Our problem with Russia

For an Israeli official or journalist, the question, ‘Why do you bomb and kill the residents in Gaza Strip?’ is an easy question to answer. The official or journalist asked would only have to confidently say, ‘The terrorist group Hamas is mainly responsible for this. They are the ones who hide behind civilians using them as human shields.’ We have heard this justification even in the cases of bombing UN facilities and bases, as well as protected objects, such as hospitals, schools, mosques, and churches. Thanks to the vastly powerful Zionist media machine, both in written and audio/video media, this proclamation is now basically a given for many in the West amid a gaping negligence when it comes to debunking those claims, specifically in English. This also applies to targeting the houses of the Palestinian Resistance’s leaders, as Israeli officials and media figures have continuously asserted the idea that those targets are legitimate targets, to the point that this has become an almost indisputable fact for a wide segment of the Arab and Western world. There is also the bizarre dazzlement at the warnings Israel send before bombardments and destruction operations that even Israel itself seems to brag about this behavior in the investigations they release after their wars.

Civilians and the fallacy of human shields

The armed conflict between Israel and the Palestinian Resistance, a spectrum that includes Hamas and other factions, is governed by the customary international humanitarian law which is binding to all parties. In addition, Article 3 of Geneva Conventions of 1949 applies to the Palestinian conflict, as well as the rules of the Fourth Geneva Convention of 1949 that tackles occupied territories. For the sake of the argument, let’s assume that Israel’s narrative, that Hamas uses civilians as human shields, is a truth, this doesn’t relieve Israel of its legal responsibilities, and doesn’t make the existence of an individual, or several, in a certain area a sound justification
for Israel to exterminate them with their families, or target civilian residents in that area to kill them all. As such, Israel needs to establish, with proofs, reasons for why it has targeted schools, hospitals, or residential houses.

While the international law does indeed prohibit the use of civilians as human shields, and a form of which is taking control of an area and forcing residents to stay there (it hasn’t been proven that the Palestinian Resistance has done that either). Consequently, Israel is burdened with justifying its attacks, rather than the opposite. If Israel’s claims were true, it would have to distinguish in its attacks between civilians and military individuals. Secondly, Israel has to consider the principle of proportionality where it is the belligerent’s responsibility to cancel or suspend the attack if the damage was too excessive in relation to the anticipated military advantage. According to International Committee of the Red Cross in this regard, civilians must be protected and civilian objects must be avoided during acts of war. This entails that military necessity is subject to the customary rules pertaining to it. Otherwise, if we were to indulge the Israeli logic that all targets that potentially pose a military threat that is yet to be established must be killed and destroyed, this would constitute a complete disregard for the most prominent principles of the international humanitarian law, not to mention a barbarian justification for killing and destruction.

Nonetheless, all indicators point that Israel does deliberately target civilians, rather than incidentally as many claims, meaning that it is a deliberate and indiscriminate killing and destruction at the same time. In most of the attacks that resulted in civilian deaths, there hasn’t been, to this moment, any solid evidence that proves the existence of forces, or even weapons, for the Palestinian Resistance in that area before or during the attack. Additionally, women and children make up 34% of all deaths (the overall death toll is estimated, at the moment, at approximately 1,850, including 390 children and 210 women), and 47% of the wounded (about 10,000, including 2,830 children and 1,940 women). These figures, released by the Palestinian Ministry of Health, cover the period from the 8th of last July to August 4. Israel might have targeted, in its attacks, sites and weapons for the Resistance near residential places, but this high percentage of children and women victims, both deaths and injuries, is a glaring evidence that civilians were deliberately targeted.
**Israeli war crimes**

Israel has violated the most important standards of the customary humanitarian law to commit, as a result, war crimes, especially that Israeli weapons are capable of immensely reducing civilian injuries, thanks to their cutting-edge technology that can’t be found in the Palestinian Resistance’s weapons, as some Israeli missiles have special cameras that can be used to observe the target and change the trajectory of the missile in case the operator didn’t find any military facilities or targets. However, judging from the death toll, it appears that the missile operator was aware that they were going to kill women, children, and civilian men but let the missile continue on its path until it had killed them all.

Israel has shed more civilian blood in this particular war and in a systematic manner that its crimes constitute crimes against humanity, as the attacks were systematic and based on a government policy. On the other hand, targeting Palestinian Resistance political leaders, and charging the popular opinion into believing that they are legitimate targets does not change the truth one bit. These Israeli claims and falsifications must be diligently debunked, as the international humanitarian law is very clear in this regard as well. The political leader would have to be involved in military planning, or actually taking part in the battlefield, effectively turning themselves into a combatant. Otherwise, they remain a political target that shouldn’t be targeted under no circumstances. Israel, in this case, has to bring forth proofs and evidences that prove that the politician killed was engaged in military acts. Otherwise, Israel has committed a war crime.

Even if military leaders were targeted, which is allowed per the international humanitarian law, the attacking party should respect the aforementioned principle of proportionality. Would Israel be okay with the Palestinian Resistance bombing the house of one of their affiliates, killing them with all of their family members? Many people in the west were impressed by the warnings issued by Israel before bombing and destroying. This is also a part of the Israeli deception and misguidance, which goes hand in hand with an organized and immense media campaign. As human rights defenders, we don’t see any value to those warnings, because they weren’t real. To be considered real, such warnings should include information about the date and place of the attack. More importantly, the interval between the warning and the actual attack should be enough for evacuation. Furthermore, issuing warnings, even if proven effective, does not relieve the attacking party of its responsibility to respect the principles of distinction and proportionality as we mentioned earlier in the eyes of the international humanitarian law. We categorically accuse Israel of turning
warnings from a noble tool to a weapon of war that aims to displace residents and spread fear and panic among them.

**Palestinian authority and the International Criminal Court**

Lastly, regarding the siege imposed on Gaza Strip, Israel still have actual control over Gaza’s land, sea, and air borders, as well as power, water, and communications. The law of occupied territories of the Fourth Geneva Conventions of 1949, which Israel is a party to, applies to Gaza Strip despite the forced withdrawal. Article 33, of the Fourth Geneva Convention, states, “Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.” Article 55 states, “To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population.” Article 59 states, “…To the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population.” Rule 53 of the customary humanitarian law states, “The use of starvation of the civilian population as a method of warfare is prohibited” while Rule 55 states, “The parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to their right of control.”

All of this will be nothing more than words paper as long as crime perpetrators are not prosecuted, brought to justice under no impunity. This sends a message of relief to all criminal on earth that they can continue to commit crimes under a Russian-Chinese political shield, in the case of the Syrian regime, and a US-European shield in the case of Israel. The political path must be separated entirely from the human rights and humanitarian path because victims’ families have the right to see those who killed and wronged their sons and properties brought to justice with no exceptions based on race or religion. In this context, we recommend that the Palestinian Authority ratify the International Criminal Court’s Rome Statute. The negotiation path and the victim rights path must be separated. The ICC must be the recourse in this case to make reparations for tens of thousands of Palestinian families who lost their beloved ones, had their houses destroyed, or were displaced and arrested for decades.
Otherwise, Israel is keenly walking the path of crime as the US and some European countries continue to supply it with weapon and ammunition even though those weapons are being used to commit war crimes and crimes against humanity, which is not unlike Russia’s and Iran’s weapon supply for the Syrian regime.

Human rights values and laws must be implemented on all nations. The people of the Middle East firmly believe now that justice, democracy, and human rights value do not apply to them, and that they are merely words on paper that are used when political agendas deem necessary regardless of humanitarian fundamentals. And then some would have the audacity to ask, who created extremism and how can we fight terrorism!?

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