in areas from which rockets are being launched would endanger his or her life. Another leaflet dropped on the same day called upon "all citizens south of the Litani river ... to evacuate your villages and move north of the Litani river." Similar warnings were addressed to the population of South Beirut. See www.mfa.gov.il/MFA/Terrorism.

⁸¹ Guiding Principles on Internal Displacement, see note 20 above, principle 6, restating ICCPR article 12, and customary international humanitarian law (see ICRC Study, note 21 above, pp. 74-76, 457-468 (Rules 24 and 129-131)).

⁸² ICRC Study, see note 21 above, pp. 62-65 (Rule 20). The duty to warn as part of the duty to protect life may also be derived from ICCPR article 6.

⁸³ Human Rights Watch, *op. cit.*, pp. 35-40.

⁸⁴ In relation to maternal health, see CESCR general comment No. 14 (2000), para. 14.

⁸⁵ "On the first day our missiles were focused on shelling military sites only, excluding Israeli settlements and colonies in north occupied Palestine. Yet, the enemy army, unable to confront our warriors, started from the first day targeting towns, villages, civilians, civilian installations and infrastructure."

⁸⁶ "[O]ur battle is against the military, even though we consider everyone in 'Israel' partner in their crime, but so long as there was no need to attack civil targets, we will not." Speech by Hassan Nasrallah, 16 July 2006,

<http://www.shiachat.com/forum/index.php?showtopic=87647&st=25>. The rules of humanitarian law already reflect the requirements of military necessity; there is no “necessity” exception to these rules. The targeting of civilians not directly participating in hostilities is, without exception, a violation of international humanitarian law.

⁸⁷ “[W]ith the Zionists carelessly exceeding the proper limits of engagement, their inability to read current events has pushed them to continue their extensive assaults of South Lebanon and Bakaa, especially the cities of Baalbek and Hermel, and to take the choice of hitting the newly built infrastructure.

“Today we were left with no choice but to deliver on the promise of shelling the city of Haifa. We know the importance and the gravity of this city. Had we aimed missiles at the chemical plants, a major disaster would have struck that region, but we deliberately spared these plants from our missile-range in the interests of restraint rather than pushing matters into the unknown. To make certain, our weapon is not one of revenge but deterrence, to inject some reason and deliberation back into the heads of the lunatics in the Olmert Government, and rid them of hang-ups of arrogance and tyranny, even idiocy, their specialty.

“Just avoiding such targets does not mean we will continue down this course of response. We may, at any moment, consider it our duty to protect our homeland, people and families and resort to any means possible to provide such protection.

“So long as the enemy practices this level of aggression without hindrance or restraint, we will therefore go to the same level in our defence, relinquishing limits and red lines.” Speech by Hassan Nasrallah, 16 July 2006, *ibid*.

It was also stated: “Fourth, regarding the rockets and the settlements, I would like to confirm that our shelling of the settlements, in the north or beyond Haifa or Tel Aviv, and since the issues are now clearer, is a reaction and not an action. If you attack our cities, villages and capital, we will react. And any time you decide to stop your attacks on our cities, villages and infrastructure, we will not fire rockets on any Israeli settlement or city. Naturally, we would rather, in case of fighting, fight soldier to soldier on the ground and battlefield. We are worthy of this battle and we are its men.”

In a speech at the beginning of the fourth week of the conflict, Nasrallah announced that “the missile shelling of the settlements in north Palestine reaching after Haifa will continue; rather, it will continue with a higher rhythm pertaining to quality and quantity. Yesterday, the Islamic Resistance fired more than 300 rockets into the northern settlements and shelled the settlement of Beit Shan or Beesan and the city of Afoula in the [heart of Israel beyond Haifa] ... using Khaibar [missiles]”. He stressed again, however, that “our shelling of the settlements, in the north or beyond Haifa or Tel Aviv, ... is a reaction and not an action”. Speech by Sayyed Hassan Nasrallah, 7 August 2006, <http://www.islamicdigest.net/v61/content/view/1887/0/>). In a televised speech two days later, Nasrallah urged the Arab population of Haifa to flee the city in order to “relieve” him of his remaining hesitations in targeting Haifa (and its non-Arab civilian population). Speech broadcast by Al-Manar TV station, 9 August 2006. Arabic text: www.manartv.com.lb/NewsSite/NewsDetails.aspx?id=1002; English text: www.aimislam.com/forums/index.php?showtopic=457&st=40).

⁸⁸ On reprisals, see ICRC Study, note 21 above, pp. 519-523 (Rules 145-148).

⁸⁹ Reports on the number that landed in urban areas vary from 901 to 972. The differences could be attributed to counting mortars and artillery landing in the border areas (and around Kiryat Shmona) as rockets.

⁹⁰ The 220mm mobile rocket used by Hezbollah against Israeli settlements is of Syrian manufacture or origin with a maximum range of 70 km. These rockets, as well as according to some reports the improved range Katyushas, had been modified to carry thousands of small ball bearings, which spray out over a radius of up to 300 meters when the rocket strikes. Harm to persons is thus maximized. The 220mm mobile rocket would appear to be responsible for the most deadly single incident, the death of 8 workers at a railway repair shop in Haifa on 16 July 2006. A 220m rocket attack (or the similar 302mm rocket with ball bearings) on an IDF encampment near Kfar Giladi, a kibbutz in the northeastern Israel, is also responsible for the death of all 12 IDF soldiers killed on Israeli territory.

⁹¹ Israel Ministry of Foreign Affairs, 'Behind the Headlines: Israel's counter terrorist campaign' (15 August 2006), online at <http://www.mfa.gov.il/MFA/About+the+Ministry/Behind+the+Headlines/Israels+counter+terrorist+campaign+-+FAQ+18-Jul-2006.htm> (estimating also that more than a million persons were forced to live in shelters).

⁹² The official website of the Israeli Ministry of Foreign Affairs adds that more than a million persons were forced to live in shelters, (<http://www.mfa.gov.il/MFA/Terrorism-+Obstacle+to+Peace/Terrorism+from+Lebanon-+Hizbullah/Hizbullah+attack+in+northern+Israel+and+Israels+response+12-Jul-2006.htm>).

⁹³ See CESCR, general comment No. 14 (2000), para. 15.

⁹⁴ Note of 14 August 2006 from Renee Jacqueline Brown, International Department, Magen David Adom. One senior Israeli mental health specialist working for the government reported that approximately 4,000 civilians had been given treatment in hospital for mental health problems. After a few hours, most were discharged. He emphasized the anxiety generated by internal displacement and acknowledged that, although arrangements were well organized, there were some problems of drugs, alcohol, sexual abuse and domestic violence among IDPs. He also emphasized the stress on those living in shelters.

⁹⁵ See Jacob Blaustein Institute for the Advance of Human Rights of the American Jewish Committee, *Israel Under Rocket Attack: A Profile of Displacement and Destruction*, September 2006, p. 12.

⁹⁶ In Kiryat Shmona, the authorities organized temporary evacuation for people to respite from the difficult conditions and fear. However, they had to return few days later in order to allow another group to rotate out for a temporary trip, creating distress and fear for those who were obliged to return. See *ibid.* According to Deputy Israël Hasson, resident of Tivon, near Haifa, during the war, the population was divided in two: those who had the means to go south and those – poor, handicapped, or isolated elderly – were left there without help (*Le Monde*, "Les Israéliens fustigent l' "incurie" du gouvernement", 18 August 2006, <http://www.lemonde.fr/web/article/0,1-0@2-734511,36-804456@51-796602,0.html>).

⁹⁷ The variation included type of medical service and frequency of delivery. Also, some

services were not free of charge, such as emergency dental care. Note, too, that in the north a community's primary health clinic remained open if it had a shelter. However, it is not clear that primary health clinics with shelters are equitably distributed across the country and its different population groups, leaving the possibility of discriminatory access to primary health care during the conflict.

⁹⁸ In two cases, patients – including children – were lightly injured.

⁹⁹ Mizra psychiatric hospital had 300 patients. When the conflict began some patients were temporarily discharged. The hospital was hit twice, the second time a hospital building was damaged, although there were no casualties. The hospital – some 220 patients and 130 staff – were evacuated to two hospitals in central Israel. Within three days of the cessation of hostilities, patients and staff returned to Mizra.

¹⁰⁰ Many of these patients found this disruption extremely traumatic. All have now returned to the north. However, some are now hospitalized because their health has deteriorated.

¹⁰¹ “Actions in Time of War”, The National Committee for the Arab Local Authorities in Israel, Nazareth, 18 August 2006.

¹⁰² In relation to non-discriminatory access to health-related services, see CESCR general comment No. 14 (2000), para. 12.

¹⁰³ Jacob Blaustein Institute, *op. cit.*

¹⁰⁴ Numerous concluding observations of United Nations treaty bodies, e.g. CESCR in 1998 and 2003, CERD in 1998 and CRC, refer to the policy and legislative steps necessary to overcome the discrimination suffered by the Arab minority in Israel. The Israeli Government-commissioned “Or Commission report” of 1993 also makes recommendations (see http://elyon1.court.gov.il/heb/veadot/or/inside_index.htm., summary in English at: <http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=335594>). Neither the treaty bodies nor the Or Commission recommendations have been implemented by the State of Israel.

¹⁰⁵ Arab Association for Human Rights, Weekly Review of Human Rights Violations of the Palestinian Arab Minority in Israel No. 283, 14-21 July 2006.

¹⁰⁶ <http://www.lebanonundersiege.gov.lb/english/F/Main/index.asp>. The definition of “refugees” used on this site is not explained, but it appears to cover IDPs as well as those seeking refuge outside Lebanon.

¹⁰⁷ ICRC Study, see note 21 above, pp. 468-472 (Rule 132).

¹⁰⁸ Guiding principle 28; ICCPR article 12 (right to choose one's place of residence).

¹⁰⁹ ICCPR article 12, paragraph 3.

¹¹⁰ See paragraph 60 and notes 52 and 68 above.

¹¹¹ A report dated 18 September 2005 indicates that a “[t]otal of 500,000 cubic meters of rubble has been removed and cleared from Beirut's southern suburb, an estimated three quarters of the rubble. The remaining amount of debris, believed to be around 700,000 cubic meters in total, is expected to be cleared within two weeks time.” (*Half a Million Cubic Meters of Rubble*

Removed from Dahyeh, posted at

<http://www.lebanonundersiege.gov.lb/english/F/eNews/NewsArticle.asp?CNewsID=337>).

¹¹² Hezbollah has promised compensation to families whose housing was affected by the war, up to 12,000 USD for a completely destroyed home, plus USD 2,000 for the purchase of basic household items. Reports indicate that Hezbollah has already paid the promised 12,000 USD to 5,000 families. Jihad al-Bina has undertaken an assessment process and is documenting each family's situation for the purposes of compensation and to have families settled in temporary or rental units or other solutions until their homes can be rebuilt.¹¹²

¹¹³ David Schenker, Lebanon: Short and Longer Term Challenges, 14 September 2006, <http://www.lebanonundersiege.gov.lb/english/F/eNews/NewsArticle.asp?CNewsID=324>.

¹¹⁴ See the recommendations in section V.

¹¹⁵ Qatar, Abu Dhabi and the Syrian Arab Republic pledged to rebuild some of the worst affected towns and villages in South Lebanon and Western Governments and international institutions committed \$940 million at the Stockholm Conference.

¹¹⁶ Ibid.

¹¹⁷ Housing And Land Rights Network, Habitat International Coalition, Postconflict Mission to Lebanon.

¹¹⁸ <http://www.mineaction.org/overview.asp?o=540>.

¹¹⁹ UNMACC estimate dated 23 September 2006. <http://www.maccsl.org/reports/Leb%20UXO%20Fact%20Sheet%2023%20September%202006.pdf>.

¹²⁰ The situation regarding the livelihood of the affected populations in particular in the south of the country raises important concerns. According to the *Rapid Preliminary Damage Assessment*, see note 52 above, the armed conflict resulted in the destruction of 545 cultivated fields in South Lebanon, with an overall 10.6 ha of land damaged. Additionally, and possibly more seriously, access to agricultural land is hampered due to the high number of road sections destroyed or damaged in rural areas. The most serious problem for the resumption of agriculture, and thus for the livelihood of returnees, is however represented by the hundreds of thousands of unexploded cluster bomb sub-munitions, a good portion of which lies in fields and olive groves.

¹²¹ Contrary to e.g. ICESCR article 12 (2) (d).

¹²² See WHO news release, 6 September 2006.

¹²³ According to the draft health chapter in the United Nations Common Country Assessment for Lebanon (dated July 2006), a flourishing business-oriented, high technology private sector is “driving the health sector towards favoring large cities, high income communities, at the expense of smaller cities in peripheral areas, and the poorer population groups.” The private market provides about 90 per cent of the health services and “poorer population groups will not be able to have prompt and timely access to health care”, while recent evidence suggests that “some families are getting impoverished by emerging health costs.”

¹²⁴ For example, see CRC article 24 (2) (c).

¹²⁵ “Setting the stage...”, see note 42 above, p. 16.

¹²⁶ To replace those that Israel destroyed, the population of South Lebanon urgently needs 5,000–10,000 water tanks for residences. However, the local market has been able to provide only 1,000. Consequently, even with the best efforts, some displaced persons can be rehoused, but cannot access potable water. As an interim measure, relief services, like that of Jihad al-Bina, are transporting water tanks to the needy communities (see Post-Conflict Mission Report, Housing and Land Rights Network, Habitat International Coalition, September 2006, available at www.hlrn.org).

¹²⁷ On mental health and disability and the right to health, see E/CN.4/2005/51.

¹²⁸ Deaths and injuries, destruction of homes and communities, widespread displacement, and exposure to terrifying events, can lead to intense psychological distress, involving fear, a sense of hopelessness and helplessness, great anger and frustration. Other effects of the conflict also risk undermining mental health and psychosocial well being, such as increased poverty and dependency, disruption of community structures, and separation of children from their usual caregivers. Individuals not directly exposed to the violence are also affected through living under fear of attack, concern for family members, hosting displaced families, and viewing the local conflict through the media. See *Mental Health and Psychological Protection and Support for Adults and Children Affected by the Middle East Crisis: Inter-Agency Technical Advice for the Current Emergency*, 9 August 2006.

¹²⁹ For example, in the context of the right to health, see CRC article 24 (2) (c). Relevant international humanitarian provisions include article 55 (1) of Additional Protocol I.

¹³⁰ See, for example, *Environmental Assessment of July 2006 War on Lebanon*, Ministry of Environment, 22 August 2006, and the *Field Situation Reports* of the Oil Spill Operations and Coordination Centre.

¹³¹ Lebanese Government document submitted to the Stockholm Conference.

¹³² The mission notes that this fund is a good example for countries that seek to build up capital to deal with post-conflict and post-disaster work.

¹³³ “35,000 claims from war settled”, *Haaretz*, 23 September 2006, <http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=761467&contrassID=2&subContrassID=2>.

¹³⁴ Assessment of the environmental damage caused by the war in the north, Dr. Yeshayahu Brauer, Chief Scientist, Ministry of the Environment, 27 August 2006. The assessment notes other damage such as to asbestos buildings which released asbestos fibres into the air.

¹³⁵ See paras. 61, 75, 77 and 89.

¹³⁶ Relevant health-related programming should be informed by the Inter-Agency Standing Committee Guidance on Mental Health and Psychosocial Support in Emergency Settings (the fourth working draft is due to be finalized in late 2006). Also see the key interventions in the section of the Sphere Project Handbook on mental and social aspects of health, and *Mental Health and Psychological Protection and Support for Adults and Children Affected by the Middle East Crisis: Inter-Agency Technical Advice for the Current Emergency*,

9 August 2006. Programmes should be community-based, respectful of different cultures, and integrated, i.e. they should not focus on a single diagnosis, such as post-traumatic stress disorder. The human rights elements of such programming are explored in the report of the Special Rapporteur on the right to the highest attainable standard of health (E/CN.4/2005/5).

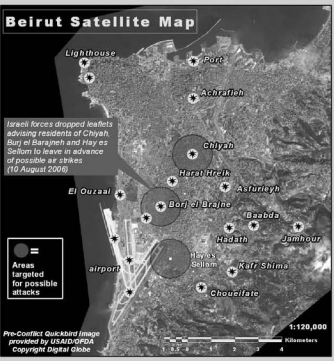
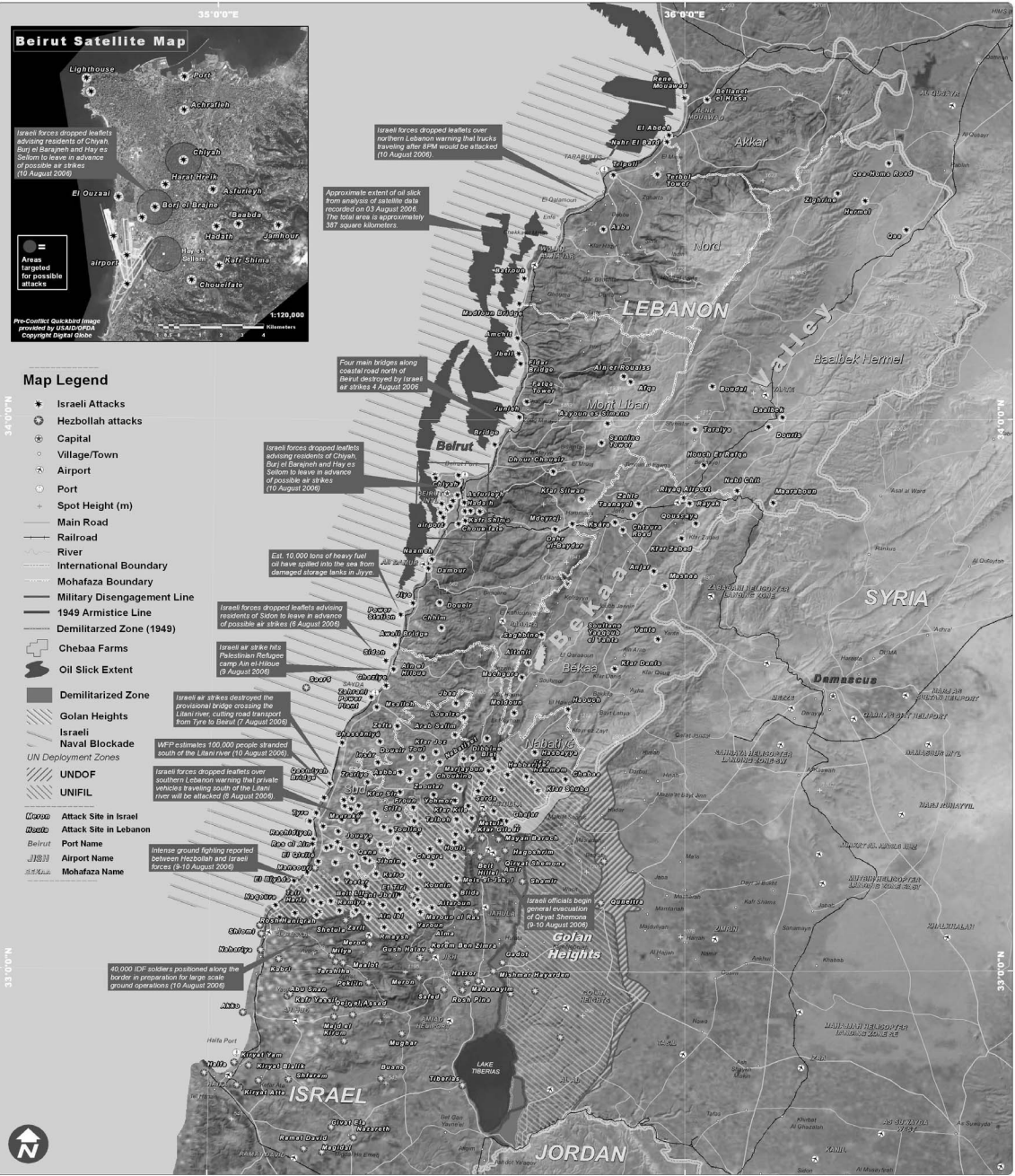
¹³⁷ While legitimate intelligence and security concerns might provide some limits, these cannot justify a refusal to cooperate with such an essential inquiry.

Annex

Situation Map: 12 July - 11 August 2006

Middle East Crisis

v 1.8



- Map Legend**
- ★ Israeli Attacks
 - ⊙ Hezbollah attacks
 - ⊙ Capital
 - ⊙ Village/Town
 - ✈ Airport
 - ⊙ Port
 - ⊙ Spot Height (m)
 - Main Road
 - Railroad
 - River
 - International Boundary
 - Mohafaza Boundary
 - Military Disengagement Line
 - 1949 Armistice Line
 - Demilitarized Zone (1949)
 - ⊕ Chebaa Farms
 - ⊕ Oil Slick Extent
 - Demilitarized Zone
 - Golan Heights
 - Israel
 - Naval Blockade
 - UN Deployment Zones
 - UNDOF
 - UNIFIL
 - ⊙ Attack Site in Israel
 - ⊙ Attack Site in Lebanon
 - ⊙ Port Name
 - ⊙ Airport Name
 - ⊙ Mohafaza Name

This map illustrates a preliminary situation of the reported attacks by Israeli and Hezbollah forces from 12 July to 11 August 2006. Attack locations have been taken exclusively from public media sources. This map was prepared on request for UN OCHA. Locations shown may not be accurate and do not represent all known attack locations. The oil slick extent was produced by Telespazio (Macostar) with support from DLR (BavZeo) based on EarthSat SAR wide-swath imagery from August 05, 2006, provided by the International Charter Space and Major Disasters.

The depiction and use of boundaries, geographic names and related data shown here are not warranted to be error-free nor do they imply official endorsement or acceptance by the United Nations. This map was produced by the United Nations Institute for Training and Research (UNITAR) Operational Satellite Applications Programme (UNOSAT). UNOSAT provides satellite imagery and related geographic information to UN humanitarian and development agencies and their implementing partners.

Map Scale: 1:500,000 (for A2 Prints)

0 5 0 10 20 30 40 Kilometers

Projection: Lambert Conformal Conic
Datum: WGS 1984
SR Source: GTOPO30, SRTM30 PLUS, USGS, USGS
Telephoto/Map Code: RBK-008, USAID/OFDA
Map created: 11 August 2006

News Sources: Reuters, ReliefWeb, BBC, AP, AFP, CNN, IRIN, Daily Star, Ynet, Jerusalem Post, Aljazeera, UNHCR daily reports

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