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104

International Commission of Inquiry into Israeli Crimes Against the Lebanese and Palestinian Peoples

FINDINGS AND CONCLUSIONS OF THE COMMISSION

On June 8, 1982, the regular Israeli troops invaded Lebanon and committed aggression against the Lebanese and Palestinian peoples. The goal of this invasion was to liquidate the Palestine Liberation Organization primarily by killing as many Palestinians as possible. The aggressors killed, wounded and maimed dozens of thousands of the Lebanese and Palestinians, predominantly women, children and old people, thousands upon thousands of people are missing, while close to a million people have been left homeless or have been forced to flee from their native cities and villages. It was in cold blood that the invaders destroyed 14 Palestinian refugee camps, three major cities in Southern Lebanon, and 32 villages.

The International Commission of Inquiry into Israeli Crimes Against the Lebanese and Palestinian Peoples met in Nicosia, Cyprus, on the 15th and 18th August, 1982. The Commission met at a time when events of exceptional gravity such as violate all rules of international law and human conscience are taking place in Lebanon due to the war of aggression and extermination waged by Israel against the Palestinian and Lebanese peoples.

The Commission is an independent body responsible for its own activities and decisions. Its members took part in the Commission as individuals, not as representatives of organizations or states. The functions of the Commission are to collect, hear and evaluate evidence of facts and events within the scope of the inquiry for which it is constituted and come to its conclusions on the evidence.

The Commission was much impressed by the quality, truth and integrity of the witnesses who gave evidence before it and of the authenticity and genuineness of the documents produced before it. In reaching its conclusions and findings, the Commission made it a point to be satisfied beyond doubt before doing so.

The Commission heard the evidence of a wide range of witnesses, many of whom had actually observed events in Lebanon. These included three members of the Commission itself, Paulette Pierson Mathy, Mikis Theodorakis and Hans Goran Franck, who were sent to Lebanon before the meeting, members of Scandinavian, Greek, Dutch, Canadian, Finnish and French medical teams, social workers and journalists who had worked in or visited West Beirut, and experts on military matters and on the lethal effects of the sophisticated weapons used by the Israelis in Lebanon, and also witnesses from inside Israel.

The most detailed account of the effects of the invasion in Southern Lebanon came from the doctors and social helpers who had worked in Nabatiye, Sidon and the refugee camp of Ein El-Hilwa.

These described the terrible conditions of the Palestinian and Lebanese people, who fled where their homes were largely destroyed only to be further bombed in the refugees they had taken.

The doctors also described the effects of different kinds of bombs, particularly, cluster bombs and phosphorus bombs, on men, women and children, and the total destruction of the livelihood of people already living near the edge of existence. Dr Christos Grannon and Mr Oyvind Moller also described their arrest, together with that of Dr Steiner Bierge by the Israeli forces and their detention in Sidon and Megiddo. Though they were not themselves physically assaulted, they witnessed the inhuman treatment of prisoners of Palestinian, Lebanese and other nationalities, bound, blindfolded and forced to sit all day in the sun on tarmac surface, given very little food and water, frequently beaten. Several prisoners died during the four days they spent in detention in Sidon.

Dr Franklin Lamb gave evidences of the use of cluster bombs and phosphorus bombs, made in the U.S.A., against the civilian population.

From the Commission members who visited West Beirut and the doctors and journalists who entered the city in the last few weeks came detailed evidence of the bombing of the city. The widespread indiscriminate character of the destruction was shown by many slides, examples of the different kinds of bombs used had been photographed or brought to us. Many slides were also shown of the terrible wounds inflicted by phosphorus bombs and cluster bombs; the doctors described the difficulties of treating the wounds. Burning phosphorus is hard to extinguish, it penetrates deeply and continues burning until the flesh is charred and destroyed. It was clear that the large majority of the wounded and dead were civilians; it was a feature of the destruction that there were more dead than wounded. Slides showed also the difficulties of living in a city arbitrarily deprived at intervals of food and water and electricity; long queues for water, children filling vessels at polluted pools.

From Israel itself came reports of growing development of opposition to the war; the majority of the people at present support it. News on television and in the press in Israel does not show the character of the war or the effect of the bombs as it is revealed in other countries. Only slowly is information being brought by returning soldiers.

There is a considerable number of international legal acts applicable to the crimes Israel has committed in Lebanon. On the basis of the St. Petersburg Declaration of 1868, the Hague Convention of 1907 on the rules of land warfare, the Charter of the Inter-

national Military Tribunal of 1945 in Nuremberg, the Convention on the prevention of the crime of genocide and on its punishment of 1948, the Geneva Convention of 1949 and the First Supplementary Protocol of 1977, the Definition of aggression of 1974 and many other international legal acts. Israel violates the ban on resorting to force in international affairs proclaimed as far back as 1928 in the Briand-Kellogg Pact.

The state of Israel and its Zionist rulers are accused of the following criminal actions:

- I—crimes against peace;
- II—crimes against humanity;
- III—war crimes, and
- IV—actions aimed at denying the right to self-determination of the Palestinian people.

I. CRIMES AGAINST PEACE

Having bombed and shelled and having seized a sizable part of Lebanon, Israel went beyond merely violating the general prohibition of the use of force in international relations, as recorded in Article 2, Para 4 of the U.N. Charter. Israel has committed aggression in the sense as it is qualified in the Definition of aggression adopted by the United Nations General Assembly on December 14, 1974, Resolution 3314 (XXIX).

The state of Israel and its leaders are accused of at least the following acts of aggression:

- a) invading or attacking with the armed forces of a state the territory of another state or any military occupation, provisional as it may be, resulting from such an invasion or attack, or any annexation through the use of force of the territory of another state or any part of it;
- b) bombing by the armed forces of a state of the territory of another state or using any weapon by a state against the territory of another state;
- c) blockade of the ports on the shores of a state by the armed forces of another state.

Israel is committing premeditated aggression and the occupation of the territory of a sovereign independent state, founder member of the United Nations, and direct interference in the internal affairs of Lebanon. We are forced to conclude that Israel is trying to install a "new order" in Lebanon serving its own interests.

It should be underlined that, as stipulated by Article 5, Para 1, no consideration of any nature—political, economic, military or any other—can justify aggression. In the light of this Article, Israel's references to its right to resort to self-defence in conformity with Article 51 of the U.N. Charter appear absolutely groundless. This Article provides for the right to self-defence only in the case of an armed attack on a U.N. member, and Israel was not the object of such actions on the part of Lebanon. As to the actions of individual Palestinians to which the Israelis refer, these actions were justified as the exercise of their inalienable right to self-defence, as the U.N. General Assembly had denounced Israel's actions against the Palestinian people as aggression (Resolution 36/226 of December 17, 1981). We can add that the Palestinian presence in Lebanon has grown since 1987, and has been based on an institutional convention called Cairo Agreements of 1969. The presence of the Syrian troops in Lebanon as a part of the Arab force of discussion is based on the agreement concluded at the Riyadh (Saudi Arabia) summit held on the 15th of October, 1976. Six states, including Lebanon and the PLO, signed that agreement. The demand for the protection by Arab troops has been made by the Lebanese President. On that basis every Israeli act of aggression against the Palestinians and

the Syrian troops in Lebanon can be considered as aggression against the sovereignty of Lebanon. This nature of Israel's actions was confirmed by the Security Council Resolution No. 509 of June 6, 1982, which demanded the immediate and unconditional withdrawal of all Israeli troops from Lebanon.

The Israeli aggression has led to the occupation and indiscriminate destruction of the greater part of the independent Arab state of Lebanon. It has also endangered its political independence. The Israeli aggression has, concurrently with the above, become a serious threat to international peace and security.

Witnesses from inside Israel referred to the gradual change taking place within an influential section of the people of Israel towards the hostile policy of their government to the Lebanese and Palestinian peoples. The Commission is satisfied that there is a rethinking among these sections about the justification and continuance of the aggression and the brutalities committed by the aggressors.

II. CRIMES AGAINST HUMANITY

Having committed an unprecedented act of aggression against independent Lebanon, the state of Israel and its leaders have adopted a course of genocide against the Arab people of Palestine.

According to the definition contained in Article II of the Convention on the prevention of the crime of genocide, and on its punishment of December 9, 1948, genocide is defined as actions committed with an intent to exterminate, fully or partly, a national, ethnic, racial or religious group per se.

The Israelis have committed actions against the Palestinians which can be qualified as genocide.

The Israeli leaders do not conceal that the main aim of their actions is to liquidate the Palestine Liberation Organization and to exterminate or disperse the Palestinian people as a historical and ethnical entity.

As a result of the policy of genocide, the Palestinian inhabitants of Lebanon have been put into such a position as to endanger their very existence.

The overall direction of Israel's criminal activities is also seen from the fact that, according to the witnesses and documents, all Palestinian males from 16 to 60 years of age have been taken prisoner. They are actually prisoners of war but were put into concentration camps where they are treated in a most cruel and degrading manner.

The Commission received eyewitness accounts of Israeli maltreatment of Palestinian prisoners of war from members of a Norwegian medical team. The Commission was informed of the extensive use of violence, of regular and systematic beatings, of degrading and inhuman treatment, of physical and mental abuse against these men.

The methods of conducting military actions employed by the Israelis, their treatment of Palestinian prisoners of war, the new order they brought with them into Lebanon's occupied regions run counter to a whole range of norms of international law and, in fact, by their very nature are military crimes.

III. WAR CRIMES

1. Deliberate Military Actions Against the Civilian Population, Bombing and Shelling of Peaceful Cities and Villages

The conduct by the Israelis of military actions against the civilian population, bombing and shelling of peaceful cities and villages are a violation of:

- a) The St. Petersburg Declaration of 1864 which obliges both sides in a conflict to fight against the enemy's armed forces only;

b) Article 25 of the Statement supplemented to the Hague Convention of October 16, 1907, which prohibits attacks on open or undefended cities;

c) Article 6 of the E Section of the Charter of the International Military Tribunal in Nuremberg which equates the destruction of cities and villages with a military crime;

d) Article 48 and subsequent articles of the First Supplementary Protocol of June 8, 1977, to the Geneva Convention of August 12, 1949, on protecting war victims;

e) Resolutions 2444 (XXIII) and 2675 (XXV) of the United Nations General Assembly, which prohibit military operations against the civilian population.

The three member groups of our Commission who visited Lebanon confirmed that as a result of the operations of the Israeli army, substantial parts of Beirut, Tyre, Nabatiye and Sidon, as well as of many other places, have been destroyed, and whole camps of Palestinian refugees have been razed from the face of the earth. Over 600,000 Lebanese have been left homeless, and the occupied territory of Lebanon has been plunged into a critical situation. According to a report compiled by U.N. observers, some 300,000 Lebanese citizens and not less than 83,000 Palestinians urgently need aid and assistance.

2. Use of the Cluster, Phosphorus, Fragmentation and Other Bombs

The use of the cluster and phosphorus bombs, and of some other weapons is a violation of the St. Petersburg Declaration of 1868 and the Hague Convention of 1907 which prohibit the use of arms which cause unnecessary human suffering. Quite recently these weapons were expressly added to the Supplementary Protocol to the 1949 Geneva Conventions.

All witnesses stated that these horrendous weapons of mass destruction were widely used by Israel in Lebanon, and the overall majority of those who have suffered from them were peaceful civilians.

Rumours have reached us of even more frightening devices, such as the vacuum bomb. We have the duty to inquire further about these weapons.

3. Bombing of Hospitals and Clinics Protected by the Red Cross or Red Crescent Insignia

This is a violation of one of the oldest rules of humanitarian law. This is reflected in a number of documents, particularly in articles 18 and 23 of the Geneva Convention of August 12, 1949, on the protection of the civilian population in case of war.

The Israeli military obstructed even the International Red Cross from rendering aid to the Palestinians and the population of Beirut.

4. Cutting Off Food, Water, Energy and Essential Medical Supplies to the Civilian Population

These constitute actions against the civilian population prohibited by humanitarian conventions, namely by Article 1, Para 1 of the Supplementary Protocol which prohibits the causing of hunger among the civilian population as a method of conducting hostilities.

Such Israeli actions were confirmed by the United Nations Security Council Resolution of July 30, 1982. The Security Council demanded in that Resolution that the government of Israel immediately lift the blockade of the city of Beirut so as to permit delivery of supplies necessary to satisfy the urgent needs of the civilian population and to allow the distribution of aid rendered by U.N. agencies and by nongovernmental organizations, especially by the International Red Cross Committee (IRCC).

5. Article 51, Para 2, of the Supplementary Protocol Prohibits Acts of Violence or Threats of Violence Primarily Aimed at Terrorizing the Civilian Population

The Israeli leaders widely used threats of violence, especially during the siege of Beirut.

6. The Refusal to Grant POW Status to Palestinian Fighters violates:

Article 4 of the Geneva Convention of August 12, 1949, on the treatment of prisoners of war.

The Commission was informed that the present Israeli government is denying prisoner of war status and treatment to the Palestinians despite the fact that the Palestine Liberation Organization reaffirmed its intention to abide by all Geneva conventions by notifying the Swiss Foreign Affairs Minister on 7th June, 1982, to this effect.

The non-granting to Palestinians of POW status also runs counter to the U.N. General Assembly resolutions, such as Resolution No. 3103 (XXVIII) of December 12, 1973, which demands that this status be granted to those persons who fight against foreign occupation for their right to self-determination.

7. Cruel Treatment of Palestinians, Both Combatants and Civilians, Captured by the Israeli Forces

This violates several basic provisions of the Geneva Convention on the treatment of prisoners of war and the Geneva Convention on protecting the civilian population in case of war. Article 13 of the former contains general provisions that prisoners of war should always be treated humanely. It is prohibited in particular to maim them.

8. Preventing the Authorities in the Occupied Territories from Executing Their Functions

Such actions violate Article 54 of the Convention on protecting the civilian population in case of war which forbids the captor power to alter the status of officials or judges.

9. The Israelis Systematically and Purposefully Shelled and Destroyed the Beirut-Based Diplomatic Representations of the U.S.S.R., Czechoslovakia, Bulgaria, France, Algeria, Canada, all Arab Embassies, Which Traditionally Enjoy Protection at Times of Armed Conflicts.

10. The Destruction of Monuments and Cultural and Scientific Institutions

This violates the provisions of the Hague Convention of May 14, 1954, and Article 53 of the Supplementary Protocol on protecting cultural values in case of armed conflicts.

The Israelis have committed exactly such actions in Lebanon.

The Israeli planes systematically and quite deliberately destroyed the buildings of the Arab University and the Exhibition Hall of the works of art and culture of Palestinian painters.

11. Violation of Other Traditional Rules of Conducting Military Action

International law prohibits, in particular, any perfidious actions (see Article 37 of the Supplementary Protocol).

The Israeli troops on numerous occasions perfidiously violated the ceasefire by using it to regroup their forces, to replenish their supplies and to fortify the captured positions, only to perfidiously violate the ceasefire after that.

IV. DENYING THE RIGHT TO SELF-DETERMINATION OF THE PALESTINIAN PEOPLE

Since the United Nations General Assembly adopted, on December 14, 1960, the Declaration on granting independence to former colonial countries and peoples, any subjugation of peoples to foreign yoke and domination, any military actions or repressive measures against peoples fighting for their right to self-determination should be viewed as a grave international crime. All the more so since the General Assembly of the United Nations in 1974 adopted the Resolution (3236) officially confirming the right of the Palestinian people to self-determination.

Israel and its leaders, by their systematic actions and primarily by their use of military force aimed at denying the Palestinian people the right to self-determination and to establish their own state, and by their occupation of the territories that belong to this people, have committed precisely this crime.

INTERNATIONAL RESPONSIBILITY

The U.S.A. as an Accomplice in Israel's Crimes

The United States is internationally responsible for the violations of international law by Israel because of the support it is rendering Israel in committing the above international crimes.

This support includes:

- 1) military aid through shipments of arms and modern technology, while the U.S.-Israeli Memorandum on strategic co-operation signed last year provided for co-ordinating their operations in the Middle East;
- 2) economic aid through granting gratuitous assistance and very big loans;
- 3) on the political and diplomatic plane, direct support of the Israeli aggression as reflected in the use by the United States of its veto right in the Security Council when the U.S.A. vetoed a resolution demanding the withdrawal of the Israeli forces and refused to vote for a U.N. General Assembly resolution denouncing the Israeli aggression.

More than 50 per cent of Israeli exports go to the EEC, where they receive preferential customs rates

CONCLUSIONS

The International Commission demands the immediate ending of the Israeli aggression against Lebanon, the ending of the siege and blockade of West Beirut and the immediate and unconditional withdrawal of all Israeli forces from Lebanon; we demand an end to genocide of the Lebanese and Palestinian peoples and further demand the immediate release of all prisoners of war. The International Commission denounces and condemns the crimes against peace, crimes against humanity, war crimes, violations of international law and actions aimed at the denial by Israel of the Palestinian people's right to self-determination.

The International Commission warns that all those guilty directly or indirectly of transgressions and violations of international law and crimes against humanity will have to answer for them before the bar of international justice.

The International Commission, consistent with the well-known rule that a criminal must repair the damage he has done, also demands that Israel be made to pay full reparations.

The International Commission appeals to all governments and their leaders, to nongovernmental organiza-

and credit benefits. This form of economic support to a state which continues with aggression and the occupation of Lebanon constitutes a form of indirect support. Precedents show that aggression is met with immediate sanctions. We call upon the U.S.A. and EEC in particular to take action as has been done before.

V. ON THE RESPONSIBILITY OF THE ORGANIZERS AND INSPIRERS OF THE CRIMES IN LEBANON

The above-mentioned international legal norms violated by Israel are binding upon it either on the treaty basis [the Geneva conventions, with regard to Israel, came into effect on June 6, 1951], or because these norms have been formed on a habitual basis and have by now become a composite part of the modern general international law compulsory for all states without exception.

Israel's responsibility acquires an even graver character in view of its refusal to implement the compulsory decisions of the Security Council.

The general legal principle of the inevitability of responsibility for committed offences should be applied to international crimes on an even stricter basis, because they jeopardize international peace and security and lead to incalculable economic, moral and ethical losses for the countries and peoples and undermine the entire international law and order.

The International Commission in dealing with Israel's aggression in Lebanon takes the view that a special relationship exists between the U.N. and Israel since Israel was the only state that has achieved statehood and acquired territory through an act of the United Nations. Israel is the only state in the world which sprang into existence at the summons of the international community. The resolution admitting Israel to the U.N. categorically stated that the state of Israel unreservedly accepts the obligations under the U.N. Charter and undertakes to honour them. Israel has therefore special responsibilities and the international duty to subscribe and adhere to the U.N. Charter and decisions of the U.N. Security Council and General Assembly and to observe international law. Any violation of the Charter and international law by Israel is indefensible.

tions, to all religions of the world, to the parliaments of the world, to the trade unions and to all peoples to express their solidarity and render material, diplomatic, political and moral support to the Lebanese and Palestinian peoples. The Commission in particular appeals for urgent medical aid and supplies and humanitarian aid for the victims of the aggression.

The International Commission declares that no just and permanent peace can be achieved in the Middle East unless Israel withdraws totally from all the Arab territories occupied since 1967 and unless the Palestinian people are granted their inalienable right to self-determination and to the establishment of an independent state and recognition of the Palestine Liberation Organization as the sole and legitimate representative of the Palestinian people, and the independence, territorial integrity and sovereignty of Lebanon is guaranteed.

The Commission owes a deep debt of gratitude and thanks to the government and people of Cyprus for the ready co-operation and assistance given to it to hold its sessions at short notice in the city of Nicosia and for the warm welcome and hospitality it has received.