

Submission to the Winograd Committee for the Investigation of the 2006 Military Campaign in Lebanon

NGO Monitor's submission to the Winograd Committee for the Investigation of the 2006 Military Campaign in Lebanon, analyses the reporting of human rights NGOs during the Campaign (hereafter 2006 Lebanon War), and discusses these groups' exploitation of human rights rhetoric and international law to promote a politicized anti-Israel agenda. Major NGOs claiming to promote human rights, such as Amnesty International and Human Rights Watch (HRW), published numerous reports primarily condemning Israeli military actions in the war. The claims were often based on "evidence" provided by Lebanese eyewitnesses, whose credibility and links to Hezbollah were not investigated; and they declared that Israel had violated human rights using double standards and selective or misleading claims. Accompanied by strong public relations campaigns, NGO claims were repeated by the media and politicians, with little critical scrutiny.

NGO Monitor presents extensive evidence of NGO distortions in the 2006 Lebanon War (further documentation of NGO bias can be found at www.ngo-monitor.org) and suggests that the Committee

1. Independently verify all NGO claims before considering them as evidence of human rights violations.
2. Recommend a "right of reply" condition for all government or IDF cooperation with NGOs.
3. Recommend that relevant government agencies, including the IDF, should be instructed to create and operate the mechanisms necessary to investigate and respond immediately to such allegations of violations related to human rights norms and international law.

NGO Monitor's submission is organized as follows:

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- II. Analysis of human rights NGOs' flawed reporting on the 2006 Lebanon War
- III. Conclusions and Recommendations
- IV. Appendices:
 - a. NGOs in the Lebanon War - Update: Covering July 12 through September 10, [Quantitative breakdown of NGO reporting on 2006 Lebanon War], NGO Monitor, September 10, 2006
 - b. "Amnesty International and Human Rights Watch Claims Discredited in detailed report," NGO Monitor December 28, 2006

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NGO MONITOR'S SUBMISSION TO THE WINOGRAD COMMITTEE FOR THE INVESTIGATION OF THE 2006 MILITARY CAMPAIGN IN LEBANON

I. NGO Monitor Mission Statement

The community of non-governmental organizations (NGOs) has become extremely powerful and influential, especially with respect to human rights related issues and the Arab-Israeli conflict. Their reports, protests and lobbying activities have a dominant impact, particularly in the media, academia, the United Nations, and on the policies adopted by many governments. The NGO Forum of the 2001 Durban conference, and the strategy adopted by the participants highlights this power.

Until recently, however, these NGOs, which receive significant financial support from generous donors, philanthropic institutions, and government budgets, have not themselves been subject to independent and critical analysis. NGO Monitor, therefore, was founded to promote accountability, and advance a vigorous discussion on the reports and activities of humanitarian NGOs in the framework of the Arab-Israeli conflict.

NGOs vary widely, not only in nature and quality, but also in their apparent motivations. Their power to do good is matched by their power to misrepresent and to fuel conflict. Unlike democratically elected governments or publicly traded companies, no systematic framework exists for holding NGOs to rigorous standards of accountability for the statements and reports they produce. In some situations, established NGOs that claim to pursue universal humanitarian goals enjoy a halo effect that grants immunity from detailed scrutiny or criticism. In other cases, the assumption that their motives are pure, and politically, as well as ideologically neutral, inhibits critical review.

The vast resources at the disposal of these self-proclaimed humanitarian NGOs allows for large staffs who produce an immense volume of reports, press releases and media interviews, turning them into primary sources for journalists, researchers, and government policy makers. The amplifying effect of these public pronouncements has often framed the terms of public discourse and strongly influences policy. NGOs are central in meeting the demand for information on what Prof. Irwin Cotler has called the new secular religion of human rights.

However, as NGO Monitor has documented, in many cases, NGO reports and campaigns stand in sharp contradiction to their claims to uphold universal human rights values. Selective morality, in the form of obscuring or simply erasing context, as well as reporting using unverifiable sources, have contributed to gross distortions of the humanitarian dimension of the Arab-Israeli conflict.

The aim of NGO Monitor is to provide information and analysis, and to foster a comprehensive debate on these critical issues.

NGO Monitor's specific expertise in investigation of 2006 Lebanon War

The question of human rights in the context of asymmetric warfare is a highly complex one, especially against groups which fight from and launch rocketry from civilian areas and make widespread use of human shields. NGO Monitor does not claim expertise in the details of international law (although we do bring in advisors to inform our critique). Our proficiency is in determining an NGO's ability and credibility to make claims regarding Israeli war crimes and violations of human rights. We have detailed analyses of NGO activity since 2003, which show that many have politicized agendas, flawed research and pervasive bias. In this context, the value of NGO claims in determining human rights violations in the 2006 Lebanon War is extremely suspect.

II. Analysis of human rights NGOs' flawed reporting on the 2006 Lebanon War

During and following the 2006 Lebanon war, international human rights NGOs issued an extraordinary number of public statements and reports, the bulk of which condemned Israel's prosecution of the war as violating international law and showing a disregard for human rights (see [Appendix A: NGOs in the Lebanon War - Update: Covering July 12 through September 10](#)). These accusations were often based on unsubstantiated, highly questionable "eye witness" testimony, and exhibited a clear political bias against Israel. This politicized agenda was also manifest in the NGOs' comparative coverage of Hezbollah's actions during the war. Not only did Hezbollah's widespread use of Lebanese civilians as human shields go largely unreported, but several prominent NGOs, including Amnesty International and Human Rights Watch, claimed to have found no evidence of such activities. Even after numerous media reports,¹ and the detailed study by [the Intelligence and Terrorism Center](#) at the Israeli Center for Special Studies, showed widespread use of human shields by Hezbollah, NGOs such as Human Rights Watch continue to [claim otherwise](#).

Common themes, biases and falsehoods in NGO statements

(for detailed examples see [Appendix A](#))

- **Claims that international law does not distinguish between aggressor and defender (i.e. moral equivalence between Israel and Hezbollah which ignores Hezbollah's initial cross-border attack, rocket fire and abduction of soldiers)**

This common NGO portrayal of international law is selective, incomplete, and self-serving. Under international law, the only [legitimate uses](#) of force are for purposes of self-defense or pursuant to Security Council authorization under Chapter VII of the UN Charter. Article 51 of the UN Charter, for instance, states: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security." Under Article 2(4) of the Charter, States are prohibited from engaging in illegitimate use of force: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." As international law precedents [make clear](#), militias like Hezbollah, given de facto authority by the government of Lebanon, are bound to follow the legal

¹ See Staff Editorial, "Whose War Crimes?" *The Wall Street Journal*, December 11, 2006 and Chris Link, "Photos that Damn Hezbollah," *Australia Herald Sun*, July 30, 2006. Both cited in Marvin Kalb's "[The Israeli-Hezbollah War of 2006: The media as a weapon in asymmetrical conflict](#)," Harvard University Faculty Research Paper

commitments of the state. Lebanon is a signatory of the UN Charter, and Hezbollah, whose officials are also members of the cabinet, is obligated to abide by Article 2(4) of the UN Charter. Therefore, Hezbollah's attack on Israel was illegal under any interpretation of international law, and there is both a moral and legal basis for distinguishing between aggressor and defender under the laws of war.

- **Accusations of "disproportionate force" by Israel, with no explanation of what would comprise a proportionate response to Hezbollah's terror and missile attacks.**

Example

Amnesty International's [Press Release, August 23: "Evidence indicates deliberate destruction of civilian infrastructure"](#) stated:

- "Israel's assertion that the attacks on the infrastructure were lawful is manifestly wrong. Many of the violations identified in our report are war crimes, including indiscriminate and disproportionate attacks." [no definitions were provided for these terms]
- "The evidence strongly suggests that the extensive destruction of public works, power systems, civilian homes and industry was deliberate and an integral part of the military strategy, rather than "collateral damage" - incidental damage to civilians or civilian property resulting from targeting military objectives."
- **Judgments and claims regarding "military targets" in the context of asymmetric warfare that most humanitarian and human rights NGOs are not equipped to make. Condemnation of Israel's targeting of bridges, major roads and the Beirut Airport as "collective punishment," despite the clear military rationale of sealing off air and sea ports, roads and other such targets to prevent the re-supply of arms from Syria and Iran.**

Example:

On August 1, 2006, after an Israeli strike against Qana in southern Lebanon, Human Rights Watch immediately issued a [press release](#) based entirely on unverifiable "eyewitness claims," labeling the bombing "indiscriminate" and a "war crime" before any such determination could be reasonably made, and declaring that "at least 54 civilians have been killed." HRW issued this statement even though its own "[official on the scene](#)" and a Red Cross [statement put the death toll at 28](#). In fact, Lucy Mair, HRW's researcher at the time, was quoted in the *Los Angeles Times* stating that HRW disregarded the Red Cross estimate in [favor of the higher estimate of 54 provided by an alleged "survivor"](#). HRW later acknowledged the correct casualty figure, and repeated the allegations of "war crimes" and the absence of Hezbollah elements (rockets, fighters, etc.), based on claims made by people possibly connected to Hezbollah. Indeed, on December 5, the Center for Special Studies in Israel (C.S.S.) issued a detailed [report](#) on "the extensive military infrastructure positioned and hidden by Hezbollah in populated areas." ([see Appendix B attached](#)). The report documented a significant Hezbollah presence in and around Qana: 3 rockets were fired from within civilian houses, 36 within a 200 meter radius, and 106 within a 500 meter radius of the village. However, as the [study](#) published by Harvard University notes, "[Most reporters used the higher of the two \[casualty\] estimates, some describing the scene as a massacre. It made for more sensational copy.](#)" The report also showed [an aerial photograph of a weapons storehouse located next to a mosque in Qana](#). Overall, the report [shows](#)

through images, videos, seized documents, and other [evidence](#) that Hezbollah had a deliberate policy of "[cynically exploiting the civilian population](#)" by [planting its "military infrastructure"](#) within civilian areas. Yet HRW and other NGOs ignored this evidence and condemned the strike as a "war crime" and "massacre," claims that impacted politicians, diplomats and domestic support for the war.

- **NGOs dismissal or ignoring the human rights implications of Hezbollah's use of human shields.**

NGOs reporting during and after the war made little or no mention that Hezbollah's concrete reinforced military headquarters are located under buildings in southern Beirut, and that the positioning of military/guerrilla installations in residential areas is considered a war crime, as defined by Protocol I (1977) to the Geneva Convention, article 51(7), relating to human shields. Hezbollah also stored and launched missiles from civilian villages in southern Lebanon, but NGOs dismissed or ignored the human rights implications of Hezbollah's use of human shields. For example: In the August 3, 2006 report "Fatal Strikes: Israel's Indiscriminate Attacks against Civilians in Lebanon", Human Rights Watch [claimed](#) that it found "no cases" of Hezbollah's deliberate use of human shields, despite the evidence available from the [international media](#).

- **Many NGO claims based on factual allegations which were later proved false**

International NGOs regularly rely on local NGO partners or eye witnesses as sources, with no way of verifying their claims. Yet even when a major NGO like Human Rights Watch conducted its own research, a number of the factual allegations in the [August 2006 HRW report](#) later proved to be inaccurate.

The report (which was the largest, and only extended report issued by HRW during 2006) contained 21 incidents which were claimed to illustrate Israeli crimes of indiscriminate use of force.² In a September 2007 publication, HRW acknowledged that 2 of the 21 incidents in the earlier August 2006 report were inaccurately presented and that it was wrong to accuse Israel of indiscriminate force; in one of the two incidents, nearly all the casualties were Hezbollah fighters (and not civilians as HRW earlier claimed), and in the other, the location of the strike was an active battlefield (rather than a civilian area without Hezbollah presence).³ A third incident among the 21 was discussed in a December 2006 report, which acknowledged that reporting of an alleged Israeli bombing attack on an ambulance was incorrect and inconsistent with the physical evidence.⁴ Careful reading of the September 2007 report shows evidence inconsistent with another six of the allegations in the August 2006 report. This leaves nine out of the 21 original allegations substantially refuted by contradictions with other reports of HRW—a remarkable inaccuracy rate of 43%—even before extrinsic checks are made on the evidence.

Combined with the Qana example above, there is a clear trend of HRW selecting evidence in order to promote its highly biased political position.

- **Minimal references to the role of Iran and Syria in providing missiles and support to Hezbollah, and other context-related details.**
- **Little attention paid to toll of conflict on Israeli civilian population**

² Fatal Strikes: Israel's Indiscriminate Attacks Against Civilians in Lebanon (HRW report of August 2006).

³ Why They Died: Civilian Casualties in Lebanon during the 2006 War (HRW report of September 2007).

⁴ The "Hoax" That Wasn't: The July 23 Qana Ambulance Attack (HRW report of December 2006).

While NGOs focused on the plight of Lebanese civilians effected by the fighting, few of these NGOs called for the release of the two abducted Israeli soldiers, and there was little attention given to Israeli IDPs (internally displaced persons) [numbering approximately 500,000](#), or to Israeli victims of Hezbollah rocket attacks.

III. Conclusions and Recommendations

The very speed and willingness with which NGOs were willing to convert unverified eyewitness claims and research with dubious credibility into accusations of human rights violations, reveals their core politicization. The impact of their narrow political agenda was decisive – many journalists, politicians and diplomats became convinced that Israel committed multiple violations of international law in Lebanon.

NGO Monitor therefore recommends:

1. That any NGO statements to this committee regarding factual evidence, or compliance with international law, be independently verified before acceptance by the Committee.
2. That the government and IDF condition their cooperation with NGOs on a "right of response" to NGO reports before publication. This will ensure that factual inaccuracies (which in war time the government or IDF may be the only parties with the knowledge to challenge), can be corrected before journalists and diplomats amplify their effect.
3. That relevant government agencies, including the IDF, should be instructed to create and operate the mechanisms necessary to investigate and respond immediately to such allegations of violations related to human rights norms and international law, including publicizing the relevant photos and other information, without compromising national security requirements.

IV. Appendices:

- a) [NGOs in the Lebanon War - Update: Covering July 12 through September 10, \[Quantitative breakdown of NGO reporting on 2006 Lebanon War\]](#), NGO Monitor, September 10, 2006
- b) ["Amnesty International and Human Rights Watch Claims Discredited in detailed report,"](#) NGO Monitor December 28, 2006