

Violations Of International Humanitarian Law: A Case Study Of Israel-Gaza Conflict

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Abstract

International Humanitarian Law (IHL) considers as a foundation for regulating armed conflicts and safeguarding the rights of individuals affected by such conflicts. Despite its worldwide recognition, its application in various contentious circumstances, particularly exemplified by the Israel-Gaza conflict, remains a subject of intense discussion. Employing a qualitative research design, this paper explores the nuances of the Israel-Gaza dispute. It meticulously highlights numerous violations of IHL, encompassing breaches of its fundamental principles, including distinction, proportionality, neutrality, and humanity. These violations, attributed to both the Israeli Defence Forces and Hamas, underscore the formidable challenges in maintaining ethical and legal standards amidst ongoing warfare. This paper stresses the critical importance of addressing IHL violations within the Israel-Gaza conflict. It demands for accountability, ethical conduct, and genuine efforts toward peace and reconciliation. This article urges sustained actions for a lasting solution, highlighting the principal importance of adhering to IHL principles to guarantee long-term peace in the region. In addition, it accentuates the significance of international cooperation and support in fostering compliance with IHL and promoting a culture of respect for humanitarian norms. The paper stresses the need for impartial investigations into alleged violations of IHL and the prosecution of those responsible. It also calls for actions to increase the protection of civilians and humanitarian workers in conflict zones. By promoting adherence to IHL, this paper maintains, the international community can play a pivotal role in mitigating the humanitarian impact of armed conflicts and advancing the cause of peace and justice.

Key words: International Humanitarian Law (IHL), Proportionality, Decimation, Combatants, Distinction.

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1. Introduction

International Humanitarian Law (IHL), commonly known as the Law of Armed Conflict, regulates the conduct of armed conflicts and protect those who are not or no longer involved in conflict. IHL has evolved through several decades, including significant milestones such as the foundation of the Red Cross in 1864 and the adoption of the Geneva Conventions in 1864 and 1949. Additional Protocols, developed in 1977, increased rights for victims of both international and non-international armed conflicts. The fundamental principles of IHL include distinction (distinguishing between civilians and combatants), proportionality (ensuring that military actions are proportionate to objectives), neutrality (parties not involved in conflict should not be targeted), and humanity (requiring humane treatment of all individuals). The Geneva Conventions and Additional Protocols provide regulations to protect the wounded, ill, and prisoners of war, and it emphasizes on non-discrimination. IHL supports the protection of civilians, limits the means and techniques of combat, and compels parties to take preventive steps while also establishing an accountability framework to hold violators responsible. However, despite global acceptability, IHL's application remains controversial, particularly in the ongoing Israeli-Gaza conflict.

The Israel-Gaza conflict has deep historical roots and diverse origins, spanning over years of events and changes. Israel's defence forces have flagrantly broken all principles of international law during the last 76 years and never held accountable. Recently, the events of October 7, 2023, and Israel's brutal reaction have refocused attention on the application of IHL, which has always been challenging.

This research paper delves deeply into the violations of International Humanitarian Law (IHL) committed during the Israel-Gaza conflict. The purpose of this article is to examine the hostilities conducted and the protection of people during the conflict. Using a qualitative research design, the paper explores the subtle aspects of the Israel-Gaza war, relying on both secondary and primary data sources. International Humanitarian Law serves as the conceptual framework for this study, which explains the violations of international law in the Israel-Gaza conflict. These violations are studied in light of both Israel's and Gaza's actions, illustrating the complexities and problems of maintaining ethical and legal principles in the midst of ongoing conflict. This article further emphasizes the need of addressing violations of IHL in the Israel-Gaza conflict, as well as the need for accountability, ethical conduct, and genuine efforts for peace and to bring sustainable resolution of the conflict. However, as Israel - Gaza is an ongoing

conflict this paper covers statistical data of casualties from October 7th, 2023 till April, 2024.

2. International Humanitarian Law

IHL is a set of norms and principles governing the conduct of armed conflicts. The main aim of IHL is to reduce human suffering caused by wars and conflicts by controlling belligerent behaviour and safeguarding individuals who do not or no longer participate in hostilities. The origins of IHL can be traced back to ancient civilizations and religious ideologies, where specific regulations and norms attempted to restrict the savagery of battle.

However, the present framework of IHL began to emerge in the nineteenth century, particularly by the efforts of Henry Dunant, who experienced the horrors of the Battle of Solferino in 1859. Dunant's advocacy resulted in the formation of the International Committee of the Red Cross (ICRC) and the acceptance of the first Geneva Convention in 1864, which sought to safeguard wounded troops on the battlefield (Inter-Agency Standing Committee, 2010).

2.1 Key Principles of IHL

- a. **Principle of Distinction.** The principle of Distinction is the foundation of IHL. It emphasizes the need to distinguish between the combatants of war and the civilians, as well as between military based areas and civilian areas. According to the principle of distinction belligerents are compelled to direct their actions solely against military and to avoid civilian casualties (ICRC).
- b. **Principle of Proportionality.** Proportionality principle dictates that during the conflict the use of force must be proportionate to the military targets and objective being pursued. It prohibits excessive or indiscriminate attacks against civilians or civilian objects disproportionate to the expected military advantage. This principle aims to balance military necessity with humanitarian considerations (ICRC). Moreover, this principle says that in situations where unintentional harm to civilians or civilian objects is unavoidable, the principle of proportionality applies. This means that individuals responsible for planning or authorizing an attack must abstain from initiating or must halt an attack if it is likely to result in excessive damage to civilians or civilian objects compared to the anticipated military advantage.

c. **Principle of Neutrality.** The principle of neutrality recognizes the status of individuals and entities that do not participate in hostilities, such as humanitarian organizations and medical personnel. It mandates that these entities should be respected and protected by belligerents and should not be targeted or subjected to harm during armed conflicts.

d. **Principle of Humanity.** Humanity principle emphasises the humane treatment of all individuals who are not or are no longer participating in conflicts, including civilians and captured combatants. It prohibits acts of violence, cruelty, and torture, emphasizing the need to protect the inherent dignity of every person, even during the armed conflict (Shaw, 2021).

IHL also have few following components and instruments to protect innocents during wartime

a. **Geneva Conventions.** The Geneva Conventions work as a foundation of IHL system that enacted from 1864 and eventually came to an end in 1949 and it's made up of a set of four Conventions. The primacy of their charters is to outline and secure the right of the wounded, sick, ship wrecked persons, prisoners, and civilians during wartime. The treaties transcribe legal norms associated with the treatment of people who fall into these categories and they also oblige nations to comply with those norms.

b. **Additional Protocols.** Geneva Convention's Additional Protocols were adopted in 1977 which has further strengthened and expanded the protection of victims of armed conflicts. From the Additional Protocols, Protocol I emphasis the protection of civilians particularly in International armed conflict, whereas Protocol II talks about the protection of civilians in specifically non-international armed conflicts.

c. **Customary International Humanitarian Law.** The Customary International Humanitarian Law encompasses practices and rules that have developed over time and are widely recognized as binding on all states, notwithstanding of whether they are parties to specific treaties. The International Committee of Red Cross (ICRC) along with various other legal scholars have played an important role in recognising and codifying customary rules of IHL (Shaw, 2021).

d. **International Criminal Court (ICC).** Establishment of International Criminal Court in 2002 marked a significant step in ensuring accountability for serious violations of IHL. The ICC has jurisdiction over individuals accused of genocide, war crimes, crimes against humanity, and the crime of aggression. Its role is to prosecute those responsible for the most severe breaches of IHL (Shaw, 2021).

2.2 Sources of IHL

Key instruments of Modern IHL documents include

- The Hague Regulations, which governs the laws and customs of land warfare.
- The Geneva Convention (I), aiming at improving the condition of wounded and sick military personnel in the field.
- The Geneva Convention (II), aims at improving the conditions of wounded, sick, and shipwrecked armed forces members at sea.
- The Geneva Convention (III) on the Treatment of POW.
- The Geneva Convention (IV) protects civilians during wartime.
- Protocol I and protocol II addresses the protection of victims of international armed conflicts and non-international armed conflict, significantly.

3. Historical Background of Israel-Gaza Conflict

The deeply rooted and diverse Israel-Gaza conflict is a result of a complex interaction of historical, political, religious, and territorial disagreements between Israelis and Palestinians. The roots of the conflict may be traced back to the late nineteenth and early twentieth centuries, when major Jewish immigration to Palestine began as part of the Zionist movement, which an aim to build a Jewish homeland in the territory, ruled by the Ottomans. The influx of Jewish settlers heightened tensions with the Arab population, which resulted in growing clashes and competing national aspiration. However, the 1917's Balfour Declaration is vital to understanding the historical context of the Israel-Gaza conflict.

The Belfour declaration was issued by the British government during World War I, the declaration expressed support for the establishment of a "national home for the Jewish people" in Palestine. This declaration was a pivotal step in the Zionist movement, which has provided international recognition and legitimacy to Jewish objectives for statehood in Palestine (Elmali, 2023).

Moreover, the declaration had laid the groundwork for the establishment of the State of Israel in 1948 and contributed to the escalation of conflict between Jews and

Arabs. The United Nations' proposal for a partition, in 1947, aimed to divide Palestine into two separate states for Jews and Arabs, with Jerusalem as an international zone. This plan was widely accepted by the Jews, whereas, the Arab leaders rejected it. This led to armed conflict and the establishment of the State of Israel in 1948.

Soon after the establishment of Israel, the First Arab-Israeli War triggered, with neighbouring Arab states, including Egypt, Jordan, Syria, and Iraq. Israel emerged victorious from the conflict, which led to the displacement of hundreds of thousands of Palestinians. The armistice agreements, after that, left Gaza under Egyptian control and the West Bank under Jordanian control. This was followed by the Six-Day War in 1967 initiated by Israel in a pre-emptive strike on Egyptian air forces (Elmali, 2023). Israel swiftly defeated the combined forces of Egypt, Jordan, and Syria, occupying the Sinai Peninsula, Gaza Strip, West Bank, and Golan Heights. The geopolitical landscape of the region got significantly altered after this victory and led to Israel's military occupation of Gaza and the West Bank.

The Yom Kippur War was another war between Israel and Arab states, fought in 1973, It started with a surprise strike on Israel around Yom Kippur and Ramadan. Despite initial Arab gains, Israel finally repelled the attacks. The war ended with a cease-fire and no significant territorial changes, but it had long-term consequences for the area, instigated changes in military policies and diplomatic efforts to resolve the Arab-Israeli conflict.

Following all the full-scale Wars, Israel began constructing settlements in the occupied territories, including Gaza, that are considered illegal by the International Law. However, throughout the history, various efforts has also been done to address the conflict through peace negotiations, such as the Oslo Accords in the 1990s, aimed to establish a framework for peace between Israel and the Palestinians, leading to limited Palestinian self-governance in parts of the West Bank and Gaza. However, the peace process faced numerous complications, including continued violence and conflict escalation (Elmali, 2023).

3.1 Rise of Hamas in Gaza

The rise of Hamas, a militant Islamist organization, further complicated efforts for peace, as it won Palestinian legislative elections in 2006 and subsequently seized control of Gaza in 2007 (Robinson, 2024). This led to a political and territorial split between Hamas in Gaza and Fatah in the West Bank, exacerbating internal Palestinian divisions and contributing to conflict escalation. Periodic flare-ups of violence, including major

conflicts, as Operation Cast Lead in 2008-2009, Operation Pillar of Defense in 2012, and Operation Protective Edge in 2014, have resulted in extensive casualties, destruction, and international condemnation. Despite occasional ceasefire agreements and international mediation efforts, the underlying issues fuelling the Israel-Gaza conflict, including the blockade on Gaza and status of Palestinian territories, remain unresolved, posing significant challenges to peace and stability in the region. The underlying grievances and political dynamics fuelling the Israel-Hamas conflict remain unresolved, posing significant obstacles to achieving lasting peace in the region (Robinson, 2024).

3.2 Recent Developments

On October 7, 2023 Al-Qassam Brigades of Hamas executed armed assaults on Southern Regions of Israel, which were the Palestinian territories occupied by Israel, along with Jerusalem and several Israeli municipalities. Operation Al-Aqsa Flood, resulted in over 1,400 fatalities and the seizure of around 240 hostages by Hamas. In response, the Israeli air force conducted airstrikes on Gaza approximately three hours after the attacks, indicating a profound shock within Israel (Elmali, 2023). Benjamin Netanyahu, the Prime Minister of Israel has declared a state of war, while Yoav Gallant, the defence minister, announced plans for a comprehensive blockade on the Gaza Strip, encompassing the withholding of electricity, fuel, and food supplies, citing the necessity to counteract what he referred to as "human animals" (Aljazeera, Israeli Defence Minister orders 'Complete Siege' on Gaza, 2023).

Despite Israel's initial claims of acting in self-defence, its military campaign quickly escalated into a wide-ranging and merciless operation, resulting in the indiscriminate bombing of residential areas and civilian infrastructure in Gaza. This ongoing Israeli offensive has resulted in the deaths and injuries of thousands of innocent civilians, prompting a critical examination in accordance with International Law, particularly IHL

4. Classification of conflict under International Law:

Classification of Israel-Gaza conflict as international Armed Conflict (IAC) or Non-International Armed Conflict (NIAC) according to Law of Armed Conflicts is important in order to determine the legal regime for protection of individuals and accountability for those who violate IHL under International Criminal Law (ICL).

4.1 International Armed Conflict (IAC). As per the guidelines outlined in Article 2 of Geneva Conventions of 1949 and subsequent Additional Protocols, the

characterization of a conflict as an IAC is based on the engagement of two or more states in the conflict (Solis, 2016). This means a conflict can be classified as IAC if,

4.1.1 It involves two or more states directly in hostilities or

4.1.2 It is meeting the criteria of "armed conflict" as defined in IHL which typically involves the use of armed forces.

4.2 Non-International Armed Conflict (NIAC). Article 3 of Geneva Conventions applies to NIACs that occur within the territory of a country (Solis, 2016). These conflicts typically involve a government facing opposition from internal groups, rather than a conflict between states.

5. Classification of Israel-Gaza Conflict.

It is a complicated task to determine that which branch of IHL applies to the ongoing hostilities in Gaza between the Israeli armed forces and Hamas military wing, either the law governing IAC or NIAC. However, an assumption can be made, to classify current Israel Gaza Conflict as IAC, based on the following reasons:

5.1 **Occupation Status.** Even though Israeli troops has withdrawn from the ground, but it still maintains control over many aspects of Gaza, including borders, airspace, and territorial waters. This continued control suggests an ongoing occupation (Baldwin, 2023).

5.2 **Geographical Proximity.** The geographical proximity between two territories, allows Israeli authorities to exercise governmental functions from outside Gaza, further indicating a state of occupation.

5.3 **Control and Authority.** Israel's control over Gaza and its ability to potentially re-establish full control within a reasonable time frame suggest a level of authority that aligns with the criteria for an IAC.

5.4 **Legal Implications.** Designating the conflict as an international armed conflict reinforces legal protections for individuals and objects affected by the hostilities. It also enables prosecution for war crimes under the jurisdiction of ICC.

5.5 **Protection for Civilian Populations.** Categorizing the conflict as an IAC ensures that civilian populations on both sides benefit from the protections outlined in the Geneva Conventions (GC IV), including access to the ICRC for

verification of detention conditions and family reunification efforts (Baldwin, 2023).

5.6 Prohibited Methods of Warfare. The designation of the conflict as an international armed conflict prohibits the use of methods or means of warfare that could cause widespread, long-term, and severe damage to the natural environment, providing additional safeguards.

Regarding treatment of Hamas forces, under IAC, they may not qualify for prisoner of war (POW) status as they are not part of the regular or irregular armed forces of the Palestinian State (Hemptinne, 2023). However, military considerations often dictate treating them as armed forces for targeting purposes, despite not formally belonging to a recognized party to the conflict. This approach may create a "hybrid category" under humanitarian law to balance humanitarian interests and military considerations effectively.

6. Violations of IHL in Israel- Gaza Conflict

At the core of the Israel-Gaza conflict is a deeply tragic story of human suffering and continual disregard for international humanitarian law. The ongoing violence, observed with dismay by the global community, creates a path of destruction that is hard to fathom. This conflict has witnessed frequent and serious violations of the rules intended to safeguard civilians and mitigate the brutality of warfare.

Gaza is home of around 2.23 million people, with 80% being refugee's dependent on humanitarian aid. Despite its small size of 365 km², Israel exercises complete control over its land borders and 45 km-long coastlines. Since 2007, Israel has enforced a total siege on the Gaza Strip, treating it as a hostile zone. This siege, affecting sea, land and air, violates International Law and amounts to collective punishment for all Gaza people. Consequently, Israeli military has initiated six wars between 2008 and 2021, with a seventh starting on October 7th, 2023. This ongoing conflict is characterized by an unprecedented level of destruction and civilian casualties caused by the Israeli army (Fact Sheet, War on Gaza: Violations of International Humanitarian Law, 2023).

Keeping in view the above mentioned four principles of International Humanitarian Law, the Israel-Gaza conflict alleged of numerous allegations and concerns regarding violations of International Humanitarian Law (IHL).

6.1 Violation of Principle of Distinction. As this principle requires that during the conflict the civilians and combatants must be distinguished, along with

civilian objects and military objectives. Both Israel and Hamas, the militant group controlling Gaza, have been accused of failing to adequately distinguish between these groups. Israel has been criticized for use of disproportionate force with “heavy and indiscriminate Weapons, ammunitions, rockets and bombs” in densely populated areas, which has led to numerous civilian casualties (Press Release, 2024). While it argues that it targets only militants and military infrastructure, reports from international organizations and human rights groups suggest that many civilian casualties have occurred. Israeli forces have openly targeted facilities which are being considered "protected" by International Law, including hospitals, schools, and places of worship. Moreover, bombing also directly targeted medical facilities, destroying ambulances, and killing of medical staff. Whereas, Hamas has been accused of launching indiscriminate rocket attacks towards Israeli population centres, without distinguishing between military targets and civilians. This violates the principle of distinction by putting civilians at risk.

6.2 Violation of Principle of Proportionality. According to this principle, use of force must be proportionate to the military objective only and must not lead to excessive civilian harm. Both parties have faced allegations of disproportionate use of force. Israel's military operations, such as airstrikes and artillery shelling, have caused significant civilian casualties and damage to civilian infrastructure. Critics argue that the scale of Israel's response often exceeds what is necessary to achieve its military objectives. Hamas's rocket attacks, while generally less destructive than Israeli airstrikes, have also been criticized for their indiscriminate nature and the disproportionate harm they cause to Israeli civilians compared to the military value of the targets.

6.3 Violation of Principle of Neutrality. This principle requires that entities not involved in the conflict be respected and not be targeted. In the Israel-Gaza conflict, the principle of neutrality has been violated in several ways. Humanitarian organizations and medical facilities in Gaza have been damaged and destroyed in Israeli military operations. Despite the neutral status under IHL, Israeli defence forces (IDF) have targeted various medical facilities, hospitals, clinics, and laboratories where thousands of civilians sought protection and shelter. Statistics highlights that Gaza's Health system has been completely destroyed. 32 hospitals out of 36 are destroyed including two largest hospitals (Nasser Medical Complex and Gaza City's Alshifa Medical Complex) (Press

Release, 2024). Moreover, educational, cultural and religious assets of Palestinians in Gaza have also been destroyed. According to statistics, Israel has demolished 80% schools and all universities, 241 mosques entirely and 318 partially and 3 churches where civilians were having shelter were bombed (Press Release, 2024). Notwithstanding, there have been reports of Hamas using civilian infrastructure, such as schools and hospitals, for military purposes, which violates the principle of neutrality and puts civilians at risk.

6.4 Violation of Principle of Humanity. This principle emphasizes the importance of preventing unnecessary suffering and treating all individuals with compassion and dignity. Israel has faced criticism for the blockade of Gaza, which has led to a humanitarian crisis, including shortages of food, medicine, and other essential goods. The blockade has been described by some as collective punishment, which is prohibited under IHL. Moreover, since Oct. 7, 2023, the death toll reached up to 42,510, including 38,621 civilians, 15,780 children and 10,091 women (Press Release, 2024), with 85% of Gaza's population is in internal displacement having severe shortage of food, medicines and clean water. Also, the aggression led to the forceful expulsion of 1.7 million Palestinians from the northern Gaza Strip (Staff, 2024).

7. Analysis and Findings

By analysing the ongoing crises in Gaza, Israel and IDF are clearly accused of genocide, forceable expulsion and ethnic cleansing of Palestinians in following ways.

7.1 The Rome Statute, in Article 6, as well as the Convention on the Prevention and Punishment of the Crime of Genocide, both define **genocide** as any act committed with the objective to destroy, any particular national, ethnic, racial, or religious group. It can be killing group members, severely injure them mentally or physically, and inflicting destruction upon them either completely or partially. The killing of 42,510 Palestinians (Press Release, 2024), including destruction of Mosques, Schools, lone houses and other religious and cultural landmarks echoes the genocide in Gaza. Such statistics prompted the petition of 790 scholars and legal experts from around the world stating that the situation in Gaza amounts to genocide (Staff, 2024). "Craig Mokhiber, Director of the New York Office of the High Commissioner for Human Rights" (OHCHR), also considered that the situation in Gaza is genocide (Fact Sheet, War on Gaza: Violations of International Humanitarian Law, 2023).

7.2 Forcible expulsion, which is a crime against humanity committed through acts that entail the displacement of civilians in any civilian group targeted in a wide-spread or systematic attack, is explicitly prohibited in the “Rome Statute”. According to article 8 of the Rome Statute, authorities cannot move or deport the population of a territory directly or indirectly under their occupation. In Gaza, aggression resulted in a massive wave of deportation that led to the forceful expulsion of 1.7 million Palestinians from northern Gaza to its southern point. Under Article 49 of the Fourth Geneva Convention, it is prohibited to perform forced collective or individual deportations or exchanges of protected populations in occupied areas. In a military order of around a million Palestinians (half of the population of Gaza), the Israeli army demanded them to evacuate from northern Gaza and move to its south on October 13, 2023. UNRWA directorate pointed out that number of displaces in Gaza is over 1.7 million including 400.000 living in its structures (Report U. S., 2024). Another Israeli intelligence document has also been leaked with an official plan to displace all of the Gaza city population to the Egyptian desert of Sinai, because of the established anxiety and pandemonium caused to be moved from north to south.

7.3 Ethnic cleansing encompasses a number of violations and crimes, including: killing of civilians, forced displacement, torture, attack on unarmed population, hinders humanitarian supply delivery, and very extensive property damage. International Court of Justice Resolution No. 91/2007 defines it as forcing or intimidating people to move out or stay out of a region in order to change the population’s ethnicity. Actions of Israeli authorities reflect ethnic cleansing in Gaza that uses internationally banned weapons to drive Palestinians out, an intentional scheme to deal with Israel’s demographic apprehensions (Report U. S., 2024).

7.4 The ongoing violations of International Humanitarian Law in Gaza have prompted calls for an impartial inquiry, particularly concerning attacks on innocent civilians, which could constitute war crimes under international law. A joint request has been received to the Prosecutor of ICC from five countries to investigate the situation in Gaza, underscoring the gravity of the allegations (Report U. S., 2024).

7.5 Accusations are also being made by Naledi Pandor, South African Foreign Minister, against Israel, alleging "the murder of children and women," and her call for the ICC to issue arrest warrants for decision-makers of Israel have stirred significant international attention. The ICC, empowered to investigate war crimes and crimes against humanity, has announced its intention to investigate the alleged war crimes committed in Gaza. Despite Israel not being a member state of the ICC, the court asserts jurisdiction over the actions of both entities, Hamas militant groups in Israel and Israeli forces in Gaza (Qamar, 2023).

7.6 International legal experts have pointed out specific violations, including deliberate attacks on civilian targets and the excessive use of force, blockade for delivery of humanitarian aid (Qamar, 2023). These actions, such as strikes on residential buildings at night without warning, raise serious concerns regarding compliance with the principles of the law of armed conflict, notably the principle of distinction and obligation of precaution to protect civilians. Moreover, currently main humanitarian issue is how to implement and sustain an aid operation in Gaza, which desperately needed. According to Human Rights Watch, "Israel has been recently accused of 'deliberately starving Gaza's population by blocking the delivery of water, food and fuel', many starving innocents lost their lives waiting for aid convoys. Statistics shows that 300,000 Palestinians are suffering from true famine (Press Release, 2024). However, these actions of Israel considered as a method of warfare that can be clearly described as a war crime (Report, 2023)."

7.7 Criticism has been levied against the ICC for perceived double standards in its handling of cases, particularly concerning accountability for Israeli officials compared to other world leaders accused of similar offenses. The continued lack of accountability for human rights violations against Palestinians, coupled with the enduring blockade of Gaza, has intensified international scrutiny and calls for justice.

7.8 Failure of ICC in prosecuting Israel for declared war crimes in Gaza, world major power is to be blamed. Despite significant pressure from UN Secretary-General Antonio Guterres, the United States, being Israel's staunchest ally, openly thwarted the adoption of a resolution on December 8. The resolution sought an "immediate humanitarian ceasefire," marking the latest instance of several US vetoes on draft resolutions concerning the ongoing conflict (Aljazeera, UN

Security Council in Intense Negotiations on Gaza Humanitarian Resolution , 2023).

7.9 The ongoing conflict in Gaza, with its devastating impact on civilians and the apparent targeting of civilian populations, underscores the urgency for the ICC to address these allegations, impartially. Failure of this not only undermine the credibility of international justice but also perpetuates freedom for grave violations of human rights and international humanitarian law in future as well.

7.10 Crimes against humanity in Israel and Palestine serve a vital role in determining the ICC's credibility. If the actors who committed the war crimes and the crimes against humanity in these regions are not held accountable, this can have a very bad impact on the reputation and credibility of the court. International collaboration will be especially important for the ICC's future reputation. Member states have to unite and denounce serious human right violations in the name of the rule of law and ensure accountability for the most severe offenses. This in turn bolster the international community's solidarity in human rights and create the second commitment to prevent and deal with cases of atrocities.

7.11 The Israel-Gaza conflict raises question marks to effectiveness of IHL warranting a careful re-evaluation of the concepts of humanity, distinction, and proportionality. The actions of powerful international actors, such as the US, EU and other pro-Israel lobbies, in supporting Israel despite alleged war crimes points to inconsistent and selective application of IHL.

7.12 Analysis of aforesaid echo that the Israel-Gaza conflict presents numerous challenges to IHL in interpretation as well as application. Both sides have been accused of violating the principles of IHL. For this demonstration of a clear and unwavering commitment of holding accountable those who have committed war crimes under International Law, including senior members Israel defines Forces and Hamas is needed. In addition, world Major Powers need to play effective role in taking measures to end atrocities in Gaza by both sides (Israel and Hamas).

8. Conclusion

By explaining the principles of International Humanitarian Law, this paper highlights the ethical considerations surrounding the conduct of war and the protection of civilians in this protracted and deeply entrenched conflict. The historical background of the Israel-Gaza conflict underscores the complex interplay of political, religious, and

territorial disputes that have contributed to its enduring nature. From the early Zionist movement to the establishment of the State of Israel and the subsequent rise of Hamas in Gaza, the conflict has been marked by violence, displacement, and unresolved grievances.

Through a critical analysis of recent developments, including the events of October 7, 2023, this paper highlighted the profound impact of the conflict on civilian populations and the urgent need for accountability for alleged violations of IHL. The indiscriminate bombing of residential areas, the blockade of humanitarian aid, and the targeting of civilian infrastructure raise serious concerns about compliance with the principles of distinction, proportionality, and humanity. However, the failure of the ICC to prosecute alleged war crimes in Gaza underscores the challenges of achieving justice and accountability in the face of political obstacles and power dynamics. Calls for impartial inquiries and accountability mechanisms highlight the importance of upholding ethical and legal norms in conflict settings.

In light of the findings and analysis presented in this paper, ultimately, addressing the violations of IHL in the Israel-Gaza conflict requires a concerted effort to uphold ethical standards, promote accountability, and pursue genuine efforts for peace and reconciliation. Only through a unbiased commitment of major powers to these principles, a sustainable resolution to the conflict can be achieved, by ensuring the protection of civilians and the promotion of justice and human rights for all affected parties.

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