

## How Human Rights Watch lost its way in Lebanon

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NAZARETH, 7 September 2006 The measure of a human rights organisation is to be found not just in the strides it takes to seek justice for the oppressed and victimised but also in the compromises it makes to keep itself out of trouble. Because of the business that human rights defenders are in, they must be held to a standard higher than we demand of others.

Unfortunately, one of the best — Human Rights Watch — has failed that test during the war in Lebanon this summer.

To its credit, HRW has risked much opprobrium for taking Israel to task for systematically breaking international law during its assault on Lebanon. That has culminated in a predictable campaign of harassment by pro-Israel organisations in the US — as well as by the usual suspects like Alan Dershowitz — that have accused its researchers of libelling Israel and being anti-Semitic.

Such attacks reached an obscene pitch after HRW's executive director, Kenneth Roth, observed in publicity material accompanying a recent report that Israel appeared to have treated south Lebanon as a "free-fire zone" and that its strikes had failed to distinguish between civilians and Hizbullah fighters.

Roth, a Jew whose father fled Nazi Germany, was accused in typical hyperbolic fashion of engaging in "the de-legitimization of Judaism, the basis of much anti-Semitism" (New York Sun), being "an ally of the barbarians" and "reflexive Israel basher" (David Horowitz), and resorting to a "slur about primitive Jewish bloodlust" (Jonathan Rosenblum).

I do not underestimate the damage that such criticism risks doing to the reputations of HRW and Roth. But I also know that no concession to such intimidation can be justified, not if we are to search for the truth or hope to defend the principal victims of violations of international law, the civilian populations of poor and weak nations.

Name-calling, however distasteful, cannot justify HRW distorting its findings to placate the Israel lobby. But that seems to be just what is happening.

The most egregious example is to be found in a post-war interview between the New York Times and a senior HRW researcher, Peter Bouckaert, about a recent report, "Fatal strikes", in which the organisation provides evidence that Israel fired indiscriminately on Lebanese civilians during the fighting.

Rather than concentrating on HRW's findings of war crimes in Lebanon — the focus of the research — Bouckaert digresses: "I mean, it's perfectly clear that Hezbollah is directly targeting civilians, and that their aim is to kill Israeli civilians. We don't accuse the Israeli

army of deliberately trying to kill civilians. Our accusation, clearly stated in the report, is that the Israeli army is not taking the necessary precautions to distinguish between civilian and military targets. So, there is a difference in intent between the two sides. At the same time, they are both violating the Geneva Convention.”

After an observation like that — stuffed in a brief space with so many double standards — HRW should not complain if one day it finds itself short of friends prepared to come to its aid when next the likes of Dershowitz batter it with the anti-Semitism canard. Those who indulge in slurs (against Arabs) can hardly call on our sympathy when they themselves are victims of the same kind of innuendo.

First, how does Bouckaert know that Israel’s failure to distinguish between civilian and military targets was simply a technical failure, a failure to take precautions, and not intentional? Was he or another HRW researcher sitting in one of the military bunkers in northern Israel when army planners pressed the button to unleash the missiles from their spy drones? Was he sitting alongside the air force pilots as they circled over Lebanon dropping their US-made bombs or tens of thousands of “cluster munitions”, tiny land mines that are now sprinkled over a vast area of south Lebanon? Did he have intimate conversations with the Israeli chiefs of staff about their war strategy?

Of course not. He has no more idea than you or I what Israel’s military planners and its politicians decided was necessary to achieve their war goals. In fact, he does not even know what those goals were. So why make a statement suggesting he does?

Similarly, just as Bouckaert is apparently sure that he can divine Israel’s intentions in the war, and that they were essentially benign, he is equally convinced that he knows Hezbollah’s intentions, and that they were malign. Whatever the evidence suggests — in a war in which Israel overwhelmingly killed Lebanese civilians and is still doing so, and in which Hezbollah overwhelmingly killed Israeli soldiers — Bouckaert knows better. He admits that both violated the Geneva Conventions, a failure he makes sound little more than a technicality, but apparently only Hezbollah had evil designs.

How is it “perfectly clear” to Bouckaert that Hezbollah was “directly” targeting Israeli civilians? It is most certainly not clear from the casualty figures.

It is also not clear, as I tried to document during the war, from the geographical locations where Hezbollah’s rockets struck. My ability to discuss those locations was limited because all journalists based in Israel are subject to the rules of the military censor. We cannot divulge information useful to the “enemy” about Israel’s myriad military installations — its army camps, military airfields, intelligence posts, arms stores and Rafael weapons factories.

What I did try to alert readers to was the fact that many, if not most, of those military sites are located next to or inside Israeli communities, including Arab towns and villages.

At least it is now possible, because some army positions were temporary, to reveal that many communities in the north had artillery batteries stationed next to them firing into Lebanon and that from Haifa Bay warships continually launched warheads at Lebanon. That information is now publicly available in Israel, and other examples are regularly coming to light.

I reported, for example, the other day that the Haaretz newspaper referred to legal

documents to be presented in a compensation suit which show that the Arab village of Fassouta, close to the border with Lebanon, had an artiller battery stationed next to it throughout much of the war. A press release this week from a Nazareth-based welfare organisation, the Laborers' Voice, reveals that another battery was positioned by an Arab town, Majd al-Krum, during the war. Arab member of Knesset Abbas Zakour has also gone publicly on the record: "During a short visit to offer condolences to the families of victims killed in Hizbullah's rocket attacks, I saw Israeli tanks shelling Lebanon from the two towns of Arab Al-Aramisha and Tarshiha."

In other Arab communities, including Jish, Shaghour, and Kfar Manda, the Israeli army requisitioned areas to train their troops for the ground invasion of south Lebanon. According to the Human Rights Association, based in Nazareth, army officials justified their decision on the following grounds: "The landscape of Arab towns [in Israel] is similar to Arab towns in Lebanon."

Aside from the fact that this effective use of Israeli civilians as human shields by the army outdoes any "cowardly blending" (in the words of Jan Egeland of the United Nations) by Hizbullah in Lebanon, it also makes any attempt at second-guessing the targets of the Shiite militia's rockets futile. Unless Bouckaert was given a private audience with Hizbullah's leader, Hassan Nasrallah, or drove around with a Katyusha rocket team, his talk is pure hot air.

It might be possible to dismiss Bouckaert's comments as the private opinion of one researcher (even if one of HRW's most senior) were it not for the fact that the organisation has stood by his statements in correspondence with me. I have been told that Bouckaert's assertions are justified because "we generally conclude that the use of weapons that can't be targeted / are not precise, eg. are indiscriminate, when fired into civilian areas, are in and of themselves evidence of targeting civilians."

In fact, I know from conversations with Israeli journalists that Hizbullah's rockets were not as inaccurate as HRW would like to assume. Several important military sites were hit by Hizbullah rockets, though none of those incidents were reported and apparently cannot be as long as the military censorship rules apply.

I have also seen the deep scarring and charred brush on a hillside in northern Israel where an important army bunker used by military planners is located — evidence that Hizbullah knew exactly what was there and successfully aimed many of its rockets at the site.

Is it still possible to presume that Hizbullah is "directly" targeting civilians, as Bouckaert claims? HRW again: "We can conclude that they [Hizbullah] are targeting civilians and not just failing to discriminate sufficiently because the weapons themselves are not capable of being targeted with any real degree of precision, according to our arms division, so they know full well that the likelihood is that the weapons will not hit their target / will kill civilians."

What are we supposed to make of this argument from the world's foremost human rights organisation? HRW is accusing Hizbullah of committing graver war crimes than Israel, even though it killed far fewer civilians both numerically and proportionally, because its rockets are "less accurate". HRW is saying, in effect, that whatever Hizbullah's and Israel's respective intentions and whatever the respective outcomes of their attacks, Hizbullah must be treated as the greater pariah because its technology is inferior. Whether or not Hizbullah

was aiming for military targets is irrelevant, says HRW, because its primitive rockets were likely to hit civilians — as opposed to Israel, which struck at Lebanese civilians with precision weapons.

And all of this, of course, entirely ignores Israel's use of as many as 100,000 cluster bombs, leaving an indiscriminate legacy of bomblets across south Lebanon that will kill and maim for months, and possibly years, to come. Is that not "clear" proof that Israel was "deliberately" targeting Lebanese civilians?

HRW's logic appears to be arguing that Hizbullah had no right — given its inadequate rocket technology — to defend its country from Israel's massive bombardment of Lebanon's civilian population. In other words, it had no right of self-defence because its military arsenal was inferior. It should have sat out the weeks of aerial attacks, refusing to engage Israel until the Israeli army decided it was time to mount a ground invasion. Only at that point, HRW implies, did Hizbullah have the right to strike back.

Such an argument effectively legitimises the use of military might by the stronger party, thereby making a nonsense of international law and the human rights standards HRW is supposed to uphold.

This sophistry is fooling no one, least of all, of course, Israel's apologists. They will keep up their relentless defamation of an organisation like Human Rights Watch as long as Israel comes under its scrutiny. By trying to appease them, our human rights champions damage only themselves and those they should be seeking to protect.

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