

Israel, Taking Shelter in Ancient Ruins

N.B. As per the disclaimer, neither the ICRC nor the authors can be identified with the opinions expressed in the Cases and Documents. Some cases even come to solutions that clearly violate IHL. They are nevertheless worthy of discussion, if only to raise a challenge to display more humanity in armed conflicts. **Similarly, in some of the texts used in the case studies, the facts may not always be proven;** nevertheless, they have been selected because they highlight interesting IHL issues and are thus published for didactic purposes.

[Source: Cockburn, P., *The Independent*, December 10, 1997, p. 10]

ISRAELI SOLDIERS TAKE SHELTER IN ANCIENT RUINS AS HIZBOLLAH GUERRILLA SQUADS LIE IN WAIT

From massive fortresses overlooking the Israeli occupation zone in south Lebanon, Israeli troops play a lethal game of cat-and-mouse with Hizbollah guerrillas. [...]

Karkum is a fortress out of the Middle Ages, its garrison protected by 50-foot-high ramparts of concrete and tumbled stone. From steel observation posts capable of withstanding a direct hit from a mortar round, Israeli soldiers peer into the mist, trying to detect Hizbollah guerrilla squads moving through the steep hills of south Lebanon. [...]

Some 219 Israeli troops have been killed and 694 wounded since 1985, in addition to 358 soldiers from the 2,500-strong South Lebanon Army. Divisions in Israel spring from the fact that these seem to be lives wasted because Israel has no policy in Lebanon and because, as never happened with Palestinian guerrillas, Hizbollah shows equal skill to the Israelis in small unit actions.

Karkum, which in Hebrew means "crocus", is a good place from which to view the guerrilla campaign in south Lebanon. In other parts of the zone the front line positions are manned by the SLA [South Lebanon Army]. But Karkum, although it is only just north of the Israeli border, is an Israeli base which has come under repeated attack because here the zone is only 2.5 miles wide, compared to 14 miles at its widest point.

"In the last one-and-a-half years we have been rebuilding all our posts so they can resist mortars," says an Israeli officer. "They are not dangerous so long as you obey regulations," says another commander,

explaining that by this he means staying inside the bunker. At Karkum, bizarrely, the tops of ancient Greek columns from a temple which once crowned the hilltop stick out of the Israeli fortifications.

The base has come under co-ordinated attack from Hizbollah three times this year, not counting sporadic bombardment by mortars. On one occasion two Hizbollah were seen on a hilltop and pursued, but they turned out to be the bait for an ambush. More recently an Israeli patrol saw several Hizbollah soldiers on the base's helicopter pad. When they followed them the patrol's tracker saw they were walking into brush where Hizbollah had prepared bomb traps. In each case moves by Hizbollah infantry, anti-tank and mortar units were carefully co-ordinated. [...]

Discussion

1. What protection does IHL provide for cultural objects? What constitutes a cultural object? Do the ancient ruins in this article constitute a cultural object? (HR, Art. 27; P I, Arts 52, 53 and 85(4)(d); P II, Art. 16; Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict [See Conventions on the Protection of Cultural Property [Part A.]])

2.

a. If the site is considered a cultural object, is Hizbollah violating IHL by attacking it? Are Israeli troops violating IHL by taking shelter in the ancient ruins? (P I, Art. 53; P II, Art. 16)

b. How does the stationing of Israeli troops at the fortress affect its status? Does, for instance, the protection of this object under IHL cease? Does IHL now permit Hizbollah to attack this cultural object because it has become a legitimate military objective? (P I, Art. 52(2)) If so, what, if any, precautions must be taken prior to attack? (P I, Art. 57)