



## FACTSHEET

# WAR ON GAZA: VIOLATIONS OF INTERNATIONAL LAW

The population of the Gaza Strip is approximately 2.23 million people, 80% of whom are refugees and depend on humanitarian aid. Although the area of the Gaza Strip does not exceed 365 km<sup>2</sup>, the Israeli Occupation state completely controls its land borders and the seashore, which is 45 km long. Since 2007, Israel has considered the Strip as a hostile zone and imposed a total siege over its land, sea, and air, violating international law and constituting collective punishment for all residents of the Gaza Strip. Therefore, the Israeli Occupation

launched six bloody wars between the years 2008 - 2022<sup>1</sup>, and a seventh war on October 7th, 2023. The current war is considered unprecedented in terms of the scale of destructive force and mass killing carried out by the Israeli army against civilians. The death toll as of mid-November reached more than **14,128**, including **5,840 children** and **3,920 women**. The total number of houses damaged by the bombardment reached **230,000 housing units**, of which 44,000 housing units were completely destroyed and became

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<sup>1</sup> Israel carried out 6 wars on Gaza: 2008/2009, 2012, 2014, 2019, 2021, 2022.

uninhabitable. Palestinian sources estimated that the number of people missing under the rubble reached 6,800 people. In addition, the Israeli forces targeted facilities considered “protected” by international law, such as hospitals, schools, and places of worship.

The bombing targeted dozens of medical facilities, including hospitals, clinics, and laboratories, which **pushed 25 hospitals out of service, and 55 ambulances being destroyed**, leading to the **killing of 200 medical staff**. It is important to highlight that thousands of civilians have reached these facilities for the purpose of protection and shelter. In addition to medical facilities, 266 schools where civilians were sheltering were bombed, 66 of which are now out of service. Nevertheless, 83 mosques were completely destroyed, and 3 churches were targeted with the bombing.

Nearly 1.7 million people were forcefully displaced from the northern Gaza Strip the center and south of the strip following the announcements by Israeli forces stating their intentions to target all buildings in the North. Therefore, the Jerusalem Center for Human Rights sees the importance of highlighting the grave violations of international law in the Gaza Strip. Thus, this factsheet will shed light on the most prominent violations committed by Israel during its aggression against Gaza.

## 1- The Genocide

Both, Article 6 of the Rome Statute and Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide state that Genocide is

any act committed with the intent to destroy, in whole, or in part, a national, ethnical, racial or religious group, such as killing group members; or causing serious physical or mental harm to members of the group, and subjecting the group to living conditions intended to destroy it either fully or partially.

The killing of more than 14,000 Palestinians prompted 790 scholars and legal experts around the world to sign a petition warning that what is happening in the Gaza Strip amounts to **the crime of genocide**. In addition, the Director in the New York Office of the High Commissioner for Human Rights (OHCHR) Craig Mokhiber, stated that what is happening in the Gaza Strip is genocide.

## 2- Forceful Expulsion

Forced expulsion is considered a crime against humanity. According to the Rome Statute, Article 7 affirms that forcible transfer is any act aimed at displacing civilians within the framework of a widespread or systematic attack directed against any group of the civilian population.

In addition, Article 8 of the Rome Statute also prohibits the occupying authorities, directly or indirectly, from transferring or deporting the population of the occupied territory or parts of it inside or outside this territory. On the grounds of Gaza, the aggression led to the forceful expulsion of 1.7 million Palestinians from the northern Gaza Strip.

Besides, Article 49 of the Fourth Geneva Convention prohibits the collective or individual

forcible transfer or deportation of protected persons from occupied territories to the territory of the occupying state or to the territory of any other state, occupied or not, whatever its motives. It is worth to mention that on October 13, 2023, the Israeli army officially ordered more than a million Palestinians (*which is approximately half of the population of the Gaza Strip*) to leave the north parts of the Strip to its south. According to statements by the UNRWA, the number of displaced people in the Gaza Strip has reached more than 1.7 million people, including 400,000 residing in its facilities.

In addition, it is important to take into consideration a leaked Israeli intelligence document that highlights the aims to prepare a wide-ranging plan to transfer the entire population of Gaza to the Egyptian desert of Sinai. This document acknowledges the importance of creating a state of panic and chaos against the northern side of the Gaza Strip, aiming to displace the population of its north to its south, then carrying on with the other stages of expulsion.

### **3- Ethnic Cleansing**

Ethnic cleansing is defined as a mixture of crimes and violations of the rules of international humanitarian law, in terms of forced displacement, mass annihilation of civilians, torture of civilians in prisons, planning attacks on defenseless people, preventing the delivery of humanitarian aid to civilians, and the massive destruction of property. In addition, International Court of Justice

Resolution No. 91/2007 affirms that “*making an area ethnically homogeneous by using force or intimidation to remove people from certain sects of the region*”. The Israeli authorities is continuing with the crime of ethnic cleansing using internationally prohibited weapons, aiming to clear Gaza from Palestinians, as part of preplanned plans to put an end to Israel’s strategic crisis represented by demographic threat: The presence of millions of Palestinians in the Gaza Strip and the occupied West Bank (*including East Jerusalem*).

### **4- Medical Sector and Medical Staff**

Articles 18-20 of the Fourth Geneva Convention, and Articles 15-16 of the First Protocol attached to the same convention, stress the importance of protecting hospitals and medical staff, stressing against targeting them. On the other hand, In Gaza, it was found that more than 200 medical personnel were targeted, 55 ambulances were destroyed, and 25 hospitals and 40 primary care centers went out of service.

There were also Israeli military calls to evacuate hospitals in Gaza and constant threats against them, in addition to the massive and systematic incitement against hospitals in the Gaza Strip, without providing the slightest evidence to support these allegations.

### **5- Other Violations**

In addition to the abovementioned violations, international law criminalizes many practices carried out by the Israeli forces in its war on Gaza, such as **intentional killing**, which is considered a

crime against humanity, as Article 7 of the Charter confirms that when killing is “*committed within the framework of a widespread or systematic attack directed against any group of civilians,*” and intentional killing is considered a war crime, according to Rome Statute, which explicitly stated that intentional killing is a war crime. **Targeting civilian** sites is also considered a war crime according to Article 8 of the Rome Statute. This confirms that intentionally directing attacks against sites that are populated by civilians, not constitute military targets, is a war crime.

Nevertheless, **starving civilians**, preventing humanitarian aid convoys, the failure to protect them, and obstructing their access to civilians is considered a war crime according to Article 8 of the Rome Statute and amounts to genocide. UNRWA grain and food stores in the Gaza Strip were targeted, and the occupation’s government threatened to bomb any humanitarian aid through the Rafah crossing on October 12, 2023.

These violations also clearly affected **children**, despite that they apply to the general rights of civilians not participating in hostilities, yet they have a specific kind of protection that they have as children. The four Geneva Conventions and their Additional Protocols contain 25 articles that address the protection of children in times of armed conflict. When talking about the Gaza Strip,

it is necessary to point out that 45% of the Strip’s population are children, and the number of children killed reached 5,840, also the number of missing children is estimated at about 1,350, which prompted the Secretary-General of the United Nations to say that Gaza has turned into the **largest cemetery for children in the world.**

### Conclusion

To conclude, it clearly appears that the actions of the Israeli occupation authorities in the Gaza Strip constitute a series of serious violations of international law and international humanitarian law. Israeli policies show unconcealed strategies toward genocide, forceful expulsion, ethnic cleansing, and targeting of civilians and children, which are crimes condemned by international law. Therefore, in this factsheet, Jerusalem Center for Human Rights emphasizes the importance of documenting these violations and presenting them to the international community to expose crimes and pressure to demand justice. In addition, the importance of taking urgent measures from the international community to put pressure on stopping these atrocities and provide the necessary protection for civilians in the Gaza Strip. Resilience and defiance reflect the will of the Palestinian people who deserve to live in dignity, security, and peace.

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