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Blockading Civilians During the Aggression on Gaza Strip: A War Crime According to Rome Statute, with an Introduction to Starvation Tactic

Ramallah: Human Rights and Democracy Media Center- SHAMS, condemns strongly the collective punishment policy that accompanies the Israeli aggression on the Gaza Strip. The punishments of the occupation are interpreted as denying entry of food, medicine, fuel, and basic needs of women, children, aged people, and sick persons. People who are evacuated from their houses due to the heavy shelling and bombing of the houses are the most affected by denying entry of relief aid. The Israeli Authorities imposed restricted blockage on the Gaza Strip and denied entry of humanitarian aid where in this regard, the Israeli Minister of War (Defense) instructed to impose a siege and close all the crossing points to the Gaza Strip. The given minister declared arrogantly: no water, no food, no medicine. Additionally, he added: "We are fighting animal humans".

SHAMS Center affirms that the siege imposed on the Gaza Strip is a form of collective punishment and stands as a profound violation of International Law and International Humanitarian Law. The Israeli policy in this regard violates the Geneva Fourth Convention as Article 23 of the Convention states: "Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall, likewise, allow the free passage of all consignment of essential foodstuff, clothing, and tonic intended for children under fifteen, expectant mothers, and maternity cases". Likewise, the Israeli policy of collective punishments violates the first optional protocol annexed to the Geneva Conventions. Article 75 of the Protocol bans all forms of collective punishments, currently and in the future at any time and place, whether practiced by civil or military employees of the state. Additionally, the Protocol prohibits starving civilians (Article 54), which states: "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". On the other hand, Article 14 of the Second Optional Protocol annexed to the Geneva Conventions, states: "Starvation of civilians as a method of combat is prohibited. It is therefore prohibited to attack, destroy, remove, or render useless, for that purpose, 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". Article 8 (item 25) of the Rome Statute of the International Criminal Court affirmed that: "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, is a war crime".

SHAMS Center calls upon the United Nations and the regional and international humanitarian organizations to work immediately to ensure the entry of humanitarian aid to the Palestinians in the Gaza Strip. SHAMS Center calls, in particular, upon the (United Nations Office for the Coordination of Humanitarian Affairs - OCHA, World Food Program, International Committee of the Red Cross, and World Health Organization) to work seriously to press on the occupation state to ensure regular entry of the humanitarian assistant to the sieged people inside the Gaza Strip. The Center emphasized the necessity to open human corridors for aid to be delivered to the Gaza Strip and commit to the principles of the International Humanitarian Law (Humanity, Proportionality, Necessity, and Distinction). Humanity is the main principle of the International Humanity Law, which should be respected during times of war and armed conflicts. This principle prohibits targeting groups that are not participating in the fight and hostile attacks. Sieging, blockage, and denial of humanitarian aid are clear violations of the humanity principle of International humanitarian law. Banning medicine and food is a collective punishment against civilians. It is worth mentioning here that the Gaza Strip used to have between 405 and 500 trucks of various needs daily, but since the beginning of the current aggression, only 51 trucks carrying supplies, have been allowed to enter the Gaza Strip, though the daily need is at least 100 trucks (according to the estimations of the United Nations).

SHAMS Center stresses that despite the significance and priority of allowing humanitarian and medical aid to enter the Gaza Strip, opening humanitarian corridors could be an indication of extending the duration of the aggression. The international community should declare a clear political position and express a clear will to end the Israeli aggression on the Gaza Strip and end the massacres and genocide crimes against civilians. Israel should abide by international law and open all the crossing border points with the Gaza Strip and lift the illegal unethical siege imposed on the Gaza Strip since the year 2007.

SHAMS Center stresses that allowing humanitarian aid to the sieged civilians in the Gaza Strip is not a favor from anybody, neither from the international community nor the occupying state. On the contrary, these aids are human, divine, and legal rights affirmed by both the divine religions and human values. Additionally, wars throughout human history respected human values and allowed human armistice to enable the conflicted parties to pull out the wounded from beneath the rubble and bury the killed. Such behavior was also during the Ignorance Age (pre-Islamic Era) where the knights respected the ethics of equestrianism during the fight where armistice to provide wounded with first aid and



bury the dead were always allowed. The Israeli Occupation State has no ethical or human values and behaves in an immoral manner with no respect for laws or values.