

# Human Rights Violations in The Gaza War: A Case Study According to International Humanitarian Law

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**Abstract:** The paper critically evaluates the supposed human-rights abuses of the Gaza conflict through the prism of the International Humanitarian Law (IHL). It involves the interrogation of the application, interpretation, and, in some respects, possible violation of the main principles of IHL (distinction, proportionality, and precaution) by the parties of the conflict using the purely case-study approach.

Based on the normative framework presented by the Geneva Conventions and their Additional Protocols, the paper critically evaluates the hostilities that define the special protection accorded to civilians, the medical staff, humanitarian services, relief movement, and civilian infrastructure.

Publicly available documents (including the deliberations of the United Nations, the recommendations made by the International Committee of the Red Cross (ICRC), and the reports of independent fact-finding commissions) form the empirical basis of the analysis. Taken together, these sources help to understand the regular trends of the civilian deaths, the systematic devastation of the most important infrastructure, and the constant obstacles to humanitarian access, as well as the accusations of unlawful targeting and indiscriminate harm.

Moreover, the research criticizes the legal provisions of war crimes as the formulated Rome Statute, questioning the meeting of IHL and international human-rights law in the sphere of armed-conflict, specifically in the right to life, humane treatment and the procedural due process during arrest.

The findings highlight the lack of responsibility which is eminent everywhere and underscores the very challenges of imposing compliance in overcrowded settings. This substantiates the claim that the principle of military necessity should not take the place of the need to protect the lives of civilians.

In general, the paper lists a series of remedial actions that are aimed at strengthening enforcement mechanisms, increasing the paradigm of investigative activities and protecting humanitarian interventions strategies that, given their adoption, would significantly decrease civilian deaths and improve the compliance with the regulatory scheme in future operations.

**Keywords:** International Humanitarian Law, Geneva Conventions, community, Palestinian, Human Rights.

**Introduction:** The catastrophic events of the first and the second world wars triggered the international community to think about the need to have a universal protection system of human rights. In turn, the Charter of the United Nations incorporated respect to human dignity, and its protection became one of the major goals. Since that watershed moment, the UN has orderedly come up with a treasure trove of tools,

including declarations, charters, covenants, and, finally, the undergoing international legal norms which, in fact, are aimed at safeguarding basic freedoms.

The necessity to protect humanity and to serve its existential demands at all levels is the driving force of the establishment of the international humanitarian law (IHL) and its subsequent development. People will always be the core of the human enterprise; their

existence depends on the feeling of a sense of safety and peace that in turn guarantee freedom, respect and dignity during the peace and war times.

The corpus of IHL remains to date one of the most significant branches of public international law due to the role it plays in human rights. The nexus in this lies in the fact that it is directly involved in the protection of persons and property in the presence of armed conflict. Its regulatory framework constrains the discretion of belligerents to modes and modes of war, and thus curbs the disastrous human cost, which could be caused by technologically sophisticated weapons. The seriousness of these conflicts, as well as their immense consequences on the world peace and security, makes the involvement of the Security Council necessary. The legitimacy of the Council is supported by a web of legal principles which provide its action in the area of hostilities, but its actions should remain in tune with the spirit of the Charter. The issue of whether to strike a balance between the interpretive and procedural aspect of the Council with reference to the Charter on one hand and the composition and voting on the other makes an increased role in conflict resolution a complicated subject.

The rise of armed conflicts always triggers a re-emergence of human rights issues and the application of the IHL principles. A prime example is the campaign of Gaza that depicts deep infringement of human rights in the context of IHL. The prolonged interaction has opened endless atrocities that affect innocent people and destroy critical infrastructure thus creating insurmountable barriers to peace and security in the region.

#### **First: The Significance of the Study.**

The relationship between the two parties worsened when Britain was given the task by the international community to create a national home to the Jews in Palestine. To Jewish scholars, this region is the homeland of their ancestors; to the Palestinian Arabs, it is their home. The fact that they are against such a movement highlights the advocacy of the necessity to question this conflict.

#### **Second: Problematic of the Study.**

This question is a challenge to legal and humanitarian aspects of IHL concerning violations of human rights, especially in Gaza. It stresses the need to strengthen protection of human rights and to capitalize on the application of IHL in conflict regions. It can therefore lead to the central question: are the crimes committed by occupying forces in Gaza not covered by the provisions of IHL, or are the international system and international system, in particular, the Security Council, not subjected to a two-sided exercise of the law?

#### **Third: Research Methodology**

The suggested frame works can be called descriptive and targeted at examining the Israeli behaviour in relation to the Palestinian nation of Gaza, how the alleged violations of LHL are carried out, and what consequences such practice has on human rights.

#### **Fourth: Research Plan**

The study is divided into two parts to tackle the issue under consideration in a systematic way. The former deals with the violation of human rights under the IHL in which it is further subdivided into the analysis of the international human rights law and the examination of the violation of humanity in the presence of international law. The second part deals with the Israeli violations of IHL and the alleged Israeli hypocrisy in Gaza, which is further subdivided into a query on the Israeli violations of the IHL principles, and a follow up description of the infraction of the IHL principles in Gaza. The research ends with a long list of references.

The first part is a violation of human rights under international humanitarian law.

The crimes against humanity are nowadays generally viewed as the direct attacks on human dignity. To protect that dignity, what is required is the protection of the basic rights that uphold it, which include, right to life, physical safety, freedom, honor, and reputation. Where these rights are violated, human dignity may be compromised to a certain degree or be completely compromised depending on the degree of violation.

According to the crime as codified in the international law, international crimes provoke a state of international responsibility. They amount to egregious violations of personal or collective rights, which means that the essence of the modern doctrine of the public international law that states that individuals are autonomous entities that should enjoy maximum protection does not merely pertain to the situation of peace but also to the situation of armed conflict. These are violations that can be perpetrated in internal struggles within a sovereign nation, in a conquered situation, and even in the supposedly peaceful situation.

This human rights corpus has since been changing significantly since the establishment of the United Nations in 1945. Both international human rights law and IHL have absorbed human rights and have provided clauses which safeguard fundamental liberties both in peacetime and in armed struggle.

In spite of the many global tools used in the handling of human rights, the universal declaration of human rights stands out. It has been the source of authority of both international and domestic law, and international

human-rights law has also evolved significantly since its adoption in 1948, together with other binding instruments.

In regard to the Gaza war, Israel has placed all-out blockade along the coast since the outbreak of the war forcing 2.3 million people staying in the Strip to suffer extreme displacement. Gazans struggle with serious challenges of finding a place to stay and to feed on; as such, thousands have died. Several of them have been exposed to recurrent forced evictions, starvation, intense cold and constant bombardment.

Further discussion can be broken down into two subsections: the first part explores the international human-rights law whereas the other part outlines various types of violation of humanity under the IHL.

### **Part I deals with the International Human Rights Law.**

The history of international human right law traces back to the post-World War 2 era, but one may trace its origins in the previous national laws. By its very nature, it is a collection of basic rights that should be granted to all people in their sovereign territory, that is, all citizens of a particular state. In addition, it represents a body of treaty-based and customary norms according to which persons and collective entities can seek a ground on which to oppose state action or to seek particular gains.

Human rights are given to every individual based on human nature. The set of principles and rules that complement the covenants written on treaties are what are known as global norms on human rights. The hierarchical classification of these rights, the distinction between a fundamental and non-fundamental, inalienable and derogable, non-transferable and transferable rights, is used to specify the different levels of importance. There is a dire necessity to draw the line between international humanitarian law and human-rights law: although similar to each other, these two are of different origin and represent different sets of treaty laws. It is important to note that the human-rights law is not applicable in a similar way as the international humanitarian law during non-armed conflicts. The latter attempts to protect the fundamental rights of people in the global society and it imposes obligations and penalties on offenders to restore compliance with the law regardless of the jurisdiction and safeguarding of states. Preferably, the international human-rights law is everlasting, both in times of peace or wars. However, some of the provisions of the treaty permit the states to withhold certain rights during national emergency situations, which have endangered the very existence of the nation. Some rights though sacrosanct regardless of circumstance, the right to life, tortures or degrading

treatment, slavery or servitude, regressive criminal law. Basic rights cannot be diluted, but may be provisional at any given time in a particular situation, though not indefinitely, on certain cases, particularly the first and second generation. The third-generation rights are international obligations that cannot be achieved by one nation.

In addition, certain second-generation rights will depend on the economic ability of the state. The state may not be able to provide resources to meet the needs of the population through healthcare, education, job opportunities, and cultural programs, which the state has to provide. On the other hand, the rights that fall under the sustainable range of the state are considered crucial and need to be assured to the citizens. These are the basic rights which in turn spur the growth of the economy, give everyone a job, force children to attend school, and offer primary healthcare. Any denial of these necessary rights undermines the legitimacy of the state as such, and makes it a force of repression, as opposed to a governmental force protecting its subjects.

The basic, non-negotiable rights are vested in the corpus of rights that are safeguarded under the international law and any breach of these rights amounts to international crime that must be tried, convicted and punished. These rights are above all those that protect life, bodily integrity and human dignity and their violation include mass murder, torture, persecution, slavery, discriminatory segregation, and repressive systematic repressive policy. Since the emergence of the international humanitarian law and international human-rights law have historically been distinct fields of study, there has been a recent move towards the integration of both through treaties. Examples of such include the Convention on the Rights of the Child, its Optional Protocol on the participation of children in armed conflict and the Rome Statute of the International Criminal Court. It is through this convergence that international prosecution has become a possibility to the perpetrators of such crimes thus harmonising the criminal jurisprudence that should be applied against international offences. Human life, health, and dignity are the main goals of the two law systems which however differ in perspective, it is thus not surprising that some of the clauses will bear glaring similarities or even direct correspondence to each other despite the differences in lexical aspects. The international humanitarian law deals with a wide variety of issues that the human-rights law does not directly follow, whereas the latter offers protection to the areas that the former does not monitor. The human-rights regime started with the universal declaration of human rights.

Though not binding upon states it has overshadowed customary international law and its moral authority, especially since the international covenants on civil and political rights and the economic, social and cultural rights became effective, has been recognized as such. Being a non-treaty instrument, the Declaration defines general principles; the terms carried in the Declaration are considered to be non-binding customary law, though the Declaration itself is of dominant legal and political importance, on which the next legally binding treaties and national protective measures are built.

Because the academic description of human rights has developed, and the legal framework that takes into account the rights has been extended, the rights have been classified into the three generations. The former one is the first generation (civil and political liberties); the second generation is the social, economic, and cultural rights; and the third generation is the solidaristic rights related to the environment, development, and peace. There is an emerging fourth generation, the democratic rights that states must have, which is under discussion at the moment.

This dynamic discourse has not reached as far as to become binding treaties but it still gives grounds as to why it should evolve. The call to democracy has been critical in a wide range of international tools released after the Cold war with the onset of 1989. However, the democratic transformation which has come about has been triggered earlier, during the detente era that led to the denouement of the cold war. The disintegration of the Eastern Bloc and the dismantling of the Berlin Wall sparked a spirited debate about whether the world was in need of a transition to more democratic politics a transition which was commonly referred to as the third wave of democratic expansion throughout the world.

The second requirement is connected with the international legal system of the breach of humanity in all its manifestations. The offences—torture, rape, enforced disappearance, apartheid, and other inhuman acts- are listed in article 7 of the Rome Statute.

The initial requirement is that of premeditated murder. Killing is intentional killing which is against the right to life, and leads to death. In the context of the traditional penal doctrine, criminalization of homicide is one of the most salient concepts, which are in fact exercised by nearly all domestic legal systems. The issues that are implicit in the idea of purposeful killing involve a lethal act that has not been authorized by a legal execution. Murder is definitely one of the gravest crimes because it creates the deprivation of human life which is the gift which is presented to humanity by the higher power. Article 7 of the Rome Statute defines intentional

destruction of a civilian population as a crime against humanity, and in this case a state or organized group of people engages in such an act in pursuit of a policy. The Rome Statute, as applied in the definition of willful killing by ICC provides the following:(a) willful killing as part of genocide; (b) willful killing as part of a crime against humanity, executed as a widespread or systematic attack on a civilian population, and done with knowledge of the attack; (c) similar conduct as a part of a declaration that no one shall survive.

The second demand deals with the extermination criminality. Genocide can be defined as the organized physical destruction or an infliction of physical harm that culminates into the destruction of a group of people by means of persecution or massacres; it might also take a moral form hence attacking the psyche of the target population. Genocide as a crime against humanity also assumes the destruction of a person or people or even the creation of conditions that put the very life of that group of people at risk. The crime can be described as follows- each of them is pursued with the goal of eliminating a national, ethnic, tribal or religious community: (a) elimination of members of a group; (b) subjecting the members of the group to gross bodily or psychological harm; (c) causing the conditions that would lead to the physical extinction of the group, in part or entirely; or (d) forcing the members of the group to replace their reproduction by the replacement of the group.

The third request is that of the crime of slavery. Slavery is a highly serious crime that is looked upon by the global community as something that should be prohibited, eradicated, and legalized. It is a serious infringement of the right to physical freedom of any kind. Being a crime against humanity, slavery finds its roots in a number of international treaties denouncing all types of slavery. The initial agreement was a treaty made between France and Britain in 1814 and was subsequently renamed as Vienna Declaration of 1820, which noted that slave trade was criminal and needed to be abolished. Plans of action, such as the 1822 Febrona Declaration, and a series of international conventions, such as the Slavery Convention of 25 September, 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Practices Similar to Slavery of 1956, continued to criminalize all forms of slavery in more detail.

Fourth: Forced migrations and deportation.

Forced displacement, which is normally seen as illegal expulsion or the forced movement of people out of their legitimate residence, is against the protective provisions of the international law. This is a form of crime, the communal character of which promotes it to

a separate category of crime. More often than not this crime propels a second crime that covers the stealing of the property and land belonging to the displaced persons or its destruction which is clear expression of the pursuit of vested interest behind it. Most cases of displacement can be directly attributed to armed conflict, be it between two sovereign states or within one state where a strong force or a power force whether direct or indirect is present making war the main cause of human displacement.

Under prison or a lack of freedom as perceived in normal context, an imprisonment or deprivation act is a penalty measure imposing a penalty on denying the freedom of a person. The pain created by this kind of deprivation is because of the denial of the right to freedom which is either permanent (such as life imprisonment) or temporary depending on the verdict of the court. Similarly, in case the deprivation is inflicted as a penalty to an offence regulated by the Charter and in a case where the procedure was followed accordingly, the deprivation in itself is not a criminal offence, as long as it is implemented humanely and without causing injury to the dignity of a person. On the other hand, any deprivation that violates the norms set in the international law will be considered as a crime against humanity and the offender will be tried in the International Criminal Court.

Torture crimes are characterized by intentional activities that cause extreme physical or mental suffering to an individual in order to reach a goal of obtaining information, getting a confession, or punishing a victim or a third party with regards to an alleged event. The infliction can be discriminatory too, or condoned either implicitly or explicitly by an authority. Everything that deals with legitimate penalties and causes pain or suffering is not included in this definition. Torture, therefore, is a very grave infringement of not only the local but also the global law and thus needs a very strict prohibition and accountability measures.

Rape, which is a crime under the umbrella classification of sexual assault, is one of the worst forms of assaults to the human dignity. Sexual honour is a moral and religious creation that protects integrity of the body against unjustified sexual behaviour. Rape destroys social freedom and inviolability of the human body with the result of permanent physical, psychological, and mental injuries. In addition to direct victimisation, it is destabilizing the society by disrupting the prospects of marriage, family stability and most likely leading to illegitimate births, which have material as well as moral implications. The very concept of rape implies initiating or trying to establish a sexual contact without the mutual consent; it is not a feminist vice, as although

women, though to a lesser degree, may engage in rape of men or even children.

Persecution entails the extreme and deliberate denial of some of the fundamental rights to a category of individuals, which violate international law based on the communal affiliation of the group. The persecution was wide in the illegitimate denial of the right to life, the integrity of bodies, equality, the freedom of movement, family rights, right to access education, the right to participate in politics and the right to seek refuge. This is a crime against humanity, and is tried as an International crime in International criminal court particularly when it is committed against a particular demographic on political, racial, national, ethnic, cultural, religious, or gender-related grounds. The acts are strictly forbidden by the international law and every action that comes under the jurisdiction of the Court is open to responsibility.

The second section of the fifth, sixth, seventh and eighth sections is a repetition of the above-presented definitions, and the explanation of the doctrinal shades of each offence. Their connection with each other in the corpus of international criminal law is highlighted in repetition.

### **Part Two: Israeli breach of the International Humanitarian Law.**

The area is regularly faced with incidents of violation of the international humanitarian law (IHL) as the conflict between Israel and the Palestinian regions continues, mostly in the Gaza Strip. The continuation of the perceived double standards towards belligerents has increased violence to levels where the civilians have become the victims of the severe blockade and frequent attacks by the military and military forces that are in contravention of human rights and IHL. Through these abuses and their implications, we need to understand the nature of the conflict and come up with some fair, sustainable measures to this complicated humanitarian and political disaster.

This section is split into two, the former examines Israeli violations of IHL; the latter is centered on Gaza events in recent times. The first part is the analysis of Israeli behavior in occupied lands. Since the conquest of Palestinian lands by the Israeli forces in 1967 and subsequent de-facto occupation, the United Nations has always described Israeli activities as occupation, and required their withdrawal in a series of resolutions made by the Security Council and the General Assembly. Security Council Resolution 242 (1967) urged Israel to withdraw governing the occupied Palestinian territories, by stating that peace in Middle-East would rely on the observance of the requirements in the Charter. This position was reinforced in the

resolution 338 (1973), which encouraged Israel to observe the provisions of Resolution 242.

In the Fourth Geneva Convention, the Security Council has made several calls to the Treaty of Fourth Geneva in which Israel is obligated to apply the provisions of the Convention without exception or derogation. As an illustration, Resolution 237 (1967) referred to Article 49; Resolution 271 (1969) reiterated that terms of the occupation had to be enforced especially in the Al-Aqsa Mosque episode and it pointed out that violation of sacrosanct sites may disrupt the global tranquility. Resolution 1322 (2000) obligated Israel further to observe and enforce the protection of the Convention of civilian in the wartime unconditionally.

Similar claims by the General Assembly have affirmed what Israel has affirmed, which is the need to uphold the Fourth Geneva Convention in all the occupied Palestinian territories, and to condemn violations to it. Following the occupational of Jabal Abu-Ghaneem and the growth of settlements, the basis of the so-called Judisation of Jerusalem, further action took place in 1999, and it consisted of five resolutions (a/res/es)-2/10, (10/3 -es), (es10/4), (105-es), and (106) (10). In 2001, the Convention was given a new life by the declaration of the original contracting parties in which it was affirmed that it is applicable to the occupied territories, including East Jerusalem. The combined effect of these resolutions and declarations creates an aspiration of Israel honoring the Geneva Conventions and non-violation in the ongoing conflict.

The resolution of the United Nations Human Rights Committee of 19 October 2000 directly classified the supposed atrocities of the State of Israel as war crimes and crimes against humanity. This document once again restated the obligation of Israel to comply with the Fourth Geneva Convention and the First Additional Protocol and therefore reasserted the bindingness of the two international instruments to the occupied territories.

The Israeli occupation army has publicly announced its plans to undertake a massive offensive in the Palestinian territories as a response solution to attacks that are allegedly perpetrated by Palestinian militants in Israeli civilians. The Israeli government has described such attacks to be terrorism that requires decisive action to be taken and therefore it requires destruction of purported reliable infrastructure. This operation has been named Operation Defensive Shield.

The offensive began at first light on 29 April 2002, when the official residence of the President of the Palestinian Authority, the Muqata'a compound of Ramallah was encircled by Israeli forces. In this occupation, the Israeli army systematically exposed Palestinian civilians to

inhuman and degrading treatment and this action amounts to a grave violation of the Geneva Convention. In particular, Article 147 of the fourth Geneva Convention was breached and this breach was further expounded in Article 8(b) 21 of the Rome Statute of the International Criminal Court. The Israeli forces entered the cities of Syria, used civilians as human shields, arrested dozens of people, and forced them to walk before the forces, thus putting their lives in danger to take part in war activities. Besides, the troops slaughtered over 150 Palestinian civilians in the course of the recapture of Nablus and Jenin in August 2002 wherein majority of the civilian casualties were women, children and the elderly.

These killings constitute a textbook breach of the international humanitarian law and related conventions. The civilians status of protection is a principle that is ingrained in Article 51 of the Additional Protocol of 1977, according to which the status of civilians should never be targeted and the acts aimed at breeding terror on the population should be avoided. However, the Israeli troops demolish houses in the Old City of Nablus as a result of which they cause damage to the residents. The methodical killing of civilians throughout the Palestinian lands led to a sequence of massacres with the latest one being the Al-Aqsa Flood.

The following section includes a comprehensive description of crimes committed in Gaza in 2023 and 2024. The Israeli actions at this time, which are against the international humanitarian law, are a chain of atrocious acts that have caused deep afflictions to the Palestinian civilians. The most notable of these crimes is the indiscriminate bombing of civilian targets, whereby Israeli forces targeted intensive airstrikes to the highly populated residential areas killing and maiming thousands of people including women and children. Worship venues, educational institutions, and hospitals were also targeted and this had a significant devastating effect on important infrastructure. Direct bombs hit hospitals, and killed and injured a lot of patients and medical staff, thirty hospitals were destroyed, and 53 health centres were destroyed, which further aggravated the humanitarian crisis in Gaza. Such behavior violates Article 27 of the Convention on the Laws and Customs of War on Land, which outlines that one is not allowed attack on structures that are places of worship, medical or historical sites unless they are used in the military.

Use of disproportionate force by the Israeli forces against Palestinian civilians, whereby the Israeli forces shell-artillery and launch air-strikes towards the residential areas, is also a violation of the international law. In the course of the 92 days battle, Israeli army has been accused of carrying out 1,903 massacres that have

led to the death of many children, women, and the elderly. This behaviour is a direct contravention of Article 25 of the Convention on the Laws and the Customs of the War on Land that restricts attacks on civilian objects like towns, villages, homes, and undefended buildings when they are likely to result in excessive destruction as compared to the military benefit to be anticipated.

Since the fighting erupted, the army of occupation has gone on attacking residential properties in Gaza through aerial attacks. When ground actions were initiated, artillery fire apparently destroyed about seventy percent of the housing stocks causing the deaths and displacement of immeasurable women and children. The Israeli blockade of Gaza has continued and thus leaving them with acute shortage of food, medicine and fuel thus making life in Gaza dangerous. This blockade has been identified to be a war crime under the international humanitarian law since it is the strategic application of starvation as a weapon of war. The blockade and following demolitions worsened even more the economic situation in Gaza since unemployment and poverty rates grew. Furthermore, the Israeli soldiers blocked the humanitarian effort, which worsened the situation of the besieged people.

These violations are a pure violation of the Geneva Conventions and the general principles of the international law of humanitarian intervention which requires the parties to protect civilians in the course of the armed conflict. The international community should act swiftly to bring culprits to book and deliver humanitarian aid to the civil population of Gaza promptly.

The war has remained to have a very high cost with a lot of destruction and displacement being caused despite increasing international pleas to protect the civilians and apply the rules of international humanitarian law, human rights, and international resolutions. This war can be deemed as the deadliest and most devastating since the Israeli attack on 7 October 2023, a new period of military conflict. On the 226<sup>th</sup> day of the Israeli aggression, the Israeli forces were still shelling different places within the Strip, leaving behind eight massacres, killing seventy people. This has been accompanied by an increase in military actions in Rafah- a town the insurgency of which has been prophesied by a lot of international criticism. The Israeli Channel 12 informed that there would be a fourth brigade posted in Rafah bringing the number of brigades that will be employed in Gaza to nine.

Occupation army operations that started at Rafah on 6-May continue despite the threats of both the domestic

and international communities about the punitive consequences of such operations, especially when such operations have been carried out in the name of security when the site of these operations is in fact the relocation of about 1.4 million people who had been displaced. Since 7 October 2023, the total number of Palestinians killed by Israeli fire in Gaza has increased to 22,853 with more than 69.75 percent of those killed being women and children and more than 58416 injured with nearly three-quarters of the injured being women and children. The 1,903 civilian massacres that were experienced in the 92 days of hostilities also testify to this fact that Israel troops were massacring civilians.

The number of housing units that have been destroyed and partially destroyed by Israeli occupation forces since the beginning of their offensive has been estimated at 69,000 and 290,000, respectively, which has led to huge displacement. Airstrikes have also focused on the electricity, water, and sanitation systems, bringing down the daily routine of residents. According to the most recent figures released by Government Media Office in Gaza on 7 January 2024, Israeli bombardments have made 30 hospitals and 53 health centres inoperable. The fact that the blockade and denial of the basic resources, water, food, fuel, and medicine are long-lasting is a form of collective punishment which is a clear violation of the international humanitarian law and is even bordering with war crimes.

These allegations are flagrant contraventions of Articles 33, 55, 146 and 147 of the Fourth Geneva Convention of 1949 which stress the obligation of the occupier to protect civilians. The article 55 of the convention stipulates that the occupying power should ensure the population gets the needed food and medical supplies as far as possible and in cases where the local resources are inadequate, to import the needed commodities. The occupier is explicitly prohibited to seize any food, supplies or medical equipment in the occupied territory, and has a reasonable approach to deem the needs of the local population. The acts of the Israeli troops are classified as humanitarian starvation of innocent civilians, and, as such, they fit the definition of war crimes as contained in the Rome Statute of the International Criminal Court.

## **CONCLUSION**

The feeling of Arab aspiration can always be neutralized in the case of a loss, but this has to be countered by sound recalibration and criticism of the losses so as to overcome the harmful impacts.

Palestinian question is one of most complicated variables that the modern international relations are

facing as it involves Palestinian self-determination quest in the context of long-standing territorial dispute, all in the context of the larger geopolitical flow in the region.

Traditionally, this problem has been institutionalized by the migration of Jews to Palestine, settlements, and the disputability of the Israeli occupation legitimacy.

Even though, the Western views have been oscillating over the Palestinian issue, these changes are not yet institutionalized in political leadership or mainstream media.

Considering the ongoing violence in the Palestinian territories and aggressive policies of Israel, the divide between the general opinion and political position might become even broader, thus putting an additional strain on the leaders and the press to become more moderate.

The final analysis provides the following conclusions and recommendations:

Indiscriminate and unproportionate attacks on civilian and residential properties have already caused a significant number of victims, which is an apparent violation of the international humanitarian law.

Hacking into hospitals and relief workers hinders provision of crucial aid and thus escalates the effects of civilian suffering and violates the protective measures outlined in international humanitarian law on medical facilities.

The statement by the Conference of the original contracting parties of the Fourth Geneva Convention of December 2001 declares the applicability of the convention to the occupied Palestinian territories, including East Jerusalem.

Although the international human-rights instruments have proliferated, the Universal Declaration of Human Rights has been seen as the source of reference despite its promulgation in 1948 and the adoption of several binding conventions, and is seen as one of the main sources of reference when it comes to international and national law.

The end result is a disastrous humanitarian crisis due to the mass displacement of numerous civilians because of military operations. These measures go against the principle of civilian protection and only allow forced displacement to be done when it cannot be avoided on military grounds.

**Second: Recommendations**

All states that are inclined toward the Palestinian side should be obliged to conduct independent, open, and unbiased investigations into the events and atrocities that occurred during the Gaza war with the focus on

justice, accountability, and proper testifying. These investigations should be done by an international organization that would encompass all the concerned states.

They should also establish strong systems to protect civilians and maintain critical infrastructure such as establishment of safe areas and improvement of early warning systems to minimize the number of civilians killed. All suspected violations must be investigated by the outside circles, and the violators of these crimes must be brought to court before national and international bodies.

Humanitarian aid must be delivered via unobstructed avenues hence guaranteeing the best security of delivery and medical personnel.

The creation of global awareness about the crisis in Gaza must be done by way of carefully crafted media campaigns and diplomatic efforts. They have to apply diplomatic pressure to the concerned parties to undertake practical steps that will protect human rights due to the atrocious violations that have been experienced in Gaza.

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