

Israel and the International Humanitarian Law!

When an Israeli officer, journalist, or commentator appears in the media, the question is usually this: Why are you bombing and killing the people in Gaza Strip? On the other hand, the answer used firmly is that it's Hamas's, the terrorist organization, fault as it is using civilians as human shields. We heard this justification even to justify the bombing of UN-affiliated premises and centers, or protected locations such as hospitals, schools, mosques, and churches. This justification, being used constituent by Israel's media apparatus, has become an indisputable fact for a wide segment of the western public opinion specifically in light of a severe lack of an appropriate rebuttal especially in the English media platforms. And even if the question was asked again, the answer would be that the military necessity predetermines this.

This is also used as an answer for targeting the homes of the resistance's political leaders where all the Israeli officers and media figures repeat that those are legitimate goals which also became an undeniable fact for a wide segment of the western and Arabic society for that matter.

Finally, there is a strange fascination about Israel alerting residents before bombing and an Israel pride about this fact which can be noticed in all the report Israel issues after any war.

The nature of conflict between Israel and Hamas is regulated by the Customary International Humanitarian Law which considered binding upon all parties. Furthermore, Article 3 of the four 1949 Geneva Conventions and the laws of the 1949 fourth Geneva Conventions regarding occupied territories apply as well.

Even If the Israeli allegations are deemed true, this doesn't exempt Israeli from its legal liabilities and the presence of one person or persons doesn't justify the complete annihilation of his family or targeting all the residents in the area and killing them all. Hence, the burden is on Israel to justify why it targeted schools, hospitals, or residential buildings.

Even though the International law prohibits using civilians as human shields or controlling areas to force its residents to stay (with keeping in mind that it hasn't been proven yet that the Palestinian resistance have done such things), Israel is still obligated to justify its attacks rather than the opposite. Even if the Israeli allegations was true, Israel would still have to distinguish between civilians and fighters and rationalize its attacks where it is the attacker's responsibility to abort or suspend the attack in case the excepted civil damages are more important than the military ends. In this regard, ICRC states that: "civilian lives should be spared and civil targets should be avoided during military operations." Which suggests that the military necessity is subject to the relevant customary laws. However,

deciding to resort to the Israeli logic which is to kill and destroy all the targets that represents potential military threats even if it haven't been established yet would be a complete demolition of the most basic principles of the International Humanitarian Law and a barbarian justification for the killing and destruction.

Nevertheless, all the evidences indicate that the Israeli forces are deliberately targeting civilians rather than in an indiscriminate manner which is the common belief; it is an indiscriminate and deliberate killing and destruction at the same time. In most of the attacks that killed civilians, there hasn't been any evidence, to this moment, of the presence of the Palestinian resistance in the area during or before the attacks were conducted. Furthermore, 34% of the victims were women and children (1850 victims; among them were 390 children and 210 women), as for the wounded, the percentage of children and women were 47% (10,000 approximately, among them were 2830 children and 1940 women) according to the Palestinian Ministry of Health (these statistics are from 8 July, 2014 until this moment.). Israel might has targeted some of the Palestinian resistance's locations and weapons, however, the high numbers of child and woman victims represent an explicit evidence that prove the deliberate targeting of civilians.

Therefore, Israel has violated the most basic standards of the International Humanitarian Law through criminal acts that can be openly classified as war crimes especially if we considered the high technology of the Israeli weapons which can reduce considerably the number of injuries among civilians unlike the weapons of the Palestinian resistance where some of the Israel rockets have special cameras enabling the shooter to watch the target and change the rocket's path in case he found out that there are no military locations or targets. However, judging from the victims numbers, it seems that the shooter was knew that his missiles will kill civilian women, children, and men and didn't do anything.

We believe that Israel have killed civilians systematically and widely in this war, and that its crimes can be openly classified as crimes against humanity as it is a government's policy and methodology.

Targeting the Palestinian resistance's political leaders and mobilizing the public opinion to think that they are legitimate targets does not change the truth one bit. Serious efforts should be made to refute these Israeli claims and lies from a legal perspective. The International Humanitarian Law is very clear about this; unless a political leader is involved in making military plans or participating physically in the field, he is a civil target than must be not targeted under any circumstances. In this case, Israel should prove the involvement of the political leader it killed in military operations, otherwise, it has perpetrated a war crime.

Even if Israel is in fact targeting military leaders, which is permitted by the International Humanitarian Law, it must respect the aforementioned principle of proportionality. ***Would Israel tolerate targeting the house of one of its fighters and killing all his family members?***

Many were fascinated by Israel alerting before carrying out its deadly and destructive attacks. This is a part of the misguidance and deception policy adopted by Israel which was in conjunction with an organized and massive media promoting. We, as Legal activist, deem this warnings pointless if it wasn't real as it should include information about the place and time of the attack and, most importantly, the given period of time between the attack and the warning should be enough to evacuate the area, also, even with these warnings, the International Humanitarian Law is very clear about this; the attacker should respect the aforementioned discrimination and proportionality principles. Moreover, we are openly accusing Israel of turning this noble warnings into a weapon of war that aims to displace residents and terrorize them.

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Lastly, regarding the Israeli siege of Gaza Strip, Israel still has the actual control over Gaza's land, maritime, and air borders in addition to electricity, water, and communications. The law of occupied territories, included in the 1949 fourth Geneva Convention, which Israel is a party to, applies to the Gazan case even though Israel has withdrawn from Gaza. Article 33 of the 1949 fourth Geneva Convention states that: "Collective penalties and likewise all measures of intimidation or of terrorism are prohibited." and Article 55 states that: "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;"

Additionally, rule 53 of the Customary International Humanitarian Law states that: "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;" and also rule 55 states that "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."

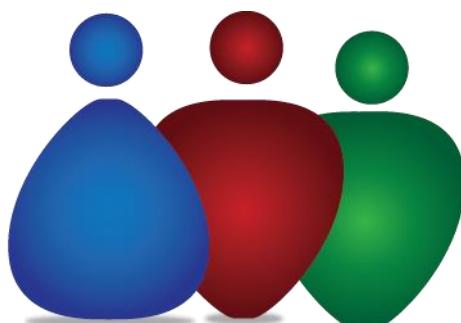
All of the aforementioned principles will remain on paper unless the perpetrators of those crimes are brought to justice and the impunity circle is broken. The current situation in Gaza sends an insuring message to all the criminals on this earth that they can continue committing their crimes under a Chinese-Russian political cover in the Syrian case and American-European in the Israeli case. The political path must be separated completely from the humanitarian and legal path

because the victims' families have the right to watch those who killed and wounded their beloved ones being trialed without any religious or racial discrimination. Thus, we recommend the Palestinian National Authority to endorse the I.C.C.'s statute and to separate the negotiation issue from the victims' rights issue. Also, it should go to the I.C.C. to achieve justice for thousands of Palestinian families whose sons were killed, houses were destroyed, and were displaced over decades.

Otherwise, Israel will continue perpetrating crimes with USA and some European countries supplying it with weapons and munitions despite the fact that it is using these weapons to perpetrate war crimes and crimes against humanity similar to Russia and Iran that are supplying the Syrian regime with weapons.

Human Rights values and laws must be respected everywhere as the Middle Eastern people have, over the years, established a feeling that justice, democracy, and human rights values doesn't apply to them and it is just a dead letter that is being used when it is necessary regardless of the humanitarian fundamentals, then we ask: who created extremism and how can we fight terrorism!

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