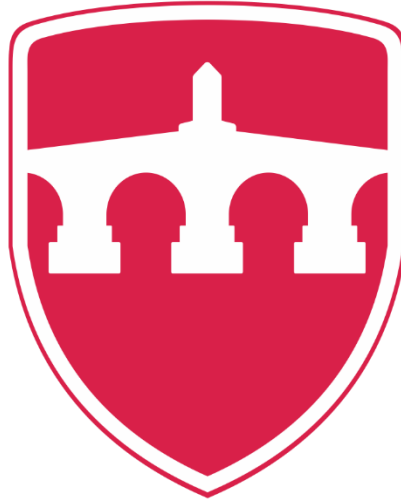


**INTERNATIONAL BALKAN UNIVERSITY**



**Master Thesis**

**Faculty of Law**

**Department: “Criminal Law”**

**“The Legal Accountability for Acts of Israel in Palestine: Assessing the Effectiveness of  
International Criminal Law and International Courts”**

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## **Abstract**

In this study, the primary focus will be on looking into the details and analyzing if there are existing elements of any crime, including genocide, war crime and crimes against humanity, against civilians in Gaza according to international laws and treaties. At the same time, the study will highlight the role of propaganda, dehumanization, and international inaction in maintaining violence by conducting a thorough investigation of survivor accounts, historical documentation, and contemporary reporting. Additionally, the study evaluates the effectiveness of legal frameworks and international measures in preventing and responding to genocide. This study aims to provide an in-depth understanding of genocide by integrating viewpoints from history, political science, and international law, contributing to the present debate about human rights and the prevention of future crimes. And it should be noted that, the information given in this thesis are until the date when the project was concluded, and, since this is a case that is still happening, there can be changes in numerical statistics, and updates regarding the new decisions and new events.

*Key Words: International law, Genocide, War Crimes, Occupation, Human rights*

## **ACKNOWLEDGEMENT**

First of all, during the period during my master's studies, from 2023 until now, I've been connected to this case, following the news all the time and being concerned about watching the most well-documented genocide of all the times, for living in this period, and not having anything to do.

The Palestinian case taught me that, it is not important just to be a lawyer while there is no justice inside of us, I understood one more time that for future generations, the point is not just teaching them the law, but teaching them to raise their voice even if their voice tremble with fear, teaching not only to witness a genocide, but how to do their best to stop it.

So, I am grateful to my family, to my mentor, and to all of my professors who have been there for me, and for supporting me, but my sincerest thanks and heartfelt apologies are to Palestinians, for the lessons that taught all of us, for the silence we couldn't break, for the blindness we performed, and also for forcing them to be strong, brave and the heroes of the time, since no one would prefer to be a hero on those times anymore.

I have been working and researching for months on this topic, and even so I am aware that, it will not change even a bit of the cruelty that is happening, in our modern times. Instead, I would love for it to be a sign of me, of not being silently watching, and let this be the indicator of me being on the right side of history, which will be learned by all the generations after us, and for which we will be considered as complicit for the silence we own.

Even so, this topic challenged me mentally and psychologically, by reading and watching those cases every day, it helped me not to normalize my life, while in the other part of the world a genocide was happening.

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**Abbreviation**

ICC - International Criminal Court

ICJ – International Court of Justice

ICL - International Criminal Law

CPPCG – Convention on prevention and punishment crime of genocide

RS - Rome Statute

IHL – International Humanitarian Law

IDF – Israel Defense Forces

IOF – Israeli Occupation Forces

IAF – Israel Air Forces

GC- Geneva Convention

UN- United Nations

USA- United States of America

WHO- World Health Organization

HRW- Human Rights Watch

COGAT- Israel's Coordination of Government Activities in the Territories

PRCS – Palestinian Red Crescent Society

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## 1.INTRODUCTION

Palestine's topic has never been a fresh issue with the Israelis, and it is important to note that this topic has been occurring for decades and did not originate specifically after October 7, as it is trying to be shown, even so, this study's focus will be, about what happened on this famous date of October 7 and analyze the circumstances surrounding the event, including how it happened, why it was initiated, how the response was received, and how it should have been treated by both parties, but what especially was the reason of the attack, and the strategies used.

What is meant by Palestine is all of Mandate Palestine, which is all of the land between the Jordan River and the Mediterranean Sea. On the other hand, Israel is a country that claims sovereignty over 78% of Mandate Palestine, which was occupied in 1967 but whose was not recognized by the international community as occupation. This is precisely where the problems start. (What is Palestine/Israel?, 2004, p. 4)

However, since October 7, 2023, after the attack of Hamas, Israel has launched numerous attacks on Gaza, resulting in the deaths and injuries of thousands of innocent people, violating international laws and conventions, including International Criminal Law, ICC rulings, the Geneva and Hague Conventions, and the UN Convention on Conventional Weapons. Israel's actions include bombarding civilians, journalists, hospitals, schools, religious sites, and cultural heritage, using phosphorus bombs, mistreating prisoners, imposing embargoes on essential supplies, and forcing mass displacement, constituting war crimes and crimes against humanity. Despite these actions, countries like the US, France, Germany, the UK, and Canada provide military and political support to Israel, legitimizing its attacks and maintaining embargoes on Gaza, failing to pressure Israel to comply with international law. In response, global academics, human rights defenders, artists, journalists, opinion leaders, clergy, judges, and prosecutors are calling for international action to end the suffering in Gaza, hold perpetrators accountable, protect the rights and freedoms of Gazans, lift the embargo, reconstruct Gaza, and establish an independent Palestinian state. This thesis aims to address the prosecution of Israel and its supporters for genocide and war crimes against Gaza, based on data from mass media, social media, news portals, journal articles, books, and other relevant sources. (Ari, 2023)

And if we look at the crimes that fall under the jurisdiction of the International Criminal Court are the most serious crimes that threaten the peace, security, and well-being of humanity. These crimes include genocide, crimes against humanity, war crimes, and crimes of aggression. The crime of

genocide is committed by deliberately killing members of a national, religious, or ethnic group, inflicting severe mental or physical harm on them, subjecting them to harsh conditions intended to destroy them, preventing their birth, or forcibly giving their children to other groups (Ataöv)

On the other hand, war crimes are defined in Article 8 of the Rome Statute and fall under the jurisdiction of the International Criminal Court. They can occur during international or non-international armed conflicts and include serious violations of the Geneva Conventions committed against protected persons and property. War crimes encompass intentional homicide, inhumane treatment and torture, biological experimentation, destruction of protected property, forcing prisoners of war into service, denying fair trial rights, unlawful detention, transfer or deportation, and murder of prisoners. Additionally, deliberate attacks on civilians and humanitarian services. (Ari, 2023)

At the same time, this study will be focused to go through all the conventions, treaties and laws, by going one by one and analyzing every detail of it, by giving the pieces of evidence and trying to see what is really happening.

## **2. EVALUATION OF PALESTINIAN HISTORY**

Palestinian lands, which have a history of thousands of years, have remained on the world agenda since the last century and have become the center of international activity. Its religious, political and cultural meaning and its indescribable geopolitical importance in the Eastern Mediterranean are more than enough to make Palestine valuable. (Fatma Tunç Yaşar, 2003)

First of all, the population structure in the West Bank and Gaza regions of the Palestinian National Authority is partially different from each other. While 83% of the population in the West Bank is ethnically Palestinian, the remaining 17% are Jews. In terms of religion, 75% of the population is Muslim, 17% is Jewish, and 8% is Christian and believers in other religions. In terms of language, in accordance with the ethnic structure, almost all Palestinian Arabs speak Arabic, Jews speak Hebrew and English. Before Israel's withdrawal in 2005, 99.4% of the ethnic population in the Gaza Strip was Arabs and 0.6% was Jews. 98.7% of the people living in the region were Muslims, 0.7% were Christians and 0.6% were Jews. (Fatma Tunç Yaşar, 2003)

The Palestine problem especially arose in October 1917 when Britain wanted to include America in the war instead of Russia, which was left out of the war with the Russian revolution. In order to



gain the support of Jews in America, Britain announced in November 1917 that it supported the establishment of a national homeland for Jews in Palestine with the Balfour Declaration. (İLBAŞ, 2023)

Balfour declaration is one really important moment on the Palestinian history, the meaning of this declaration is kind of promise for making a new home to Jewish people. (Tahhan, 2018)

The Balfour declaration started the moment where, British Foreign Minister Arthur Balfour sent the letter to the Zionist leader Lord Rothschild on November 2, 1917, which we know as "Balfour Declaration", in his letter Balfour stated that Britain would use all its means to establish a Jewish state in Palestine. The promises will be listed below, as:

1. British support for the establishment of a national homeland in Palestine.
2. Cooperation with the British to achieve this goal.
3. Not to do anything that would harm the rights and status of Jews in a non-Jewish country in Palestine. (Fatma Tunç Yaşar, 2003)

The Balfour Declaration, rather than being a plan made by the British to create a buffer zone for the Suez Canal or to gain the support of world Jews to the allies, was the result of a planned attempt by the Zionist movement to ensure British support. The declaration was also accepted by the USA, one of the winners of the war. The decision declaration of the session of the American Congress dated September 21, 1922 stated: "The United States supports the establishment of a national homeland for the Jews in Palestine." 57 In this way, the Balfour Declaration ended the first half of the first phase of Zionist policy. (TAYLOR, 1992)

From the year 1918 to 1947, the Jewish population in Palestine increased from 6 percent to 33 percent. (Chughtai, 2023)

Antisemitism and pogroms, which became widespread in Europe and Russia after 1882, prompted Jews to migrate to other countries, particularly Palestine. But the biggest refugee flows were after the genocide of Holocaust. (Öke, 2002)

Jews believed that they would have a more comfortable life in these locations, and this process altered the pattern of migration to Palestine. Following this, Jews immigrated to Palestine with a

political agenda. As a result of this procedure, the Association of Lovers of Zion was formed, which organized Jewish migration to Palestine in accordance with political goals. (DEVECI, 2017) While Herbert Samuel who was the British Liberal politician and high commissioner in Palestine, issued decrees regulating immigration, Jews continued to come to Palestine. Aliyahs<sup>1</sup>, which were interrupted during the First World War, intensified again in 1919. The decrees published by Herbert Samuel supported two major Aliyah. The third migration of Jews to Palestine began between 1919 and 1923. From October 1, 1920 to April 30, 1921, 8,030 Jews immigrated to Palestine. Of this number, 62% were men, 22% were women, and 16% were children in need of family care. The World Zionist Organization provided all the financial support necessary for these people to come, settle and live in Palestine. Those who emigrated came from Poland, Russia, Romania, England and Asia respectively. Additionally, in the same period, 2,031 Jews immigrated to Palestine by their own means. (Huneidi, 2001)

This first group of Jews came with the decree issued on August 26, 1920, in which the World Zionist Organization promised to immigrate 16,500 Jews to Palestine for one year. The reason why the Zionists emigrated very few Jews in the first year, despite their commitment to the Palestine High Commission, was that they could not find enough financial resources. (DEVECI, 2017)

Chaim Weizmann the Zionist leader calculated that 2,000,000 million pounds would be required for Jewish immigration to continue steadily every year, and it was seemed that this figure could be done by donations, especially from Jews living in the USA. Weizmann presented his idea to the US at the Zionist conference held in London on July 5, 1920s, and as a result £100,000 could be collected by April 1921.

Meanwhile, Zionist organizations continued to agitate for a Jewish homeland in Palestine. Armed Zionist militias began attacking the Palestinians, forcing them to escape. Zionism, which first arose as a political philosophy in the late nineteenth century, advocated for the establishment of a Jewish state, which started and brought all the problems! (Chughtai, 2023)

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<sup>1</sup> **Aliyah** is the immigration of Jews to the Palestine region

For more detailed information about the years and the numbers of Jewish people that immigrated in Palestine you can look on the statistics below, on the Figure 1. (A survey of Palestine 1946)

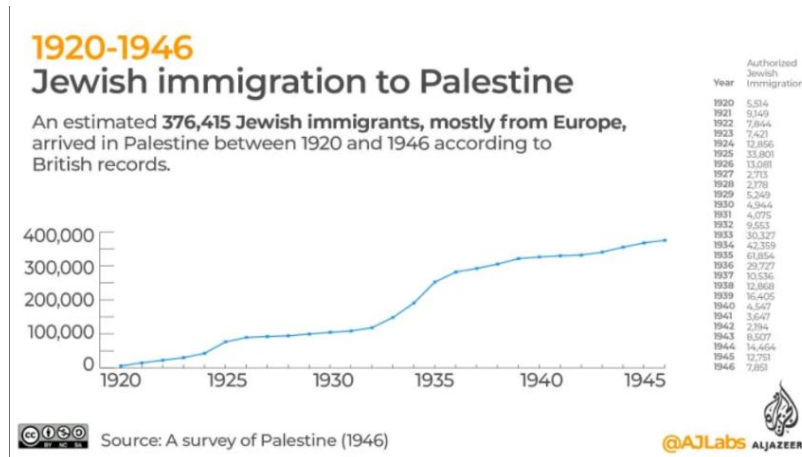


Figure 1

The borders of Palestine have changed forcefully over time, but the Nakba that happened in 1948 is known as the event of catastrophe, on the same time is known as the key point of understanding the history of Palestine.

But especially it is the greatest ethnic cleansing of Palestinians in 1948, where 750,000 people were forced to leave the land, which event, after brought the birth of the state of Israel.

### 3. ANALYSIS OF 7<sup>th</sup> OCTOBER

Now let's look at this famous date, it started when the Al-Qassam Brigades launched a large-scale attack on settlements in southern Israel at 06:30 on the morning of October 7, 2023. The explained reasons for the attack as radical Israelis entering the Al-Aqsa Mosque and stated that the name of the "operation" was "Aqsa Flood". This attack describes an intense rocket attack and ground offensive launched against Israel by Hamas and other Palestinian groups from the Gaza Strip. Such attacks lead to serious tension the region. In addition to attacking Israel with rockets, Hamas members also attempted to infiltrate Israel by land and air, and carried out attacks on Israeli security forces. It is stated that Ismail Haniyeh, one of the leaders of Hamas, released a video stating that the attacks will continue. It was reported that some other movements as well, will also act together with Hamas. However, it is stated that other Palestinian and Lebanese armed groups did not immediately respond to this call at the beginning. (Aslan, 2023)

Immediately after, Israeli Prime Minister Benjamin Netanyahu said in a video message that Israel was at war and that a strong reaction would be sent. It was expected that the Israeli army and reserve forces assembled under this framework will launch a large-scale punitive attack. In addition to Israel's strong intervention because Hamas identified the Al-Aqsa Mosque as the motivation for its attack, activities against holy sites appear to be motivated by the present Israeli government's conservative structure. (Aslan, 2023)

And after this, all the actions completed by Israel internationally were considered as self-defense, where exactly the critics starts, since is not possible to consider Israel's ongoing operation against Gaza since October 7 as a right of self-defense due to the Hamas attack. Because an operation is being carried out by ignoring many international agreements, texts and protocols aimed at the protection and recognition of human rights that I have included in the scope of this study. Due to this operation, the most basic human rights were violated. It prevents the exercise of many fundamental rights and freedoms, especially the right to life, the right to shelter, personal immunity, personal freedom and security, housing immunity, and the freedom to seek justice. Hospitals are bombed, preventing people from benefiting from health services, people's food, their access to water is denied and they are put at risk of starving to death. Although many conceptual, institutional regulations and studies have been carried out on human rights in recent years, it has been observed that the studies, agreements and international mechanisms carried out on human rights as of October 7, 2023 have been insufficient. (Guzel, 2024)

One of the most effective strategies used by Hamas was the hostage strategy, who are being used for negotiations with the IDF, which also succeeded the ceasefire negotiation in November 2023, where hostages and prisoners were exchanged between the two parties.

No civilians should indeed be killed, and this cannot be justified by both parties, but killing civilians to avenge the attack cannot be deemed as self-defense. In this case, we can see anger and violation directed against civilians rather than an act of self-defense. All of this raises the question: What if the violations, discrimination, and injustices committed against Palestinian civilians over the years were simply a part of a deliberate strategy employed by the Israeli state? This strategy, akin to the concept of provocation seen in international terrorism, could be designed to elicit a violent response, thereby casting the Palestinians, particularly groups like Hamas, as the aggressors in the eyes of the world. *Notably, it is indicated that a portion of Hamas members approximately*

85% are *orphans*<sup>2</sup> whose parents were killed by occupation forces, suggesting a direct connection between the suffering inflicted and the reactions of those individuals, who try to resist for exiting the occupation of many years now.

#### **4.INTERNATIONAL LEGAL FRAMEWORKS**

This chapter analyzes the key international legal tools that govern the prosecution of the war crimes, especially genocide, with a focus on the Palestinian-Israeli case. It begins by analyzing the Rome Statute of the International Criminal Court, concentrating on its provisions for defining and prosecuting those crimes, as well as the Court's jurisdictional issues, particularly in light of Palestine's 2015 admission to the statute. And continuing with the Convention of prevention and punishment of genocide. Then will be analyzed also the Humanitarian Law including the legal definitions and obligations to signatory governments, including all the Geneva protocols.

The aim here is to see which articles are violated, and bring an evidence for those violations.

##### **4.1 Rome Statute**

The Rome Statute is one of the treaties created the International Criminal Court. It was adopted at a diplomatic summit in Rome Italy, on July 17 1998, and it went into effect on July 1, 2002. (Scharf, August 1998)

As of February 2024, 124 states have signed on to the Act. (UNITED NATIONS TREATY COLLECTION)

So the function and role of the ICC comes into question, although Israel has not signed the Rome Statute and thus cannot directly be subject to the ICC's jurisdiction, the Court can still investigate and potentially prosecute individuals for war crimes and crimes against humanity in the occupied Palestinian territories, due to Palestine's membership on the ICC since 2015.

And also as we can see from the latest updates, on July 19, 2024, the ICJ delivered a key advisory decision on Israel's occupation of Palestinian lands, including East Jerusalem, the ICJ determined that Israel's continuous occupation is illegal under the international law, citing activities such as the acquisition of East Jerusalem, settlement development, and discriminatory policies against Palestinians that violate fundamental legal principles. The Court highlighted that other states must

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<sup>2</sup> <https://inf.news/en/military/1e41207742fcef81a61945070567ff3a.html>

refuse to recognize or support Israel's illegal activities in occupied Palestine, and at the same time pushed the UN to take action to end the occupation. Even so, the ICJ's ruling is not legally binding, it has significant moral and legal weight, pressuring the international community to act. This decision underlines the illegality of Israel's policies and asks for a coordinated worldwide reaction to this issue. (ICJ, 2024)

So, even so, Israel is not a signatory member of the RS, it can be connected with the membership of Palestine on it. While the ICC cannot indict Israel as a state, it can hold the leaders, politicians, or any citizen accountable if there is enough proof of their involvement in international crimes. The complexity of this issue reflects the difficulty that international justice systems face in disputes involving non-member states, as well as the problematic nature of applying international law in politically heated circumstances such as the Israel-Palestinian case. However, Israel has had clashes with the ICC over the years, particularly since 2015. (Jazeera, 2024)

In the current case, this study will be more focused on the second part of the statute, starting from its jurisdiction, and then going into the details of the crimes, seeing if the elements of each crime are met in the current case.

From Article 5 we can see the jurisdiction of the ICC, in which it is stated that the International Criminal Court's jurisdiction will be limited to the most serious offenses in international community. The court has jurisdiction under the statute for the following crimes; genocide, crimes against humanity, war crimes and crime of aggression (Rome Statute)<sup>3</sup>

So, if any of the aforementioned offenses are committed, the ICC will have the jurisdiction to handle the case. The crimes listed in Article 5 of the Rome Statute will be thoroughly looked into with a focus on the RS articles that define and explain these crimes. This review will provide a full grasp of these offenses that are treated under international law, how those crimes need to be prevented, and will be looked at if we have those crimes present right now on the ongoing case.

If we start from the crime of genocide, there are some elements given by the Rome Statute that need to be done during this crime. All of it is explained in article 6 of the RS, for which, in this

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<sup>3</sup> Article 5: "Crimes within the jurisdiction of the Court The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. The Court has jurisdiction in accordance with this Statute with respect to the following crimes: (a) The crime of genocide; (b) Crimes against humanity; (c) War crimes; (d) The crime of aggression." (Rome Statute)

study, there will be research if there is a piece of evidence that can be used for showing that this crime is acted.

Article 6<sup>4</sup> of the RS states that for considering an act as the crime of genocide, that act must be done to destroy a group of people, which can be with a national, or religious intention. Still, the most important thing about this part is that there must be an intention specifically to destroy a group in total, with acts such as; killing the members of one group, causing bodily or mental harm to the population, causing physical destruction in whole or in part, preventing the births and if children are forcibly transferred from one group to another. If only any of those acts are committed, we can say that there is taking place a genocide.

According to Article 6 part (a)<sup>5</sup>, it is going directly with the killing the members of the group intentionally, and unfortunately we can prove it easily, since it is out of logic to have unstoppable attacks against the civilians while trying to show that there is an act of self-defense.



Figure 2

Since October 7, 2023, until now (August 22, 2024) only in Gaza there have been killed 40,265 civilians including 16,500 children, 10,000 missing, and 93,144 injured, as it can be seen on the detailed diagrams, on the figure 2, according to that, it clearly seen the difference, and the damage occurred, especially toward civilians.

One of the other facts, that will be used in this part is the crime that was committed, known with headline 'Israel attacks four schools in four days', which schools were used by Palestinian civilians as shelters. (Hurriyet Daily news, 2024)

<sup>4</sup> Article 6: "For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group." (Rome Statute)

<sup>5</sup> (a) Killing members of the group

The first attack took place in July 6, 2024 at the “UN-run al-Jawni school” in Nuseirat, where were killed 16 Palestinians, later on in July 7 2024 an Israeli attack killed 5 Palestinians who were sheltering in the “Holy Family School” in Gaza City. Even so the number is not correctly known on July 8, at the “UNRWA-run school” in Nuseirat, several civilians were injured from an Israeli air strike. And the fourth day July 9, 2024, at least 27 civilians were killed, when their tents were attacked by an Israeli strike, on the ground of the Al-Awda school in Abasan. (Al Jazeera, 2024)

This is only one of the crimes that occurred, and it is very clear that there is no other explanation than an intentional killing of Palestinians as a nation, because if the goal is to fight the group of the resistance, then there should not be attacks on the places that people are using as shelter, going from the fact that there is no home left for them since October 7.

On the other hand, Article 6 part (b)<sup>6</sup> list the act of causing seriously bodily or mental harm to population, for this act the perpetrator must cause serious harm with their acts, such as torture, physical and mental abuse, sexual violence, rape or inhuman treatment. It is important to mention that the mental harm is more difficult than physical harm, so from both acts we will have the result of mental harm which act also can be capable of the act of destroying a group in question. For which also there are evidences that this happened in Gaza multiple times since October 7.

According to *Figure 2* given above, there have been at least 92.144 people injured since October 7, 2023 until August, 2024, but the worst part is the mental pain suffered by civilians, it is normal that staying in a war zone for more than 10 months will cause mental harm to normal people. Yet in addition, in the current situation, there were also awful methods used by IDF to cause them this mental harm and give a lifetime trauma, by delivering voices of dogs barking and children crying all over Gaza. Unfortunately, this strategy was used also to entice the citizens to go out and help people, while they intended to kill them and use that method as a trap. An anonym resident of Gaza claimed that they went out after hearing those sounds saying: *“We heard the voices of a girl and woman screaming ‘Come help me, I am injured’ We went out to see what happened, but that time we were directly targeted by a quadcopter drone”*. At the same time, it was reported by Al Jazeera’s correspondent Anas al-Sharif that there were drones broadcasting the sounds of children crying in central of the Gaza Strip. (Osman, 2024)

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<sup>6</sup> (b)Causing serious bodily or mental harm to members of the group



The next part is the part (c)<sup>7</sup> of the article 6, which is for the physical destruction in a whole or in part, which mean if there is a damage among the civilians in their body. At this point rather than directly destroying this nation, they deprived these people of their basic rights and necessities for living, so again and again sadly, we have more than just one example for this. Since October 7, civilians in Gaza have been left without food, water and even without medical care after being directed by those. In this part I will not go into too much details, since I will discuss it in greater depth and at length in the other following chapters.

As for the paragraph (d)<sup>8</sup> and (e)<sup>9</sup> of this article, at this moment there is no available records and evidence that this is happening.

As for the crime against humanity which is lined on the Article 7 of Rome statute, it includes any of the crimes such as: murder, extermination, slavery, forced pregnancy, rape, sexual violence etc. if any of those acts is committed against a civil population then it will be considered as a crime against humanity. (Rome Statute)

One of the abovementioned acts, considered as a crime against humanity is also extermination, which includes intentional infliction of basic rights of civilians, such as ceasing food, and medicine to destroy that population. Which also occurred multiple times in Gaza.

Article 8 of RS includes war crimes, which include violation of international law during armed war, including killing people, torturing, mistreating, and attacking civilians without a basis. Also, an important point that needs to be stopped is the intentionally attacking religious, educational, historical buildings etc. Since October 7 2023 all the universities in Gaza are damaged, and most of them are completely destroyed, and on the same time 88,000 students have lost a full academic year, and are going to lose the second one starting from now.(Oldach, 2024)

Also on figure 3 below, you can see the heritage sites destroyed in Gaza since 7 October, which is also considered as a war crime.

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<sup>7</sup> (c) *Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part*

<sup>8</sup> (d) *Imposing measures intended to prevent births within the group*

<sup>9</sup> (e) *Forcibly transferring children of the group to another group."*

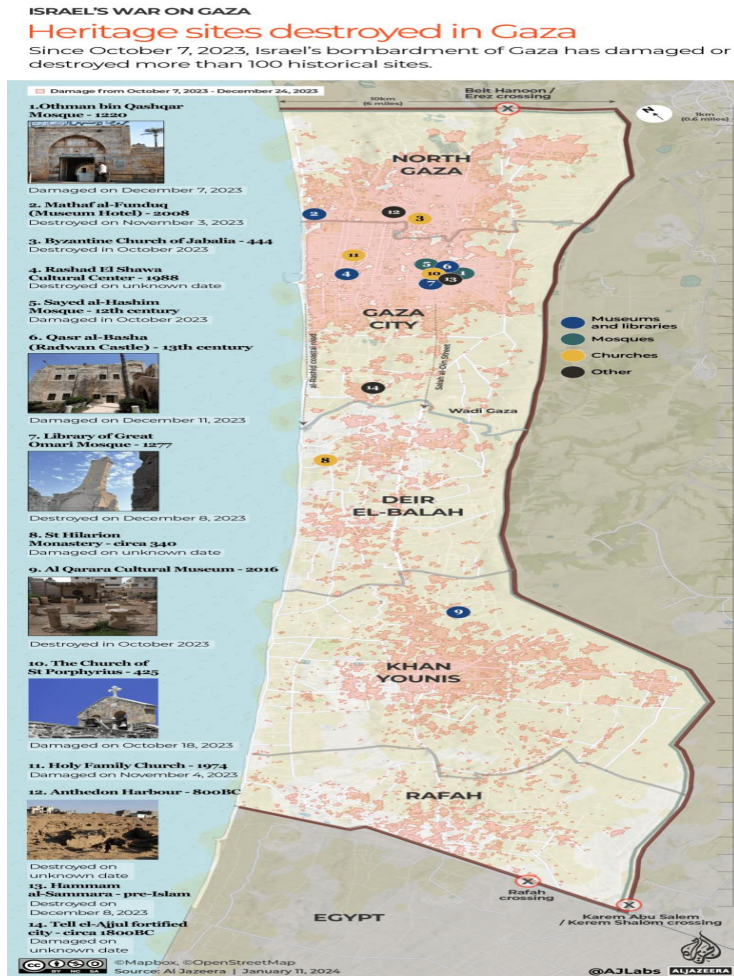


Figure 3

And while we pass on the article 8 bis, which is for crime of aggression, it states that is a crime that often is prepared by any official of a state or we can say as the leader of a state, it includes also attacks by using military forces, which forces violate the UN Charter and the international laws, by bombing, blockading, attacking other country's territory. (Rome Statute) The Zionist<sup>10</sup> regime, which has been pursuing an aggressive occupation policy for many years with the support of the US and EU powers made countless violations of international and humanitarian law throughout the Palestinian territories, it is something that lasted for years, but it become a crisis even more after October 7. The occupying state has gained legitimacy for itself by using anti-Semitic phrase with which persuaded the International Community to support it in all of its attacks, and is now dealing with a new reality as a result of the genocide in Gaza and is fully aware of the

<sup>10</sup> Jewish nationalist movement with the goal of the creation and support of a Jewish national state in Palestine, the ancient homeland of the Jews

growing international opposition on a daily basis. (Mercan, 2024) Since we all are aware that population all around the world are raising their self-awareness regarding the topic of Palestine, and it all happened after the famous date of October 7, which pushed the population in the whole world regardless the ethnicity, religion and their background to learn, and educate themselves about the history and the hidden reality.

In this period when Israel continues its massacres, or as it is said by the international population, their genocide in Gaza, decisions taken against Israel in the international arena are important and historical since it was hard before to see those kinds of actions, even so it is not something really useful. The request of the Chief Prosecutor of the ICC Karim Khan for the arrest of Netanyahu<sup>11</sup> and Yoav Gallant<sup>12</sup> is one of the greatest challenges that Israeli authorities have faced. Similarly, approaches in the ICJ that Israel is committing genocide in Gaza are gaining strength, and this is shaking Tel Aviv's privileged position in the global system. So, Israel which has been pursuing its occupation policies with the support of the US and Europe for many years, has faced that crisis, international relations with the genocide of Gaza are increasing day by day, although these updates didn't stop the aggressive policy of Netanyahu's government. (Mercan, 2024)

#### **4.2 Convention on Prevention and punishment the crime of genocide**

The General Assembly of the UN made a convention on Prevention and punishment the crime of genocide (CPPCG) on December 11, 1946, and entered into force on January 12, 1951. (Convention on the Prevention and Punishment of the Crime of Genocide)

Firstly the Article 2 of this convention is about the genocide, and the acts that are considered under this crime, which is already mentioned also above on the Article 6 of the Rome Statute.<sup>13</sup>

As we continue on the Article 3 of the CPPCG, there are listed the acts that need to be punished under this convention, such as the genocide, conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, complicity in genocide, so as it can

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<sup>11</sup> Prime Minister of Israel

<sup>12</sup> Minister of Defense of Israel

<sup>13</sup> In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group. CPPCG

clearly seem from this article, not only directly committing the acts mentioned in Article 2, but also the attempt and participating in a genocide can be punished. On the other hand arose the question does the governments that stay silent and don't prevent the genocide need to be punished under the part of '*being complicit in genocide*'. (ÖZARSLAN, 2014)

As clearly stated in Article 3, participation in genocide is also among the acts that will be punished, the first thing to consider in participation in a genocide is the proof of the specific intent to destroy one of the groups in question, in a part or in a whole, which is necessary for the crime of genocide to be committed. After this issue is established beyond all the doubt, the existence of participation in the crime of genocide can be investigated. (Obote-Odora, 2022)

From the perspective of the CPPCG, two types of responsibilities are covered in this convention, Article 4 regulates the responsibility of the persons, and then the Article 9 governs the responsibility of the states.

Article 4 of the Convention is for the persons who commit genocide, and it is claimed that all those persons need to be punished. (Convention on the Prevention and Punishment of the Crime of Genocide)<sup>14</sup>

The committing of genocide doesn't release the perpetrator of guilt for their actions, even if they follow directions from higher authorities. (Keskin, 1986) This means even if you are only a soldier in the army of the state that is committing genocide, you will be prosecuted.

As already mentioned above, Article 9<sup>15</sup> of the CPPCG regulates the responsibility of the states, according to this article disputes arising between state parties to the convention regarding the interpretation, implementation or fulfillment of the convention, as well as the acts of genocide committed by a state must be prosecuted, in cases where a state is a perpetrator, any of the state members of this treaty can start a case against the states that is believed to commit genocide, in this case we can see the lawsuit initiated by South Africa toward Israel, since both of them signed and ratifies this treaty.

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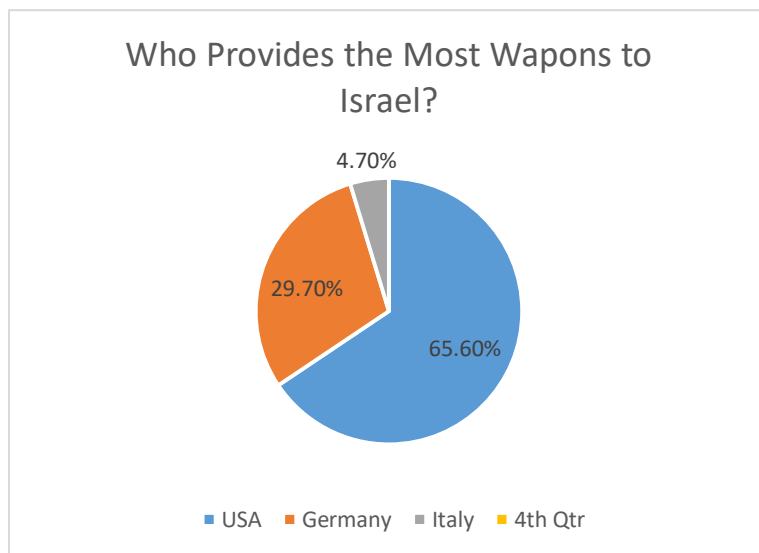
<sup>14</sup> Article 4: "Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals." CPPCG

<sup>15</sup> Article 9: "Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article 3, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute." CPPCG

The aspect I want to focus more about this chapter and treaty is the act of being complicit in a genocide, since we have seen and witnessed various countries and superpowers funding Israel, while it was believed that the country is committing genocide against Palestinians as a population. So if a government is accused or suspected of committing genocide, how can a state or even an individual continue to aid, support, and encourage to continue their acts?! Isn't that a ground for the country that supports the crime, also to be held accountable?

First of all, for a country to be held as complicit in genocide, there should be the element of being aware that there is a genocide existing, and also to be sure if the funds are being used exactly against civilians, looking at these elements, and being based in this treaty, the answer is simple, yes it is accountable!<sup>16</sup> (Convention on the Prevention and Punishment of the Crime of, January 1951)

Now let's see the countries that openly supported the state financially and in the military aspect. Looking at the countries that support Israel more with weapons, even before October 7, with years now, we can divide the percentages of who is supporting more, as it is also shown in the chart below, Figure 4, it is that the USA is providing weapons 65.6%, Germany 29.7% and Italy 4.7%.<sup>17</sup>



Source: SIPRI, estimated volume of major arms transfer 2013-2023.

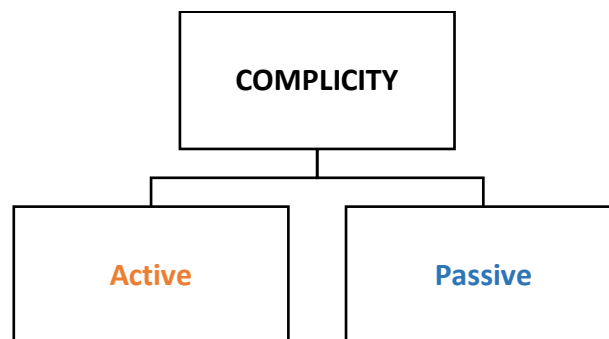
Figure 4

<sup>16</sup> Article 3: The following acts shall be punishable: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide. CPPCG

<sup>17</sup> Source SIPRI, estimated volume of major arms transfer 2013-2023

So, as it has always been known for its support, also, in this case, we can see the support of the USA, which it goes even before of October 2023, the USA annually finances Israel of an amount of 3.8 billion USD, for war munitions like Iron Dome, F-15, F-35 aircraft, so as it is showed also by the local Israeli portals, stating that for enabling Israel's strikes even more effective USA has made an amount of 801.4 million USD. (Kampeas, 2024)

Of course helping and supporting a genocide financially is considered as a crime, but on the same time ignoring the genocide, not preventing, not pressuring to stop genocide is considered to be complicit in crime. For which unfortunately there is no state except some of them that took any step no matter small or big to prevent this what happened, there existed a great silence which can be considered also a crime. Even so it is also stated on article 3 that failing to prevent genocide is being complicit on it, we can prove it even by just looking on the first<sup>18</sup> article of this convention, which states that genocide is a crime that need to be prevented and punished, which article gives the responsibility to the member states of this convention to do something to prevent the genocide while it's occurring, as we can divide the complicity in two types the passive and active.



**Active Complicity** is considered when a state is taking part in the genocide directly, and takes part in the crimes of the main actor, as the abovementioned states that funded Israel i.e USA, Germany, etc., so it means if a state funds financially the military actions of a state that is committing genocide, is actively complicit.

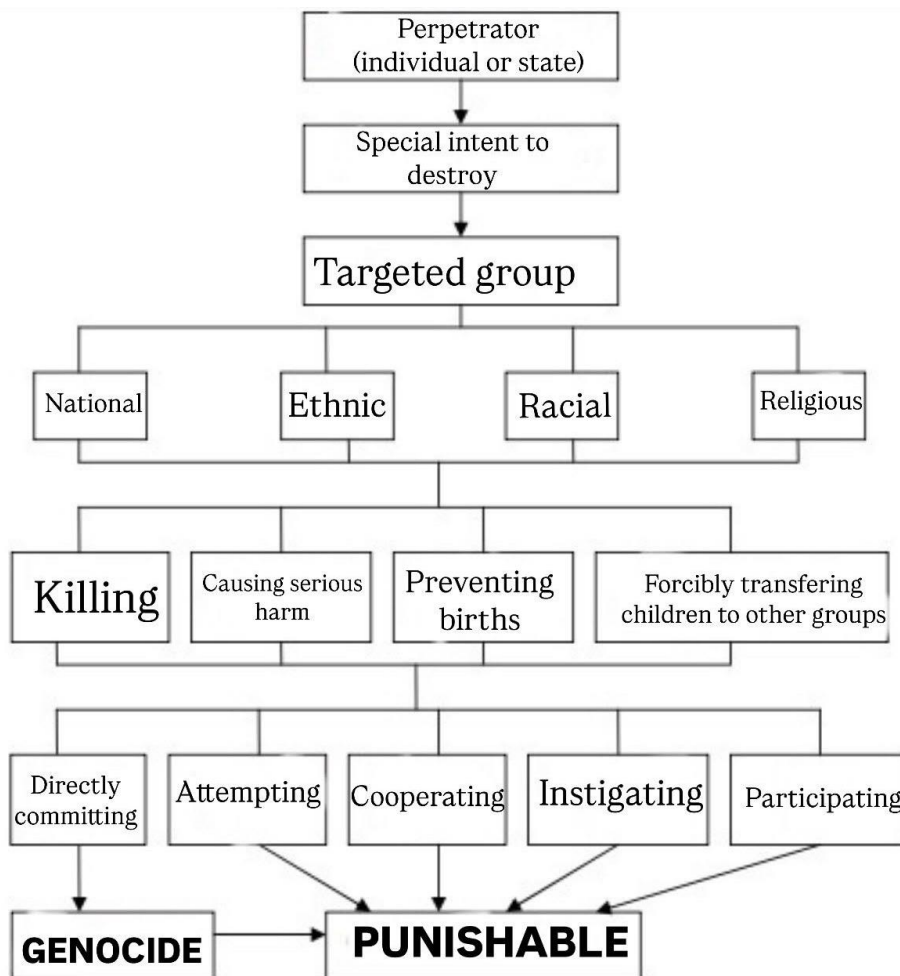
**Passive Complicity** is the moment when any of the member states that signed this treaty fail to intervene to stop any kind of genocide, also inaction needs to be punished cause in this case it is considered as a passive complicity.

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<sup>18</sup> Article 1; "The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish." CPPCG

For example, we have the case study of the Rwanda Genocide in which case the powerful states failed to intervene even though it was clear that there were mass killings of civilians, especially Britain was considered complicit in this genocide. (Cameron, 2012)

For punishing an actor for committing genocide there are some elements that need to be completed, which will be explained better in the table below.



Source: Translated by "Crime of Genocide, Dz. Kd. Ütğm.Tolgahan ALPYAVUZ, Journal of Naval Science and Engineering 2009, Vol. 5 , No.1, pp. 49-61"

Here, as you can see, the first element that need to exist is the perpetrator, being an individual or a state, and then there must be a special intent to destroy a targeted group who can be national, ethnic, racial or religious. The acts that complete this crime are killing, causing serious harm, preventing births and forcibly transferring children to other groups, by using the method of

participation as directly committing, attempting, cooperating, instigating and participating. While directly committing is committing genocide, the other methods are being also punished same as genocide itself.

#### **4.3 International Humanitarian Law**

International Humanitarian Law can be considered as a public branch of international law, which is for regulating the armed conflicts between the states, and regulates the methods of warfare, so that's why it can be known as the war law. The IHL is being conducted by four Geneva Conventions of 1949. (IHL, n.d.)

The basic rules of the IHL are listed as: to not attacks non-combatants, attack combatants only by legal means, treat persons humanely, protect victims. (Core principles of international humanitarian law, 2018)

Here comes the question: If IHL is for disputes between the states, does it apply in this case, as it is State vs. Organization?

The answer is yes, since IHL includes states as well as non-state actors that are being involved in the war, even so, those organizations don't have the power or authority to ratify a treaty. While we look at the rule of law it is important to mention that any of the crimes of those organizations cannot be claimed as a reason to attack civilians or to impose collective punishment. (Baldwin, 2023)

The main aim of this law is not to stop the war, but instead to decrease the human suffering and to decrease the civilian victims, even if the war is happening it must be in frames of morality, without passing all the borders, for example, IHL is not preventing to use weapons but avoid the use of firearms without selecting the targets, so even the war must be planned accordingly and with a strategy where civilians need to be protected and human suffering to be reduced. In aftermath of World War 2, there was the adoption of the four conventions of Geneva, as, the first GC for the improvement of the conditions of wounded among armed forces in the field, the second GC for the improvement of the conditions of injured among armed forces in the sea, the third GC is about the treatment of the prisoners and the fourth is for the protection of civilians during the war. (Vasileski, 2003)



As IHL controls the rules of war, there are also regulation about the weapons, which explains which weapons cannot be used, if those cause unnecessary damage. Under the Protocol 1 of 1977, there are articles that prohibit the use of some weapons, Article 35 paragraph 2 and 3 prohibit the use of weapons and methods of warfare that cause great injury and suffering, in addition it is restricted the methods that aim to a long term damage to the natural environment. And the most important of this Protocol is the Article 51 paragraph 4 and 5, which prohibits the warfare to attack the military targets, civilians, civilian object. (Vasileski, 2003)

As for this case, there is a lot of time IOF used illegal weapons, mostly known the white phosphorus, which includes chemical elements, as it was stated also by HRW, that use of phosphorus is a great risk for civilians, which is used to burn people and also objects, so it is prohibited by IHL, being based on it that it is an unnecessary risk for people. The director of HR of Middle East and North Africa states *'Any time white phosphorus is used in crowded civilian areas poses high risk of burns and lifelong suffering, it is unlawfully indiscriminate when air bust in populated urban areas, where it can burn houses and cause harm to civilians.'* (Watch, 2024)

On the Figure below there can be seen the moment of Israel using phosphorus above the Gaza City Port, on October 11, 2023.



Figure 5

Source: HRW, © 2023 Mohammed Adeb/AFP via Getty Images

Just as ethics and morality is important for the warfare methods, the most important thing to be noted is also to protect civilians, journalist, aid workers and not to involve them in war, so this is also regulated by this law. First of all, protection of civilians is already guaranteed by all national and international laws, as for IHL, it is regulated on the Fourth GC of the Protocol 1 of 1977, from the article 48 to 79, if there is any case in war that there is a suspicion if the person is civilian or

not, the person must be considered as a civilian, which unfortunately is not happening in the Palestinian case, out separately, the women need a strong and special protection because in cases they are in hands of enemy, they have a great risk than a man has, being based on the article 12 of I and II , article 14 and 16 of III, article 27 of IV Geneva Convention of 1949, and also article 4 of Protocol II of 1977, women need to be treated humanely avoiding the inhumane treatment in war, and then according to article 27 of IV Geneva Convention of 1949 and Article 75 and 76 of Protocol I of 1977, protect the women's honor, especially protecting them from rape and sexual assaults that can occur in those risky times. (Vasileski, 2003)

So regardless all those protective measures, one more time those were breached from IOF, as it is already confirmed by UN experts, where in their report mentioned that women have been subject of sexual assaults in detention, by being stripped naked, according to reports there have been women raped, and women that was threatened with sexual violence, and also there are cases where photos of women were taken by Israeli forces and shared in social media. (OHCHR, 2024)

The same thing was confirmed by a volunteer Canadian doctor in Gaza, that there are happening a lot of rape cases and it are not even being reported and investigated, as she states, she witnessed the rape of the women that lasted 2 days, until she was on a situation unable even to speak, and also she witnessed the case at Nasr Hospital, the woman who was stripped by the soldiers in front of her family, and in the moment when a family member wanted to cover her, IDF killed her brother and husband in front of her. Unfortunately, there can be even more worse cases that aren't even reported, what if the war one day will end, if we aren't unable to save the honor of the woman there, to save their lives and to make them able to dream again? (Middle East Monitor , 2024)

As for the humanitarian aid, in the article 70 and 71 of the Protocol 1 of 1977 regulates about its distribution by giving priority to children, mothers, nursing mothers etc. So it is about ensuring that civilians must be supplied with those basic needs, but in this case unfortunately we are discussing if they need to be protected of being killed or not, as it will be discussed in more details in the upcoming chapters. The other important part is the protection of journalists, they usually must be considered same as civilians, according to the article 79 of Protocol I of 1977, which law is also violated by IDF, for which the same will be expanded in more details in the upcoming chapters. (Vasileski, 2003)

## 5. VIOLATION OF FUNDAMENTAL HUMAN RIGHTS

On the previous chapter we have seen violations in all of the articles mentioned from different legal frameworks, which indicates that something is not going as it should, however, while I cannot go into deeper detail and clarify all the violated rights, we will look and evaluate a few violated rights more in-depth, and a proof will be provided to demonstrate whether or not those rights have been violated.

Even so all civilians are protected by international law, it doesn't mean that it is always applying, or as Jeremy Laurence the spokesperson of the UN Human Rights office stated; there is a need for a better and clear investigation of the actions that are happening right now, and we shouldn't just pass by taking into consideration the statements of Israel announcing them as incident, since there have been witnessed even the attack to rescue workers, hospital, ambulances. (Laurence, 2024)

This chapter will examine some of the violated human rights, that are against international law, rights such as forced displacement, food, water, collective damages, targeted killings etc.

### 5.1 Collateral Damage

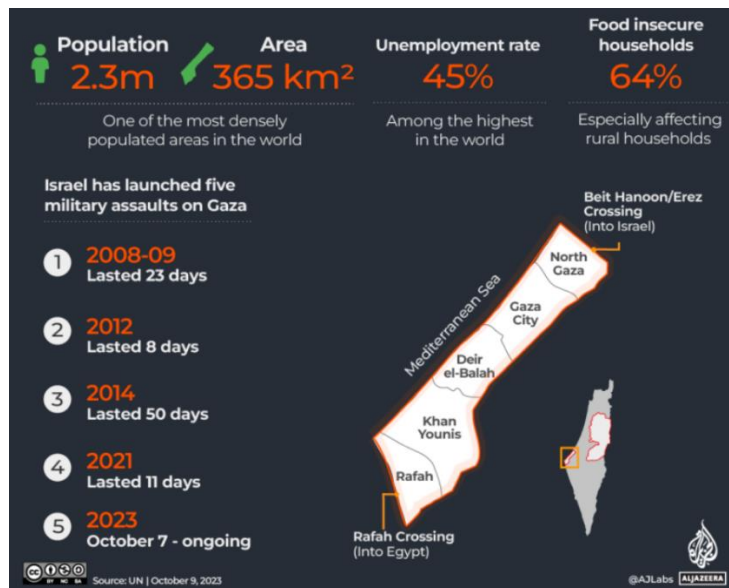
Collective damage to civilians or as commonly known as collateral damage, is the damage or the attack specially directed to civilians as a result of an activity of someone else, as here we have the collateral damage against Palestinian civilians based on the resistance act of Hamas on the 7 October. Collective punishment is forbidden under the IHL in the article 33, Fourth Geneva Convention.<sup>19</sup>

After this act of Hamas, there was a total blockade in the Gaza Strip, as was stated by Yoav Gallant the Israeli Defense Minister: *"We are putting a complete siege on Gaza, no electricity, no food, no water, no gas, it is all closed"* (AL Jazeera, 2023)

Even so this kind of Israeli sieges existed in Palestine for 17 years, from 2007 time by time, as you can see also below on the figure 7, and now it has been defined as a collective punishment by the UN. (AL Jazeera, 2023)

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<sup>19</sup>Article 33 4<sup>th</sup> Geneva Convention: *"No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they can not be regarded as jointly and severally responsible"*



Source: Al Jazeera/ UN

All of the violations that are happening right now in Gaza can be considered as collateral damage, starting from the destruction of the infrastructure and going on with all other violations.

On October 30, UNRWA's commissioner Philippe Lazzarini mentioned the undergoing humanitarian crisis in Gaza, but also he stated that the murder of thousands of children and woman are not considered as collateral damage. But also acts of Hamas cannot absolve Israel from obligations to respect the IHL. Targeting civilians, mosques, churches, hospitals and also UNRWA shelters is a violation of IHL. Lazzarini<sup>20</sup> condemned Israel together with Hamas since this violence doesn't excuse either party from following the norms and laws of war, and he called the Israeli siege in Gaza as a collective punishment with limiting water, food and other basic needs. The communication blackout was even more tragic, which increased the suffering, panic, and chaos among the citizens since they lost communication with their families and the opportunity to reach the aid. He also mentioned that there is a need for humanitarian action since over a million people have been forcibly displaced, and there is no safe place or zone in Gaza anymore, so there must be a solution. (Civilians in Gaza Must Not Be Collectively Punished for Atrocities Committed by Hamas, Speakers Tell Security Council, Urging Ceasefire, 2023 )

But unfortunately there is no humanitarian action yet, even so this meeting was held on October 2023. As it is mentioned above the communication blackout increased the panic among the citizens

<sup>20</sup> UNRWA Commissioner

because every time there was a blackout, behind it a new massacre occurred, and citizens were always panicking after those kind of tricks, because with this dirty trick they simply turned the lights of all Gaza off, and the world couldn't see anything from that night there, so even the journalists lost the connections, and in those periods when the blackout was present, they lost the connection with the whole world, not only their families.

Not only with that, those communication blackouts brought to many critical consequences behind, and the opinion of civilians there was in the way that the blackout was used as a weapon of war by the part of enemy, since it also affected 2.3 million residents, 85% of whom were displaced, it blocked the opportunities even to deliver the humanitarian aid. Since October 2023 one of the shutdowns lasted 144 hours which lasted during a bombardment of Gaza killing at least 24,520 people according to Palestinian authorities. Israel as always doesn't stop only with one step, of course, there is the continuation, together with the blackout they bombed offices of PATEL<sup>21</sup>, which is one of the main telecommunication and internet providers in Gaza Jawwal also a telecommunication provider, then Al-Watan Tower which was the building that included various media offices and was a central hub for internet providers. (Al Jazeera, 2024)

After all that happened it also made people say that it is not only collateral damage anymore, it is directly a war crime and an act of genocide, we witnessed people being burned alive to death in their tents, where can we find the justification of the self-defense here? Burning people alive in their refugee tents is not a thing that can be accepted anymore, it cannot be a thing to take eyes off, even so we are doing it, it is not a thing to do, there must be a humanitarian act, otherwise we all are complicit on it.

## **5.2 Forced displacement of population**

Forced displacement is a famous term among the Palestinians, going back to history from Nakba 1948, so it is not something new, it happened time by time, that's how the occupation happened. However according to EU the word forced displacement is defined as displacement from people's region involuntary or due to conflict, generalized violence, human right violations etc. (EU International partnerships)

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<sup>21</sup> Palestinian Telecommunications Company

Before going into the details and evidences of forced displacement, let's look on the international law, how it is perceived, defined and also is it prohibited?

So it is prohibited by multiple international legal instruments, including Geneva Convention and Rome Statute.

On the fourth Geneva Convention 1949 there is article 49<sup>22</sup> that prohibit the forced displacement of civilians, stating that regardless of the reason, it is forbidden to forcibly displace the civilians from the occupied territory, to the occupying territory, or regardless the place, there cannot be at all a forced displacement and can't be tolerated. Of course there can be some limitations in cases of protecting civilians in a military way, but what happened in Gaza can't be considered as a protection. (Fourth Geneva Convention, 1949)

When civilians in Gaza were ordered from Occupying forces to change their location, small slips of papers were dropped by the Israeli planes among the camps and civilians there, as you can see on the figure 8 on the right side, in such leaflets usually are being written things like *“All residents in this area must leave, IDF will act forcefully against the terrorists organizations now”*, looking only as a warning given from IDF it can be looked very normally, logically and clever on the same time, but the stories behind are heartbreaking as human and in a professional point of view are totally illegal



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<sup>22</sup> Article 49: Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive. Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased. The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated. The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place. The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand. The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies. – Fourth Geneva Convention 1949

and cruel. Even so this tactic of the dropped leaflets by IOF is described as an act of measure to protect civilians, the story behind is completely different.

This kind of acts, Israel claimed as the measures to protect civilians in Gaza, but it has been criticized and analyzed by a research group Forensic Architecture<sup>23</sup>. According to Forensic Architecture, information provided by Israel to Palestinians in Gaza, apparently to enable them with access to safe zones, has been as a trap, resulting in cases of targeting and bombardment of those ‘safe zones’ by the Israeli military. Additionally, the report stated that evacuation orders have frequently aided the migration of displaced residents to areas of ongoing Israeli military operations resulting in high rates of death among civilians in many cases. (Al Jazeera, 2024)

One of the simplest and among the first cases that happened on October 13, 2023, after Israel order Palestinians to move from north to the south with leaflets, Israel bombarded civilians, doing two crimes twice, by killing, but also by using internationally banned weapons, such as white phosphorus. (Hamdan, 2023)

Forced displacement has always been considered as one step closer to ethnic cleansing, as the first step of Israel was ordering the displacement from the north of Gaza to the south. Thousands of civilians of all group ages were moving toward the Egyptian border with hopes of escaping the bombardments, and those moments inevitably reminded the great displacement of Palestinians in 1948, with which the establishment of the Israeli state began. Ofer Neiman an activist, expressed his opinion that the Israeli government is attempting to promote ethnic cleansing with those kinds of displacements, and by deporting them from Gaza to Egypt’s Sinai peninsula. (Boyras, 2023)

The aim of the Israeli officials with those displacements is clearly to repeat the Nakba, to decrease the Palestinian population, destroy Gaza and of course allocate it to settlers, as it is also added on the Report of HRW on November 2024, the statement of Avi Dichter<sup>24</sup>, who stated “*We are now rolling out the Gaza Nakba*” from which we can understand that the goal is the new Gaza/Nakba.<sup>25</sup> Here is the point where forced displacement connect with the ethnic cleansing, even so it is not a term recognized in international law, UN Commission of Experts on the Former Yugoslavia, defined it as an tactic used to destroy or remove a group from a territory intentionally, and in Gaza

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<sup>23</sup> Forensic Architecture is a multidisciplinary research group based at Goldsmiths, University of London

<sup>24</sup> Israel’s Minister of Agriculture and Food Security

<sup>25</sup> Nakba: The catastrophic ethnic cleansing of Palestinians in 1948

there have been displaced a lot of people which means, Palestinians are leaving their homes, forcibly forced by IOF, which will result in an ethnic cleansing, clearly seen from today. Resulting from this HRW calls all states to publicly support the ICC and condemn all attempts to interfere with its work, officials. But above all it urges Israel to immediately halt the forced displacement of Palestinians in Gaza. When there are evacuations, there is not given enough time to leave, even if in IHL is not determined a time where to warn the population, logically there should be one. Muhannad Hadi, one of the Humanitarian Coordinator for the Occupied Palestinian Territory, on August 22, stated that: *“If evacuation orders are meant to protect civilians here is the opposite, they are forcing to move people under fire”* Only in August 2024, Israel issued 12 evacuation orders, which resulted 250.000 people to move again and again. So it is not that they only gave evacuation orders, but they always failed to give civilians a safe route or destination, while Netanyahu<sup>26</sup> stated that *“We have established a safe zone”* Martin Griffiths, the coordinator of UN Emergency Relief states that *“Nowhere is safe in Gaza, not hospitals, not refugee camps, not shelters. No one is safe, not health workers, not humanitarians”*. (Watch, 2024)

### **5.3 Denial of access to food, water and electricity**

For any topic or right, in order to know more about, and to see what's right and what's not we can research and find what we need to understand, but only in this case and this subtitle can be understood even without analyzing enough. It is not even humanity having this topic present here, no one should discuss or debate if one population, regardless the race, the origin or religion, if they have the right to food or not, or if they have the right to drink water or to use the electricity. But we are speaking about a case that crossed all the boundaries, we are speaking about a state that even before this famous October 7, prohibited for Palestinians to collect even the water of the rain by making it illegal<sup>27</sup>, so what else we can wait from them?

On the first days after the attack of October 7, 2023, immediately starting with collateral damage Israeli Defense Minister sentenced all civilians in once by stating the statement that already mentioned above *‘There will be no electricity, no food, no water, no fuel, everything will be closed’*. Gaza's population is mainly consisted with civilians, approximately 2 million residents, half of them are children, after this kind of sieges, Gaza strip has become increasingly isolated from the rest of the world, and for years is defined also as ‘the world's largest open-air prison’,

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<sup>26</sup> Prime minister of Israel

<sup>27</sup> Source: <https://www.un.org/unispal/document/auto-insert-195880/>



furthermore, those escalations use horrifically dehumanizing terminology of a war against human animals, as it is stated also by them saying that *'We are fighting against human animals and will act accordingly'*. It is not that only the food access was stopped, IDF impacted also the farmer's access to their land due to the displacement, also the use of essential agricultural machineries to care for animals or land is halted by the blackout that follows Israel's cessation of fuel and electricity supplies to Gaza. Only one of the five flour mills was operating by October 15<sup>th</sup> putting the limited supplies of wheat flour at risk of being destroyed. (The unlawful siege and starvation of civilians in Gaza, 2023)

So all this siege affected the humanitarian aid too, worst of all since October the names of food have been replaced to the name of massacres, starting from flour massacre to falafel<sup>28</sup> massacres.

Going back to 29 February 2024, on the massacre named flour massacre, killing at least 112 people, and injuring 760 of them, by firing on crowds of Palestinians who were gathered to collect flour in the south-west of Gaza. Only on the period of mid-January and the end of February, there have been over 14 documented cases of targeting groups collected to get the needed goods from the aid trucks or airdrops. The ICJ admitted the possibility of Israel to commit genocide, and on January 26 asked for the permission of the humanitarian aid for civilians, but after the court order, the number of aid just have been even more reduced, which mean that Israel is not respecting their own obligations, and is not even respecting the international laws and bodies. Leaving behind the attacks, people, especially children started dying from famine, which except death brought a lot of diseases among the population, such as malnutrition<sup>29</sup> from which dozens of children died, and all children under 5 years are in the risk of this disease. 70% of children under 5 suffer diarrhea, and at least 90% have more than one infectious illness, chronic malnutrition which causes wasting, and was researched that it affect one in six newborns. (05 March 2024)

There are a lot of cases that can be given here with names and examples of how they were left to die due to the famine, Fayez Ataya who was only six month old, died on May 30, 2024, while 13-year old Abdulqader Al-Serhi died on June 1, 2024, at Al Aqsa Hospital in Central Gaza, other is Ahmad Abu Reida only 9 years, who died on June 3, 2024 in his tent where was displaced with

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<sup>28</sup> A Middle Eastern dish

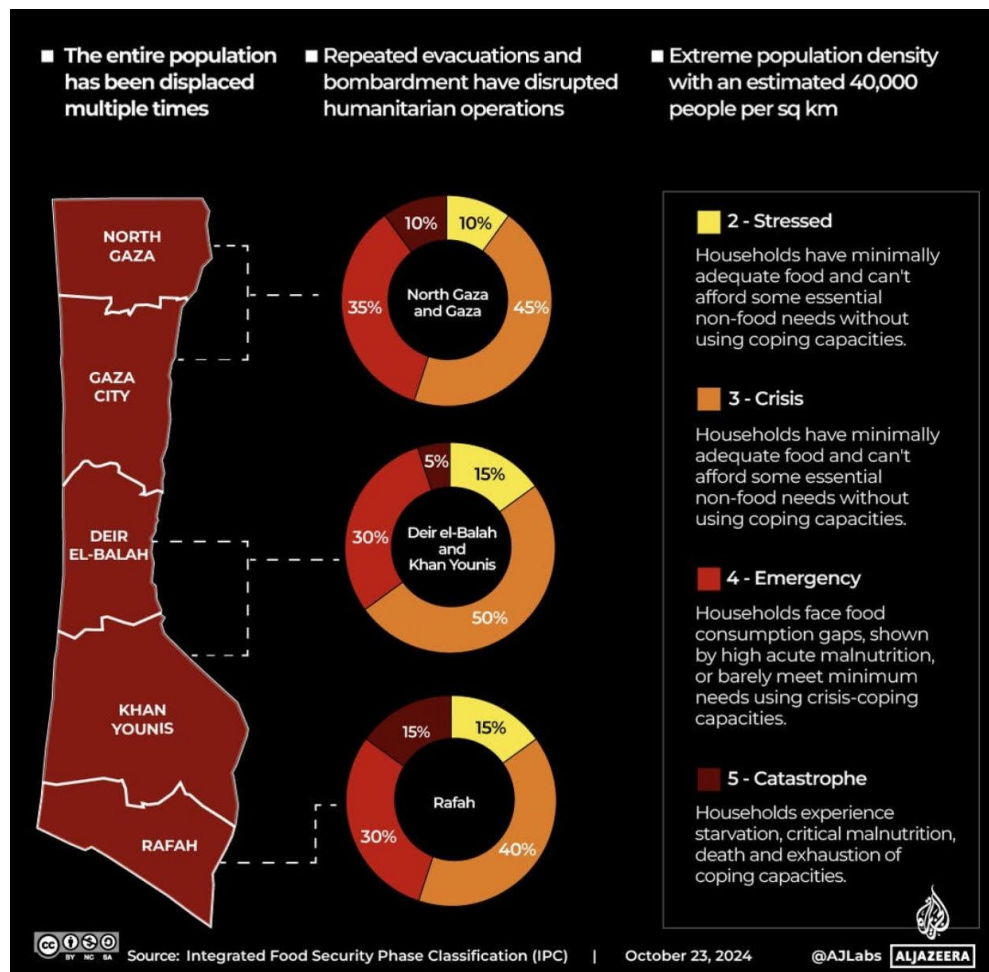
<sup>29</sup> Type of disease that refers to deficiencies, excesses, or imbalances in a person's intake of energy and/or nutrients. / Source: WHO

his family, it was stated by UN experts, that all those three children died from malnutrition, and with those deaths they stated that it is freely seen that famine has been spread among Gaza, and that the famine is a weapon and an intentional act of Israel, which lead on the decision that this is a form of genocide. (UN experts declare famine has spread throughout Gaza strip, 2024)

As of April 1, Gaza's Health Ministry claimed that 32 people, including 28 children have died in north Gaza hospitals due to starvation and dehydration, later on April 2, Save the Children<sup>30</sup> verified that 27 children had already died from malnutrition and diseases. Even so in south Gaza aid was better and easier distributed, again 5% of newborns were infected. A doctor who volunteered in one of the Gaza's hospitals, stated that medical staff were forced to treat patients with insufficient resources, on the same time he noted the difficulty of treating hunger and dehydration without needed supplies, and also he shared one of his experiences about one mother trying to find solution for her children, crushed potatoes to make a homemade liquid for tube feeding, despite those shortcomings the doctors also ended up advising even other patients to use the same method. (HRW, 2024)

According to the Integrated Food Security Phase Classifications IPC, 1.84 million people face high level of hunger, and a large amount of people also face food insecurity, and also the level of

malnutrition is raising, you can on the figure 8, on the right side, the analysis given by IPC,



<sup>30</sup> International charity for helping children

guaranteed from Al Jazeera, where can be seen very clearly the rates of famine, stress, emergency and also catastrophes.

Another case that get the attention is, seeing a very rare disease among Palestinian citizens, it is psoriasis,<sup>31</sup> on October 30 2024 there was the case of two siblings Zayn Alwan and his sister, who suffered from this disease in Khan Yunis<sup>32</sup>, all this was caused by the lack of hygiene caused by the situation there which already lasted more than one year and still continuing. (Gretty Images, 2024)

We see that civilians are not only killed directly, but there are also spread various diseases among them, caused all by the lack of hygiene, by famine and a lot of other basic things that are simply violated, which also can be considered as an indirect killing, what if we don't stop this? What will happen? In the end of the day, we all will be considered complicit on it, even if we just have been silent. Some of the cases I mentioned above, especially mentioned them with names so that we should be used to it, we should not be used to see those people only as numbers, even so we learned doing it, they are someone's children, and they could have completely different lives if we could intervene in time.

Yes, they are not just numbers, if we leave aside the percentages of adults and look only to ranks of children, we can see that, from October 2023 to August 31 2024, 30% of killed people where only children, which makes 11.300 murder children under five years, and 710 of them were just under 12, Gaza is considered now as the deadliest place in the world for children. According to the World Health Organization 22.500 civilians, 25% of all injured require ongoing rehabilitation, which includes civilians who have burns, injuries, and extreme injuries. (Save The Children, 2024)

If we look at the Rome statute, we have article 8 paragraph 2(xxv) that specifically prohibit the use of starvation as a method of warfare, which right now is happening<sup>33</sup>, which is considered as a war crime and cannot be acceptable. Also looking at Rome Statute, we can look also at article 7

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<sup>31</sup> A skin disease that causes rash with itchy, it is caused by sanitation

<sup>32</sup> Located in southern Gaza Strip

<sup>33</sup> **Article 8(2)(xxv)** Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including wilfully impeding relief supplies as provided for under the Geneva Conventions- Rome Statute

paragraph 1 (k) which is under the crime against humanity, in which is prohibited the inhumane acts, that cause suffering and cause injuries physically and mental health.<sup>34</sup> (Rome Statute)

And also, one more important thing to look at is the Additional Protocol 1 of 1977, on the article 54 prohibit the starvations of civilians, to be used as a method of starvation.<sup>35</sup> (Geneva Convention, 1977)

Before passing on the new chapter, there will be also one case mentioned, the case of the Abdel Aziz, a baby who was born amidst the genocide, January 2024, which can be understood that even the conditions of him being born weren't normal, his life started with struggles, his Mom Nour gave birth without anesthesia, due the situation, and was forced from hospital to home to return by walking with her newborn baby in arms, completely 2km. As already mentioned above, his life didn't start normally, he was born on the time where Gaza was under the famine and there wasn't enough meal for anyone, so also his mom couldn't find a solution to feed his son, which lead him to dehydration in the first 10 days of his life, but that wasn't all, when Abdel Aziz turned 2 months, he was brought at Kamal Adwan Hospital<sup>36</sup>, in which hospital 99% of the patients of the hospital were diagnosed with malnutrition, where with the same was diagnosed also Abdel Aziz. It is an important fact to note that before October 2023, there wasn't any malnutrition case recorded before as it is stated by Dr. Ahmed Hashem Abu Nasser who is a pediatrician in that hospital. However, as they started staying there, and even if it was a little there were improvements in his health, but in May there started the siege of hospital by Israeli forces, even so they wanted stay, after the missiles fired in hospital, Aziz's family decided, that would be better to leave, even so his therapies were lasting. So unfortunately, they were put in such a situation that there was no safe place for them, not even the hospitals. (Scialla, 2024)

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<sup>34</sup> **Article 7** (1)(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health. – Rome Statute

<sup>35</sup> **Article 54** - Protection of objects indispensable to the survival of the civilian population

(1). Starvation of civilians as a method of warfare is prohibited.

(2). It is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive.

<sup>36</sup> *The only hospital with neonatal unit and the last functioning medical Centre in the north for many months.*

For all those situations, UN accused Israel, due to the blocks of 83% of humanitarian aid in Gaza since October 2023, even if they were allowed, every truck headed for Gaza must be checked at the border and then unloaded and reloaded onto a truck that will deliver the aid into the Strip, the problem is not controlling the trucks, in this situation it can be looked normal, the issue is trying to block it in every possible way. Humanitarian organizations had challenges more with Israel's coordination of Government activities in territories COGAT, which unit had a list of things that were allowed and not for entering Gaza, i.e. tent poles<sup>37</sup>, batteries, solar panels, even so those are considered to be basic things for displaced people, they were considering that those items could be used from Hamas. Tess Ingram, communication coordinator of UNICEF, states that there are a lot of cases that in check points the aid trucks were fired directly by IOF, and there were a lot of struggles that made even more hard the work of activists there. (Scialla, Al Jazeera, 2024)

#### **5.4 Targeted Killings of Journalists**

Journalists regardless of being local or international, working in armed conflict zones have a very important role, serving as bridge between the outside world and the war zone. Journalists working in armed zones are exposed to greater risk than civilians normally face. The protection of journalists in war was first regulated in Article 13 of the regulation amended to the 4<sup>th</sup> Hague Convention of 1907.<sup>38</sup> (Dost, 2018)

Also, according to the article 79<sup>39</sup> of Protocol 1 of the Geneva Convention, it is stated that journalists in war zones need to be protected the same as civilians, but after all, we are in the moment when even the civilians aren't protected, so how can we expect for the journalists the same?

Nowadays, just because of the advances of technology, international armed wars are being broadcasted to the public, most of the time even with live broadcasts from the war zones, which can be done thanks to journalists, who are taking that risk, since in most cases they are being directly targeted just because to stop the world watch, what really happen, as it is supposed to

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<sup>37</sup>A long pole that supports a tent and keeps it upright

<sup>38</sup> Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

<sup>39</sup> Article 79: 1. Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians

happen in this war and this case. That is the basis of the debate, if the current legislation regarding the protection of journalists are sufficient, or are the authorities doing enough to address these violations?

On February 1, 2024 in Geneva, it is stated by the experts of UN that there is killings, threats, and attempts to silence and remove them, regardless if it is known that are from press, as the UN experts state *“We have received reports that despite being clearly in jackets and helmets marked ‘press’ or travelling in press vehicles, journalists have come under attack, which would seem to indicate the killings, injury or detention are a strategy by Israeli forces to obstruct media and silence reporting”* According to UN reports more than 122 journalists have been killed in Gaza since October 7, 2023, until February 2024, and also 3 journalists have been killed in Lebanon by IOF. On the same day there were warnings and urges directed towards ICJ and ICC to pay attention in those cases. (Gaza: UN experts condemn killing and silencing of journalists, 2024)

As 2 November is known as the International day to end Impunity for crimes against journalists, in that day was stated by the Anotnio Guterres, the UN Secretary General, that in any war in decades, Gaza has reached the highest number of killed journalist. (UN, 2024)

In this chapter, I will be focused on looking at the cases where journalists or media offices were directly targeted by IOF. In the figure 9 below, are 173 journalists killed in Gaza, even so that's not all.



*facial prints, and Isarel military know who is in military and who is a civilian” and also adds that after he have been arrested “He was released after 12 hours of interrogation, is it possible that he was accused of being part of Hamas and he was released?” Which is a very fair point, because it is impossible for a military, whoever it is, to release a person of the opponent organization after achieving to arrest him, so that raise the question of the reliability of IDF statements, being based on it that they released him, but after they killed him, for not being seen as targeting press they made the statement that he was part of the Hamas. (Salhani, 2024)*

In addition, even in the West Bank there were journalists arrested for violating their rights, the headquarter of Al Jazeera in Ramallah<sup>42</sup> were closed, and on the same time it was banned in the region. (Relief Web , 2024)

In this war, there were overwhelming restrictions, that is the reason why it is debated, if the intention of IDF is to silence media, as one of those restrictions is to not allow media report, the UN special rapporteur, Irene Khan, mentioned that in all the wars there must be international media in the ground, and here they were not allowed, or they were embedded within IDF, and there you can see only local Gazans journalists, and they don’t even have their work places anymore, because around 70 press centers have been destroyed, resulting to the destruction of press infrastructure. (Peruchon, 2024)

The impactful words of the journalist Hind Khoudary, who is right now in Gaza reporting, were too much powerful as it shows the disappointment of the journalists, the cruel and catastrophic experiences, on the same time the feelings of no hope anymore, while she was reporting her colleague’s killing on a live stream on A Jazeera stated: *“We do everything, we wear our press jackets, we wear our helmets, we try to not got anywhere where it is not safe, but we have been targeted in normal places... it’s heartbreaking to report Shireen’s killing, Ha mza’s killing and Samer’s killing (her colleagues), and this is not the first time we do this, but every time we do it feels like the first time.”* (Jazeera, 2024) Also added in another interview *“Every day I woke up I don’t want to report a death of another colleague or another friend or another family member, which shows how much protected and valued are the Palestinian journalists, and that there is a need of an urgent intervention.*

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<sup>42</sup> Palestinian city in the central West Bank



## 5.5 Targeted Killings of Aid Workers

In wars, there usually was international aid coming from abroad, not only the aid but also it includes the aid workers, which could be for any kind of help for the victims in need, as distributing food, cooking etc.

Of course, those workers need to be protected by international law, normally in documents they are, but the question is how much do those rules and laws apply in real life, and do those rules apply to all citizens in the same way?

In the Geneva Convention there are articles that protect medical units from any kind of attack, at the same time civilian medical personnel, but if those workers are being attacked then we can directly consider it as a war crime, as it is stated on the Article 8 paragraph 2 (b)(iii) part that if there is intentional targeting of humanitarian personnel is a war crime.

And unfortunately, but not surprised, the same is happening in Gaza now, as it is even stated by Pascale Baeriswyl, the Switzerland's UN ambassador, in Gaza only in 2023, there have been killed 150 aid workers, and now Gaza together with West Bank are being considered as the most dangerous places for going and serving as an aid worker. (Aydogan, 2024)

And after that, on April 2024, UN have reported the number killed or targeted aid workers as 254, from the date of October 2023 until April 2024, so it is right to call the deadliest year of all the times for the aid workers, and of course it cannot be justified as an incident because in all of those crimes it was seen that what really they are, that mean it was visible that they were not part of any organization, on the Figure 10 below there is the picture of the attack in Deir Al Balah in Gaza, where the car of the World central Kitchen was attacked and killed seven aid workers, which has



taken place on April 1, 2024, which attack was carried by 450 drones. Which actions also made it hard for organizations to come and provide help, because regardless of all the laws they still were in risk, as one of those organizations' employee stated *"I can't risk sending more staff in Gaza"* being since can't keep them safe there. (HRW H. R., 2024)Photo by: Ismael Abu Dayyah/AP ©

The same happened, on February 5, with the truck of UNRWA which was transporting aid, even so no one was injured the truck was attacked and damaged, but after all, that's was the point, since after this UNRWA was forced to stop those kind of aid to North of Gaza, which affected 200,000 people, leaving them not able to receive any kind of aid. (HRW H. R., 2024)



*Figure 11*

*The truck of UNRWA on February 5, Source and © by CNN<sup>43</sup>*

One of the interesting parts of this case is, that all bodies, all people are aware and are stating the fact that it could be a war crime, but still no one can do something, as Jeremy Laurance, the spokesperson of the UN Human Rights Office stated: *“To attack people and objects that are involved humanitarian assistance, lead to a war crime”*. (Reuters, 2024)

There is also one case reported from the Middle East Eye on November, 2024, the case where, at least 10 Palestinians were killed in the moment trying to get the aid, and also three humanitarian workers. On the moment the aid workers were killed, there was also people who tried to help them but the same were killed too. One of the eyewitnesses Tamer Sammour, stated that this vehicle that was attacked was going to supply civilians with rice and other food supplies. So unfortunately that is the situation in Gaza, there are clearly seen evidences that need to be investigated and prosecuted. (Aziz, 2024)

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<sup>43</sup> <https://edition.cnn.com/2024/02/21/middleeast/un-food-convoy-gaza-israel-strike-cmd-intl/index.html>

## **6. INTERNATIONAL CRIMINAL COURT (ICC)**

The International Criminal Court, solves individuals' problems. The Statute of International Criminal Court was adopted on the year of 1998, at a conference in Rome, which headquarter is in Hague. (Vasileski, 2003)

In order for an act to be punishable as a crime by the International laws, there is no need that act to be regulated in national codifications, those type of actions which we can call international crimes concern humanity as a whole, since it don't harm directly only individuals but also the peace and security of the international community. ICC is a court that prosecutes certain crimes under IHL, it is also stated in the preamble of Rome Statute that genocide, crime against the humanity, war crimes and the crime of aggression fall within the jurisdiction of this court. So ICC is an independent judicial body established by the international community within the scope of international criminal law, with the aim of investigating and prosecuting the most serious crimes that can be committed by state officials, such as genocide, crime against humanity and war crimes. So as it also above mentioned, and also it stated on the Article 1 of RS, that ICC was established with this statute and is a permanent institution. The ICC serve for the purposes such as, play a role against those who plan to commit serious crimes that are defined by international law, mobilize prosecutors who are preliminary responsible for these crimes to bring them justice, those are some steps that can be taken toward ending the impunity of those types of crimes. So ICC cannot judge states directly, but there can be judged the person who ordered the crime, starting from the lowest level accomplice to the highest level state officials, like the President, Prime Minister, Ministers, and General staff, and is also important to note that there cannot be immunity or inviolability arising from national laws. According to Article 13 of the RS, crimes need to be reported in three ways:

1. A state Party notifies the Prosecutor to investigate a situation, where more than one crime was committed more than one time, according to Article 14,
2. The court prosecutor may initiate an investigation on own initiative based on the information indicating that a crime has been committed in accordance with article 15
3. And, the United Nations Security Council may notify the court prosecutor within the scope of Chapter VII of the United Nations Charter, entitled for measures in cases of threat of peace. (Sariguzel, 2013)

In each case above, the decision to open an investigation depends on the approval of the President of ICC, and is not up to the member states or UN Security Council. (Sariguzel, 2013)

Since May, 2024 it was already stated by ICC Prosecutor Karim A.A Khan KC, that there is evidence collected by his office, where can be found grounds that Benjamin Netanyahu and Yoav Gallant, have the criminal responsibility for the crimes committed in Gaza, starting from the October 8, 2023, he mentioned crimes such as, Starvation of civilians as a method of warfare as a war crime, being based on article 8(2)(b)(xxv) of RS; Causing suffering, and serious injuries, cruel treatment, which also is considered war crime on Article 8(2)(c)(i) and 8(2)(a)(iii); the other is willful killing contrary and murder which same is a war crime under Article 8(2)(a)(i) and 8(2)(c)(i); the other war crime was the intentionally directing attacks against civilian population which is also on the Article 8 (2)(b)(i) and 8(2)(e)(i); on the other hand there were evidences for crime against humanity starting from extermination, including death caused by starvation Article 7(1)(b) and Article 7(1)(a) and other inhumane acts towards civilians being based on Article 7(1)(h), 7(1)(k). It was also stated by the Prosecutor, that those evidences were brought by interviewing survivors, people who witnessed, videos, photos. (ICC, Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine, 2024)

So finally there was an decision of arrest warrant by ICC, but the question is, does really those arrest warrant will work? Will they be forced by member states?

The chamber decided, that there are enough material and grounds for considering both individuals as criminally responsible, in order to protect the witnesses, the nature of the investigation was categorized as secret, and that's why there is not too much information, or let's say the information shared is limited, for security. The main base of this arrest warrant is that both of them were in head of the orders, which mean the orders for committed war crimes came directly from them, which orders except the killings, also caused a lot of sufferings for civilians in Gaza, like need for food, water, electricity for the period October 2023 until May 2024. Another based ground was that hospitals were forced to work in very hard conditions, even without anesthesia which also caused sufferings among civilians, and Israel didn't even give the opportunity for getting the humanitarian aid. (ICC, Sitation in the State of Palestine, 2024)

So of course in this case, there were arguments by the side of Israel, as they argued that there is no jurisdiction of the court, by being based that Palestine is not a sovereign state according to them, so by starting by that, ICC cannot have a jurisdiction, on the same time Israel requested, that investigations by the side of ICC must stop until the jurisdiction problem is solved. But of course it was rejected by ICC, by being based on it that Palestine is a state party to the Rome Statute, and also was noted that is not an obstacle that Israel isn't a party of this Statute and that don't recognize Palestine as a state, as for the argument of the premature, according to Article 19 of the RS, challenges to jurisdiction can only be filled when the court issues arrest warrant, so Israel attempted to argue for the ICC's jurisdiction before the actions were formally initiated. So Israel as a member state cannot challenge the ICC's jurisdiction about the crimes committed by them in the spaces of states that actually are part of this statute. (ICC, ICC- Decision on Israel's challenge to the jurisdiction of the Court pursuant to article 19(2), 2024)

Being based on which countries must respect this decision, we can list 124 signatory states, which are obliged to arrest Netanyahu. (Asem, 2024)

As for the reaction of the states, against this decision there were two types of them, the ones who respect it, and on the other hand those who don't look at it as an appropriate thing to happen. First of all, even so it was excepted to be like this, Israel found this decision wrong and one-sided, as there, have been more than one statement from Israeli officials after the decision, I will bring some of them, firstly according to Israeli Security Minister, Itamar Ben Gvir was considered this act as an anti-semitic, and on the same time it was considered as a dark moment for ICC, and without legitimacy. As for US, it also not a surprising reaction, since it is the number one on supporting this state, so they stated as it's time for US Senate to act for ICC as an irresponsible body. On the other hand, Josep Borrell, the EU Foreign Policy chief claimed that this decision must be respected, and the same came also from middle east states. (MEMO, 2024)

The same arrest warrant applied also for three Hamas leaders, Ismail Haniyeh, Yahya Sinwar and Mohammed Deif, where, even so Ismail Haniyeh was assassinated in Iran by Israel, also Yahya Sinwar was killed, while combating on the stage with Israeli soldiers, and the same happened with Mohammed Deif was killed by an air raid in Gaza. (Jazeera, Al Jazeera, 2024)

## 7. INTERNATIONAL COURT OF JUSTICE (ICJ)

International Court of Justice, in contrary to ICC, solves the disputes between states, which is known as a judicial organ of UN, at ICJ citizens cannot sue a state individually, and also cannot be sued, as it is also stated on the article 34 of the Statute of ICJ, only states have the right to be a party in front of this court. The violation of any individual's case in front of the ICJ, can only be brought by the state. (ARSAVA, 2015)

According to the article 36 of the Statute of ICJ, a cases can be heard by the court in case where both state parties agree of it, and in cases where a party is disagreeing regarding the jurisdiction of the court, ICJ is the body who gives the last decision. When the court makes the decision or the verdict, generally the decisions are made being based on the international laws, conventions, international customs, general principles of law, even so ICJ rather than being strictly based on legal rules, it decides according the principle of *ex aequo et bono* which means, equity and fairness. Also an important thing to be mentioned is that the hearings must be held publicly, which also are being broadcasted on live streams, which is supposed to bring transparency, of course this happen unless the court decides otherwise. On the other hand, apartheid of the lawsuits, the ICJ also has the authority of giving advisory opinions in any kind of topic, that is a kind of dispute or base of conflict. (STATUTE OF THE INTERNATIONAL COURT OF JUSTICE)

Same as, already gave advisory opinions about Palestine, and Palestinian land, on July 19, 2024, by stating that Israel's presence in Palestinian lands is occupation and contrary to law, and also highlighted that, same as Israel has an obligation to end this occupation, repair the damages caused by them, also the UN and all states must ensure addressing those types of violations. (ICJ Advisory Opinion for Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, 2024)

Even so, ICJ plays a critical role, in the aspect of the resolution of international disputes, on the same time it is criticized for its limited effectiveness, although there have been efforts to be an impartial institution, unfortunately, the limited nature of its authority, which sometimes also comes from the UN Security Council, makes for the court even more hard to implement the needed decisions, in which also the political influence plays a huge role.

## 7.1 Case Study: South Africa vs Israel

Since October 7, 2023 after the Hamas attack, Israel had heavy military action in Gaza, the place where more than 2 million civilians live, where there has been more than just one violation, which has been explained in detail in the chapters above, such as the direct targeting of civilians, destruction of infrastructure, bombing hospitals, refugee camps, schools, religious places, and more and more. And of course, after all of this cruelty, there was a need for someone to say stop to it, and on 29 December, 2023 South Africa brought this case in front of ICJ, by being based on the fact that Israel violated the obligations under the Convention on the prevention and punishment of the crime of Genocide, directly by accusing for genocide, and on the same time they mentioned that are aware of responsibility that will have after suing Israel, but in the same time are aware that they must act to prevent this crime. (Acer, 2024)

On the lawsuit brought by South Africa it is stated that the acts of Israel met the definition of genocide by itself, so about the case South Africa's claims toward Israel were as, the finding that Israel has violated its obligation under Genocide Convention, there need to be a cessation of their acts to prevent the genocide, to make an effort to return the Palestinian displaced civilians safely in their houses, and also required measures to punish those who are involved and to preserve evidence. (Cetinkaya, 2024)

Which also according Article 1 of Genocide Convention all state parties must take an act to prevent and punish the genocide, and as a response to South Africa's request of the measures to be ordered, on January 26, 2024, the ICJ first of all decided that there is a prima facie jurisdiction<sup>44</sup> so it has a jurisdiction for this, being based on the article 36(1) of the statute of ICJ and Article 9 of the Genocide Convention, so it ordered Israel to prevent all acts that lead to genocide, which measures have been supposed to help and provide a protection for civilians in Gaza, even so there have been any change again. (Summary of the order , 2024)

On 12 February, 2024, South Africa requested an urgent act by the court by being based on the situations on Rafah, and by seeing that Israel has harmed 1.4 displaced Palestinian population, this request was made by being based on the Article 75 of rules of court, which is about the provisional measures. (ICJ, 2024)

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<sup>44</sup> Based on the first appearance

South Africa made this request by being based also on the fact that, there was no difference from the measures given until that time, in Gaza, but it was rejected by Israel by stating that this according to the observations made, their request doesn't have a legal basis, and also that there is a need of those action, for eliminating resistance group in Rafah. (ICJ, OBSERVATIONS OF THE STATE OF ISRAEL ON THE REPUBLIC OF SOUTH AFRICA'S "URGENT REQUEST FOR ADDITIONAL MEASURES UNDER ARTICLE 75, 2024)

And later the decision of the court also was issued on February 16, 2024, where is decided that there is no need for additional measures by Israel. (Decision of the Court on South Africa's request for additional provisional measures, 2024)

After this decision, following the Israel's failure to comply those obligations and measures, South Africa on 6 March made new reuest by stating that there are a lot of changes and new violations in Gaza, for Palestinian civilians, starting from the escalation of situations by killing huge number of children, blockade of aid to destruction and displacement of population, also this request was made by being based on article 75 and 76 of the rules of ICJ, South Africa's concrete request was the adoption of the measures given before, by including a ceasefire. (Additional request by South Africa to ICJ, 2024)

The response of Israel's to this request, was based on the arguments such as, stating that the court already rejected South Africa's similar request, and they are abusing the court by making same types of request on a short time frame, other argument was regarding the targeting civilians, which the Israel rejected and the argument was that, civilians are being used as human shields by Hamas, by requesting by the court to reject this request, since it will harm the right of self-defense of Israel. (Obsearvation and Arguments of Israel to the request of South Africa 06 March 2024)

After all of this, on 28 March, 2024 the ICJ issued the order where, order Israel to undertake immediately measures regarding the humanitarian aid, since there is especially a violation seen that is causing famine among the Palestinian population, including electricity, fuel, medical supplies, and that situation is worse than the first order given by the court. Along with this decision the ICJ also requested from Israel to make a report within one month. (ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel))



On 5 April, 2024 there was an order issued by ICJ, who set deadlines for South Africa and Israel regarding the Articles 31, 44, 45 and 48 of the rules of the court, which set an deadline for South Africa to submit the memorial until 28 October 2024 and for Israel an counter-memorial until 28 July, 2025, and latter will be decided for the further procedures. (New order on APPLICATION OF THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE IN THE GAZA STRIP, 2024)

On the same day, Columbia also declared to intervene in this case, since it has the right, by being based on article 63 of the statute of ICJ, afterward according to article 83 of the same statute, Israel and South Africa are invited to make a written observation regarding the Columbia's declaration. (Colombia files a declaration of intervention in the proceedings, 2024)

After Columbia on 10 May, 2024, same and Libya declared for intervention under the same article 63, and by stating that they believe that there are actions of genocide, and that they think there is violation of CPPCG starting from Article 1 which is for preventing the genocide, Article 2, 3 and 4 which also are connected with the crime of genocide. (Libya's declaration of intervention in the proceedings, 2024)

The same day, there also was the new request of the South Africa, again for new measures, by arguing that the situation has already escalated, especially in Rafah, where Israel is controlling the borders, by preventing all the aid, and medical supplies including evacuation of Palestinian civilians, by also noting that in Gaza right now there are a lot of mass graves, attacks on hospitals, the collapse of Gaza's infrastructure, so with all of this South Africa once more calls the ICJ to intervene urgently by being based on the article of genocide, since it is seen that all the elements are met. One more fact to be mentioned is also that of the number of displaced citizens, which is 1.2 million, 600.000 of them are just individuals under 18 years old, which fact must be taken into consideration. (Urgent Request of South Africa, 2024)

On the request of South Africa, on 14 May, 2024, there was determined a public hearing of two parties, for 16 and 17 May 2024, which will be held publicly, in the Hague. (Public hearings to be held on Thursday 16 May and Friday 17 May 2024)

So as the hearing on 16 May, 2024, started, and the floor firstly was for South Africa, where the representatives, stated that Israel is clearly breaching the rules of the court, even by not applying

the measures already posed, then served evidence that there are constantly bombings on the so called safe area zones in Gaza, also it was highlighted that, now is even hard to verify the details, since Israel is banning journalists to enter Gaza, and that over 100 journalist were killed by Israel since October 2023, they stated that, it is expected for Israel again to be protected under the right of self-defense, but it is not respecting even the rules of the self-defense, by using unlimited violence against civilians, starving, and damaging the entire population collectively. They also mentioned in front of the court, that already also UN stated that there is no safe place in Gaza, thanks to Israel. It was treated the topic of the Rafah especially, since it was selected as the last place for refugees, where 600,000 children were sheltered, and again it was the place where massacres happened. One of the most important arguments of South Africa also was the destruction of hospitals, starting by the Al Najjar hospital in Rafah which had 200 patients per day, and there was military operation from Israel, continuing with Al Emirati hospital the only maternity hospital in Gaza, was forced to stop admitting patients anymore. The same happened also with Kuwaiti Hospital which got the order of evacuation too. So Israel has already forced the evacuation but also sieged the most important hospitals in Gaza, and left Palestinians with nowhere safe place to go. Although I will not go into much more details, instead of only those mentioned, there have been provided too much more evidences, trying to prove that there is existing an intentional act of genocide by the side of Israel, and that there is an urgent need of intervention. (South Africa vs. Israel, Public Hearing of May 16 , 2024)

Next day, 17 May 2024, there was the oral hearing of the Israel too, where firstly when they started argued against the term genocide, by stating that, by calling it a genocide, it doesn't really make it genocide, where they also state that they are fighting for defending themselves by being based on the event of 7 October, and also defended themselves by stating that Rafah is the area where those fighting groups are located, and also their equipment, so they claimed that they are aware of the big number of civilians in Rafah, but cannot stop the operations cause those civilians are being used as human shield by Hamas. And constantly and convincingly was repeated by Israel that it's only war and not a genocide. Israel also stated that, even so every civilian death is tragedy, in war that is not illegal and isn't unlawful in international law. So what Israel makes is fully morally and legally, stated the counsel of Israel. Also on this hearing were more arguments, but those are only some of them. (South Africa vs. Israel, Public hearing of 17 May, 2024)

Of course by both parties there were posed request in this two days hearing, South Africa's request was that ICJ to order Israel to act according to its obligations, to stop the military actions in Gaza Strip, to take measures to ensure UN and all other humanitarian activist to arrive in Gaza for humanitarian aid, as well as for journalists, and also requested from Court to order Israel to submit an report regarding the measures that will be taken, to stop those humanitarian crisis. On the other hand Israel's request was that ICJ should reject the request of South Africa. (Conclusion of the public hearings held on Thursday 16 May and Friday 17 May 2024, 2024)

After the hearing, on May 24, 2024 there was the order issued by ICJ, where the court reaffirmed the provisional measures given before, and of course there was some new measures and decision given, ICJ ordered Israel to stop the military action in Rafah, same ordered that Israel must keep the Rafah border open, and to don't be an obstacle for the aid coming by that crossing, and must ensure that its military don't commit the acts of genocide, and also must stop the incitement for committing genocide, and on the same time must allow UN's competent organs to do the investigations there for the accusation of genocide. And on the same time as the request of South Africa was Israel to submit an report, it was also order by ICJ that Israel must submit it within one month, regarding the measures given in this order. (The order of ICJ , 2024)

Also after the order, there have been countries that declared intention for intervene including 13 more countries, such as Nicaragua, Belgium, Ireland, Libya, Egypt, Cuba, Mexico, Palestine, Spain, Turkiye, Chile, Maldives and Bolivia. (UN RIC, 2024)

And as the last update of this case is the memorial submitted to ICJ by South Africa, which is over 750 pages, and includes annexes more than 4000 pages, where they provided all the evidences for the crime of genocide committed by Israel. Also including the humanitarian blockades, use of starvation as warfare strategy, destruction of Palestinian right to life with basic rights. (The Presidency of the Republic of South Africa, 2024)

## 8. IN-DEPTH INTERVIEWS

The interviews that I made in my thesis are being used for qualitative research to explore the cases through the participants' experiences, but my main aim was to see and hear all the details we have talked about so far, to hear about those violations, experiences that they suffered, and unfortunately to see the genocide from them who saw it with their own eyes.

### 8.1 PLESTIA ALAQAD



Plestia Alaqad is a young Palestinian journalist born on 10 December 2001, in the Gaza Strip, she also worked as a Human Resources professional but always conducted journalism, as a freelance journalist.

She lived in Gaza and her house also was bombed, but she evacuated on November 2023, and went in Australia, then continued in Lebanon for continuing her master studies, but unfortunately after the attacks of Israel in Lebanon she again was forced to leave, and evacuated on Egypt on October 2024.

This interview with Plestia was conducted on August 2024, where she shared her experiences of being on the ground during those attacks, she tried to describe the hardship and the situations there, even so it was hard to express, as she stated *“Even though I’m bilingual and speak both Arabic and English fluently, I feel there aren’t enough words or vocabulary to describe what’s happening in the Gaza Strip. What people really don’t understand is how small the Gaza Strip is: it’s 360 km<sup>2</sup> with around 2 million people living in it, making it overpopulated.”* And continues: *“Now, imagine how overpopulated the Gaza Strip already is, yet Israeli Occupation Forces keep asking Palestinians to evacuate. And the question remains: evacuate and go where? Buildings, houses, hospitals, churches, mosques, and even tents have been targeted, making it clear that no place is safe.”*

While she was on the ground as journalist she had the possibility to enter the hospitals for reporting, which was a challenging moment since most of the patients were women and kids: *“When reporting in hospitals, most of the injured people were women and children, which also makes it clear that everyone in Gaza is a target, even harmless children.”*

As we know one of the problems in Gaza right now is also the displacement of population, Plestia counted her own experience of displacement: *“Personally, the number of times I have been displaced is endless. First, I got displaced from my house, then I went to a hospital, and then the IOF ordered us to evacuate from Northern Gaza to Southern Gaza. This cycle of displacement is endless.”*

And she continues on the moment she found the way to leave Gaza, but also mentioning that not all of civilians can do it: *“Then in November, I was able to evacuate the Gaza Strip with my family, and we went to Australia. The only reason I was able to travel is because my uncle has an Australian passport and he applied for visas for us, so the government helped. Other than that, not everyone can evacuate Gaza—only those with dual passports or family members abroad whose government has rules to help them, or those with enormous amounts of money to pay to cross the border, can travel. And right now, even the Rafah Border is closed, making it impossible for anyone to leave the Gaza Strip. What the world should understand is that the story doesn’t end with me leaving Gaza. Leaving Gaza with a Palestinian passport is only the beginning of many struggles.”*

Plestia’s statement highlights the steps that the population there needs from our governments: *“What Gaza needs right now is an immediate ceasefire not other countries recognizing it.”*

On the topic of any case that can be criteria for genocide, she recounts how she witnessed a lot of crimes in Gaza, saying: *“I’ve seen and documented a lot of crimes that the Israeli Occupation Forces did to Palestinians. And I believe by now, the whole world has seen it as well. An example is Hind Rajab, the 6-year-old who was trapped alone in a car and the IOF killed her.”*

From the beginning of this disaster, people all around the world tried. And still continue to send aid to civilians in Gaza through humanitarian organizations, but as for the question if those aid reached civilians or not, Plestia claimed: *“The time it takes for aid to reach people in need, or the amount of aid they can receive, varies greatly, especially given the current situation where Israeli restrictions are only increasing, thus preventing the delivery of aid. The situation on the ground is fluid and worsening, which makes it difficult to provide a specific timeframe.”* But she also add that in some places people are suffering from hunger: *“Unfortunately, Palestinians in the Gaza Strip, particularly in Northern Gaza, are facing severe hunger. Israel is using starvation as a*

*weapon to harm Palestinians. According to the United Nations, “Thirty-four Palestinians have died from malnutrition since 7 October, the majority being children. Inaction is complicity.”<sup>45</sup> ”*

And she continues with the recommendation for the international community for supporting the population, journalists and all innocent people in Gaza: *“I recommend talking to more Palestinians from the ground to better understand the situation and to have a full picture. Additionally, working closely with Palestinian Lawyers as well”* As for the legal bodies she expresses her wish as *“I just hope the human rights that apply to every human in the world applies to Palestinian humans as well and that the same international law applies to everyone.”*

Her story and experience in Gaza, including displacement, targeting of civilian including women and children, bring the topic of the human rights violations that international community must take it seriously, as she also mentioned the immediate need of a ceasefire, reminding that right now the only hope for them is the global community, and we must do our best to make them be treated equally as all other civilians across the world.

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<sup>45</sup> <https://www.ohchr.org/en/press-releases/2024/07/un-experts-declare-famine-has-spread-throughout-gaza-strip#:~:text=%E2%80%9CThirty%2Dfour%20Palestinians%20have%20died,inaction%20is%20complicity.%E2%80%9D&text=Special%20Rapporteurs%2C%20Independent%20Experts%20and,of%20the%20Human%20Rights%20Council.>

## 8.2 FADI MGHARI



Fadi Mghari is a young Palestinian, he was born on November 25, 2001, and grew up in Gaza looking for opportunities to build his future no matter how difficult it was, but these difficult conditions made him even more strong. As he is passionate about introducing Gaza to the world,

Since October 7, he has been sharing his tent with four children, and living with the children's family, trying to find a way to survive. They even made an effort to evacuate Gaza

through Egypt, by raising funds via social media, despite the fact they had no income anymore. Yet, due to the large amount needed and the short time frame, they were unable to make it, as Egypt closed the Rafah border, which was being used by civilians to leave the country.

However, Fadi used social media to share his perspective, especially after the events of October 2023, he found a way to express his story through photography, capturing reality and as he says, *'capturing the beauties amidst the chaos'*, to a worldwide audience.

The interview with Fadi was conducted on October 2024, where he stated that their life completely changed and nothing is same anymore: *"Our life has completely changed for me, as well as family and community life"* which experiences affected them too much as Fadi says: *"Throughout all this year many experiences have taken place, all of which have had a lasting impact, but every time another event occurs, and the sufferings are only renewed."* And, their mental health is not okay anymore *"There is no such thing as emotion, we don't have emotions anymore, our mental health needs urgent care"*. Leaving aside the professionalism, the thing that made me extremely feel bad as an human was seeing that the civilians there don't have hope at us anymore, they lost the fear against the occupation forces but together with it they lost the trust at us and, us as humanity lost this case and failed them, in one word we wailed the course called humanity! Fadi states that *"Fear no longer exist for them"* and on the other hand he express his feelings as *"I don't feel that international community understands anything at all regarding our case"* unfortunately he is more than right with it, because the international community couldn't do anything to stop or even

to speak for them, all the civilians there don't believe the international community but also the international law anymore *"I don't believe that our experiences are being taken seriously from international legal system"* says Fadi , while there was the question about what would you want international courts to hear from civilians, he answered shortly but not simply *"I just want to hear the news of a ceasefire and nothing else anymore"* since they all need for this to end soon *"We are all affected here"*, even if this all end, to rebuild Gaza and to erase the traumas from them after all what they have seen will be impossible for a long time *"Throughout the year a lot has happened, and I have witnessed many scenes of blood and dismembered bodies that can be considered as a war crime or an act of genocide"*

From all this interview it is clearly showed that the hope of everything being better is lost, Fadi also states in his social media posts about the genocide : *"To be honest with you we just moved from a soft genocide, to a hardcore genocide, from a slow death in your bed to a fast rapid death on your motorbike"* what those people are living is clearly a violation of the basic rights, no civilians should feel like that *"They dehumanized us so much over the past decades that even the right to exist has become a luxury. Let alone the self-defense, resistance, mobility etc. we are not worthy of these basic rights where only few kilometers away, their settlers get the best healthcare system, freedom to move around the world, carry around heavy guns in the name of self-defense on stolen lands, where I don't get not even in my wildest dreams, the opportunity to step on."* No one in the world should see living as a luxury, and if our international community achieved to do this then it is our failure, and instead of staying in one place there are steps that should be taken.

Fadi states *"One year through the genocide, on top of losing family, home, friends, I also lost a big portion of me, I am unable to remember who I was before, and I switched the survival mode only. I forgot my hobbies, my pleasures, my dreams...I also lost weight"* and adds *"But that's not the worst, I lost faith in the world, in humanity, in humans...can you blame me?"*

Fadi's story echoes the experience of many other civilians in Gaza who have endured those hardships. Throughout the interview, Fadi's strong focus was mental health, and the faith lost in humanity, as he states that except losing everything, they lost also the hobbies encapsulate the overwhelming despair that he and other have. Even amidst this loss of faith, the desire and need for a ceasefire shows that a glimmer hope remains there, because it's the hope that is making them survive.



## 9. CASE STUDY

In this study, there is a possibility to take a lot of cases, since, unfortunately there can be easily found more than just one cruel cases. However, the case that will be analyzed in this chapter, will be the story of Hind Rajab.

Hind Rajab, a six-year old girl, is one of the cases that shocked all the world, while she together with her family, including her aunt, uncle and three cousins, were leaving the zone, due to the forced displacements, the car was attacked by Israeli tanks. According to the resources, she stayed there with killed bodies, and it was the audio recording, the thing that trembled the world, while she was trying to survive, and asking help from Palestinian Red Crescent Society, by speaking to them by phone, among the dead bodies of her family members. (Willismson, 2024)

By Palestine Red Crescent Society, there was published the audio recording of the Hind and rescue worker from PRCS phone call, it can be proved by listening to it, that she was staying in car with the killed bodies, she was asked by the rescuer if they are dead, and Hind answered yes, and informed them that she is inside of the car, where they oriented her to stay there *“You need to remain in the car my dear, and I will continue being on the line with you, speaking to you and I will not hang up the phone”*, after this, Hind said that there is a tank there, *“it is moving”* and continues *“from the front the car”*-meaning for the tank going in her direction, afterwards, Hind said that she might be afraid because it being dark soon *“It’s almost night.. the night is approaching, and I am scared”*, and asked by PRCS to stay in line and not leaving her alone, even so she was in a greater risk of the darkness, but she wasn’t aware of it, I hope one day children will be afraid only by darkness, so they will not be able to see these conditions, and to not be face to face with death without knowing what it is. How difficult it must be for someone to be asked for help by saying *“Please come and take me from here”* and not being able to do it, as the PRCS worker answered to her *“My darling, if it were in my power, I would come to you”*, someone must be held accountable for all this trauma caused to all those kids, to all mothers, fathers and all civilians, and for taking all those rights of life from the innocent children. (PRCS, 2024)

This call lasted three hours, and this conversation is just a piece of it, three hours later the call was interrupted, even so PRCS attempted to go there for evacuating her, same as they killed Hind, they also killed the rescue workers, where PRCS accused Israel for killing their medical team, which is contrary the laws. Of course, as all other cases this one also was rejected by Israel, as the Israeli

army stated that there was no troop near the vehicle of Hind that time, and also they mentioned that there was no need of coordination with IDF, for ambulances or individuals to move in that zone, so they could help her. Both two statements are in contrary of reality, the first one can be directly heard by the last phone call of Hind, where she informed the PRCS that there is a tank, there, and also the other statement of Israel is becoming in contrary with PRCS's statement where they were in need to coordinate with them, and hours later achieved to go there, and as also is mentioned above, the moment they arrived they were killed. Both PRCS workers with ambulance who were there to rescue Hind, Yusuf Zeino and Ahmed Madhoun arrived there on January 29, 2024, even so they informed the PRCS officials that they arrived, there was no sign anymore from them, the official who has been on call with Hind, said that she heard the gun fires, but didn't believed that her colleagues were killed. After all those statements, Al Jazeera also made an investigation on the case, where they found that Hind's family before they got killed they contacted their relatives in Germany, who later ensured the contact of PRCS with them, their last hours there were alive only Hind, and her cousin Layan, who also was 15 years old, but he was killed during the call where he said "they are firing at us, the tank is beside us" and then he got quiet. (Al Jazeera, 2024)

Even so, this all happened on January 29, 2024, Hind was found killed, on 10 February, according to the investigations of Forensic Architecture based on UK, Al Jazeera's Fault Lines, and NGO Earshot, it was published that she was killed by being directed by 355 bullets, especially from the both side of the car, on the same time the firing rate was 750-900 rounds per minute, which is matching with Israel's equipment, like M4 riffles and FN MAG guns, and also it shows that this rate is impossible to be made by the weapons used by Hamas, who uses AK type of riffles. On the investigation, it is stated that there was possible from the tank to be seen that inside the car there are civilians, and not Hamas members, so that cannot be justified with any type of incident statement. (Staff, 2024)

The same was also stated by UN experts, who insist Israel stop the attacks on civilians since this is only one of those brutal cases, as they state that those brutal killings must be held accountable and well investigated, expert stated "*We are extremely troubled targeted attacks against civilians in Gaza*" (Report of UN's expert's warn, 2024)

From this case, we can see that, there are more than one articles violated from the international laws, firstly the Article 3 of Geneva Convention protect Hind, and her family since they weren't participating in hostilities, also since their car didn't have any type of military connection, and since it was a civilian's owned property, here we can see the violation of the Geneva Convention's Additional Protocol I of 1977 Article 51, that prohibits the attacks directed to a non-military target. (Geneva Convention, Additional Protocol I 1977)

On the other hand there are violations of RS, starting by Article 8 of war crimes, which protect the civilians, and prohibit the intentional targeting of civilians, and later the Article 7, which is about systematic attacks of civilians. (Rome Statute)

And, as there is a case that involve children, additionally we can look on the violations of the Convention of the Rights of child, which initially violate the Article 6, about the child's inherent right to life, and then we can focus on the Article 38, which is about the needed special protection for children under armed conflicts. (Convention on the Rights of the Child , 1990)

## **10. RECOMMENDATIONS FOR STRENGTHENING ACCOUNTABILITY**

First of all, for strengthening the accountability, especially for this case, there is a need to develop the self-awareness among the population, for people to know what really is happening in the world, as I believe that self-awareness of population, is strongly connected with the accountability of the state, as it is all starting by the civil society. I believe that, two important elements need to be ensured in order to gain the self-awareness among people, the first is to combat the propagandas that are spread, and also to deal especially with media censorship.

Throughout history, there existed the propaganda aimed to influence the attitudes of the masses directing their perceptions for different purposes. Particularly social media has led to propaganda evolving into a different dimensions, in terms of both speed and method, especially the bot accounts run by algorithms makes social media monitoring even more difficult. So that's the way of those disinformation, so it is a very easy way to spread the propagandas. As for this case it is stated that only for four months were determined that 109 of the news were false, 2 were true and 1 uncertain, which shows what can happen in those situations. For example, for the pictures below, it was claimed that those tunnels belonged to Hamas, which tunnels have been used as shields for

hospitals and operation centers, and later it was understood that those images has to do nothing with Hamas at all, and the location was an old transmitter facility in Sweden. (Aydin, 2024)



*Source: Article :Propaganda and Perception Management on Social Media: The Israel-Palestine War*

The same applies also for social medias, where last times the companies aren't treating users equally, especially in this case there have been too much impartial censorship and shadow banning, which also is a way to help spreading propaganda. Only in the period of October 7, 2023 and November 2023, which means less than one month, HRW reported that there were over 1050 content removed from Instagram and Facebook, so from Meta company, all of there posts were regarding the support for Palestine, including in those posts there were aimed to show what's happening, highlighting the violations of human rights, and don't even letting people share their opinion or side. As HRW state, even so Meta allow some of the posts for support of Palestine and for criticism of Israeli government, that doesn't justify the truth that it is violating one of the basic rights, the freedom of expression. According to UN Guiding Principles on Business and Human Rights, Meta must match their content policies according to international human right standards, and to ensure a removal of content not biased and transparent. (Meta's Broken Promises)

Apart from this, there is even one more important point, to work on strengthening the judicial systems, in which also the civil society lost hope anymore, being based on it that the decisions are being politically influenced.

Starting from ICJ, even so the rules of the court try hard to have an important judicial system and institution, there are still criticisms about the system. And there are been proposals for strengthening this institution, starting by the change of UN Charter, the Court Statute and the rules regarding the court, even so it may not be too easy to make those changes, it is believed by the experts, that this will increase the impartiality and the effectiveness of the court. But it should be started by the structure of the court, which is more essential for providing those changes. So as we

know the court consists of 15 judges from different states, of course they are selected same as for the judicial qualification but also the high morality is considered, but what is one thing that should be considered for change, judges are being selected for nine years but can be re-elected and there is no retirement age for them, even so they need to be focused only in ICJ, without being engaged in other activity, same as political as professional, but it can be problematic for raising impartiality of the court, as it can influence judge's impartiality. (Ata, 2018)

But there are a lot of criticism about the judicial systems in general, and also the civil population lacks the trust in those institutions anymore, believing that there is a huge existence of the political influence on decision making. Which also can be seen on the part of ICC, it doesn't matter that ICC already issued the orders for arrest warrant of two officials of Israel Netanyahu and Gallant, still no one is enforcing this order, which actually is happening because of the political will, which is not giving the opportunity of the impartiality. Simply going back on the Ukrainian case, there can be seen governments speaking up for justice, as it should be, but not the same happened from the same governments, for the Israeli-Palestinian case, which it is clearly showing that international law can be consisted greatly, but unfortunately unless there is a political influence it is not being applied at all. So it can be clearly stated, that from making this world a little bit more peaceful place, there must be strengthening in this cruel part, which is managing the world. (Evenson)

In those armed cases, international organizations also play a very important role, especially for providing important, basic services to the population stuck there. (ASIL, 2021)

So also the point of the management of the international organizations need to be carefully made, UNRWA is known for making very impactful workings, the same also in Palestine, helping the victims, but it didn't last enough, as Israel, blamed also them for having a relation with Hamas, even so it was rejected time by time by UNRWA, there was no change, as the Israeli officials believed it is and Palestinian organization that aim to destroy Israel, even so it was helping the population in occupied lands with decades, now as the new law was voted from 2024, it will be banned, and the workers will not be provided with an entry permit. Even so it was condemned by UN there was no difference, as UNRWA stated, it will be a very dangerous thing for Palestinian civilian, as for their education, healthcare and of course humanitarian aid, and also It was stated that this is considered as collective punishment. (News, 2024)

## **11. CONCLUSION**

This thesis aimed, to analyze the ongoing case of Israel and Palestine, in which the object of this topic was to go through the legal frameworks, by seeing which of those laws have been practiced, and which ones are being violated.

Even so by the higher bodies it is still being discussed if it can be considered as genocide or not, in this study, it has been studied and analyzed a lot of acts, that already met the definition and fulfill the elements of genocide.

As the genocide is one of the most dangerous crimes, there is a need of urgent intervention to stop all this cruelty, since it is a crime against the peace. But it seems as there is a need to wait much longer for this issue to be solved, since as I already mentioned in the above chapters, these decisions stem from politics, and unfortunately the population can no longer do anything, as we already seen this last year, the whole world stand up and protest for supporting Palestine and to stop the Israeli crimes, we witnessed them staying on streets for days, but again there was no change, except the arrest of the protesters, and the genocide continued on the most comfortable way possible.

The reason why this study had two interviews, especially with people who have been in Gaza since the last aggression started, was for us to see and hear the reality from them, after the violations have been analyzed, the interviews have been used to confirm whatever have been said until then. So as it was stated that there is a need for change and a need for standing up against the cruelty, it is also stated by the two Palestinian journalist above, that there is no hope on the international community and international laws anymore.

So the point is to make the changes we can, to raise the voices, and to work hard for strengthening the legal system to ensure that those international laws are applied and operates impartially.

## **12. APPENDIX NO.1**

### **Questions for depth-interview with Plestia Alaqad**

1. Certainly, we all know that the situation in Gaza is indescribable, but because it is different from what we are seeing compared to what you have experienced being on the ground, can you tell us how you experienced it and how the procedure of evacuation was?
2. Have you seen or documented specific case that clearly meet the criteria for genocide as defined by the United Nations?
3. How long does it take for aid to reach the people, or how much aid can people receive, given that we have seen that Israelis are not allowing even the provided aid to be delivered?
4. Do you think that the recognition of Palestine by other countries will influence the halting of this genocide?
5. Is there any recommendation you can share with us, for international legal bodies to better handle genocidal acts like Gaza? And how can the international community better support journalists and human rights defenders in documenting these crimes?

### **Questions for depth-interview with Fadi Mghari**

1. After October 7 how was your day-to-day life affected, including your family and community?
2. Can you describe a specific event or experience that has had a lasting impact on you?
3. How do you cope with the fear and uncertainty caused by the ongoing violence?
4. How has violence affected your mental and emotional well-being?
5. Do you feel that the international community understands the daily realities faced by civilians in Gaza (or the Palestinian territories)?
6. Do you believe the international legal system is taking your experiences and the experiences of other civilians seriously?
7. If international courts held trials for war crimes, what would you want them to hear from the civilians affected?
8. Have you ever witnessed or heard of specific incidents that you believe could be considered war crimes or acts of genocide? Could you describe them?

9. Do you feel personally affected by the lack of accountability for those responsible for violence against civilians

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