

Lebanon, Helicopter Attack on Ambulances

N.B. As per the disclaimer ^[1], 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: *ICRC Press Release*, December 23, 1987; original in French, unofficial translation.]

INTERNATIONAL COMMITTEE OF THE RED CROSS DELEGATION IN LEBANON

On December 21, 1987, in the course of a military operation which took place near

Nabatiyeh in southern Lebanon, two ambulances, one from the Lebanese Red Cross Society and the other from the Risali Movement, suffered direct hits from helicopter gunfire. A Red Cross first-aid worker was wounded, while two Scout first-aiders and a patient in the other ambulance were killed.

The International Committee of the Red Cross (ICRC) is deeply dismayed to note that first-aid staff have once again become the victims of hostilities while performing their humanitarian duty.

Deeply saddened by this incident, the ICRC delegation in Lebanon appeals to the parties concerned to respect everywhere and at all times the emblem of the Red Cross and Red Crescent, which protects those who provide assistance to all victims of the Lebanese conflict.

Beirut, 23 December 1987

Discussion

1. Why was the attack on the ambulances a violation of IHL? Because each ambulance bore a protective emblem, and to attack protective emblems is prohibited under IHL? Or simply because they were ambulances? Why is it useful to mark ambulances with the emblem if it does not give them additional legal protection? Would it have been lawful to attack the ambulance if its use of the emblem was not lawful? If it was transporting wounded “terrorists”? (GC I, Arts 19 ^[2], 21 ^[3], 24 ^[4]-26 ^[5] and 35 ^[6]; GC IV, Art. 21 ^[7])
2. Which emblems does IHL protect? Who may use these emblems? In which circumstances and under what conditions? Can you assume that the ambulances mentioned in the case were lawfully marked with the emblem? (HR, Art. 23(f) ^[8]; GC I, Arts 38 ^[9] and

[10]; GC II, Arts 41 [11]-43 [12]; P I, Arts 8(1) [13] and 18 [14]; P I, Annex, Arts 4 [15]-5 [16]; P II, Art. 12 [17])

3. What is the purpose of the emblem? How can it be ensured that this purpose is achieved? And that failure to respect the emblem is prevented?

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