



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

Statement by H.E. Ambassador Itzhak Levanon
Permanent Representative

Statement after Presentation of the Commission of Inquiry Report
3rd Regular Session of the Human Rights Council
1 December 2006

Mr. President,

The Commission of Inquiry on Lebanon has accurately reflected the one-sided mandate assigned to it, ignoring both factual realities and legal obligations. In doing so, the Commission may have obeyed the limitations of its mandate, but it has also produced a report rife with imbalances and misrepresentation. Let me make brief reference to some of the most glaring omissions.

The report's silence with respect to the responsibility of the Government of Lebanon for acts of hostility prepared and perpetrated within its territory is in contrast with Security Council resolutions which call for the Hizbullah to disarm and call for the government of Lebanon to exercise full control over its territory. While the report seeks to be guided by international law obligations, it fails to make any reference to Lebanon's obligations to prevent the use of its territory for hostile acts, and to disarm and disband Hizbullah.

Facts do not cease to exist just because they are ignored. The disturbing reality is that the conflict in Lebanon was the direct result of an unprovoked Hizbullah attack, emanating from Lebanon into Israel.

Israel was compelled to act in self-defense, and obliged to confront a radical moral asymmetry between Hizbullah terrorists on the one hand, who deliberately made every effort to create civilian casualties on both sides, and its own forces on the other hand, who were committed to making every effort to minimize them. Israel had no desire to injure Lebanese civilians, and it did not spare efforts to spare their lives, by dropping leaflets, giving advance notification of military maneuvers, and repeatedly sending warning messages through radio and television. Israel did this, knowing full well that it would give Hizbullah time to escape, regroup and set up ambushes, and that Israel would endure casualties at the expense of military surprise. Israel's conduct, which far exceeds the requirements of international humanitarian law, proved itself in practice, reducing injury to civilians.

Conveniently enough, it seems that the overriding rationale guiding the Commission of Inquiry in its assessment of the incidental loss of life during the military operations was solely measured in relation to the number of casualties. In doing so, the Commission ignored the fact that proportionality must also be measured in relation to the intended threat. In this case, 13,000 missiles were targeted at Israel,

placing more than two million Israeli citizens within firing range. Because a vast majority of Israeli civilian homes are equipped with bomb shelters, Israel's number of casualties was thankfully lower than might otherwise have been expected. But the Commission cannot blame Israel for protecting its civilians, and must be taken to task for failing to recognize the difference between one party that strives to protect its citizens through shelters and another which fills its civilian homes with missile stores.

Mr. President,

Israel remains committed to international law, and understands that applying the principles of international law raises fundamental dilemmas of principle and practice. We are engaged in a serious dialogue with other states and organizations on addressing these issues. However, this report actually undermines the credible application of international law when it directs recommendations to Hizbullah, a renowned terrorist organization. Doing so creates a most disturbing equivalence between the State of Israel and Hizbullah, a terrorist group proudly dedicated to the destruction of Israel which launched more than 4,000 missiles during one month of hostilities.

Let me conclude by mentioning that Amnesty International and Human Rights Watch, have both harshly criticized the one-sided resolution on the situation in Lebanon. They describe it as one which (quote) "resulted in a highly-politicized resolution that muted the Council's voice by ignoring the violations of one party to the conflict" and "that will do nothing to protect the victims of violence in this conflict." (unquote). The silence of this report on such issues of concern undermines its legitimacy and credibility. It questions its relevance and value. Its silence is deafening.

Thank you.