

“Gaza – A Chronicle of International Crimes,” Dr. Hala Khoury-Bisharat, Ono Academic College, 1.7.25

Short Description

The lecture examines Israel’s ongoing war on Gaza through the lens of international humanitarian law, emphasizing that while Israel has a recognized right to self-defence after the October 7 Hamas attacks, its conduct during the war raises serious legal and moral concerns. It outlines key legal principles—distinction, precaution, proportionality, and humanity—that bind all parties in armed conflict, and argues that Israel’s systematic destruction of Gaza, the forced displacement of its population constitutes grave violations of international law. Highlighting the scale of devastation, Dr. Hala Khoury-Bisharat stresses that this is not an isolated reaction but a continuation of a broader pattern of control and suppression since 2007.

Introduction

We meet again for another session of “Eyes on Gaza,” following yet another day of unspeakable horror, with 105 people killed. Among the casualties were those struck at aid distribution points in tent camps and at cafés in Gaza’s al-Zeitoun neighbourhood.

Today we are joined by Dr. Hala Khoury-Bisharat, a lawyer specializing in human rights and international law. She serves as the academic director of the Law School at Ono Academic College, Haifa campus. Dr. Khoury-Bisharat will speak to us about Gaza and international law, under the title: “Gaza – A Chronicle of International Crimes.”

Lecture

Thank you. Today we are talking about Gaza and the international law. I want to begin by saying that since October 7—the brutal attack by Hamas on Israeli communities in the South, during which international crimes were committed—Israel launched yet another war on Gaza. International law examines two fundamental questions with regards to warfare. The first: Did Israel have the right to initiate the war? That is not our focus today. Israel has a recognized right to self-defence in response to the attack of October 7. But I would like to address the second question under international law: How should a state, or more precisely, an army, conduct itself during war? This refers to the “international humanitarian law”, also known as the “laws of war”. We can compare it to a coin with two sides: On one side, the law acknowledges that war exists and prescribes rules for how it must be conducted. War does not mean anything goes—quite the opposite: there are strict prohibitions. On the other side, its name “humanitarian law” stems from the understanding—shared by the international community—that war inflicts immense suffering on civilians. Its purpose is to mitigate and prevent unnecessary harm.

In fact, international humanitarian law developed even before formal prohibitions on the use of force in international relations. Treaties banning chemical and biological weapons—due to the extreme and unnecessary suffering they cause—preceded even the 1945 UN Charter, which explicitly forbids the use of force in international relations, except under Article 51: the right to self-defence. International humanitarian law is based on several key principles:

- Distinction: differentiating between civilians and military targets
- Precaution: taking steps to avoid or minimize civilian harm
- Proportionality: ensuring the military advantage is not outweighed by civilian damage
- Humanity: preserving human dignity even during war

These principles establish binding norms. So, the question we must ask is the following. Since Israel's military response following October 7, what has happened from the standpoint of international law?

It is essential—legally and morally—to consider the context when talking about Gaza. Many people are uncomfortable with this, but question of context is critical. We are not discussing a quiet corner of the world suddenly attacked by evil forces. What happened on October 7 is beyond description: civilians can never be legitimate targets, regardless of context. But this is not Israel's first war on Gaza. Gaza was under Israeli occupation from 1967 until the 2005 disengagement [of Israel from the Gaza Strip]. Since Hamas took control of Gaza in 2007, Israel has imposed a comprehensive blockade—land, air, and sea—controlling all goods entering and exiting, population registry, civilian movement, medical access, electricity, water, internet, education. Israel maintains effective control over life in Gaza, despite its troops having withdrawn. Since then, we've seen a pattern: Operation "Cast Lead" (*Oferet Yetzuka*) in 2009, "Pillar of Cloud" (*Amud 'Anan*) in 2012, "Strong Cliff" (*Tzuk Eitan*) in 2014, "Guardian of the Walls" (*Shomer Khomot*) in 2018—culminating in the war that began on October 7, 2023. Throughout these military campaigns, there have been repeated and serious allegations of violations of international humanitarian law by both sides. Hamas commits war crimes when firing rockets at civilian areas in Israel. But Israel's military actions have also resulted in grave violations, documented in international forums and UN investigations. Today, I want to focus on what is happening now.

When I speak of a chronicle, of something systematic, I don't mean starting from October 7. I mean many years of conduct. What do we see on the ground today, after nine months of war? Gaza? Gaza no longer exists. It has been destroyed—90 per cent, perhaps 70–90 per cent—I don't have exact figures before me, but the devastation is overwhelming. All the civilian infrastructure has been wiped out. The city is in ruins. The apocalyptic language of "obliterating," "exterminating," "cleansing," "erasing", has, horrifyingly, become reality. Today, Gaza's civilian population has been forcibly compressed into tiny areas. Even Israeli military reports—not only human rights organizations—indicate that 85 percent of Gaza's territory is under military control, with civilians banned from residing there. Imagine: 2.1 million people crammed into ever-shrinking zones, with no sanitation, no clean water, no basic supplies. The data is well-known. What does international law have to say [in the matter]? What does international criminal law have to say?

The facts speak for themselves. The policies being carried out are not isolated events. Take, for instance, a specific military directive from Israel's current campaign, "Iron Swords War" (*Kharavot Barzel*): the order titled "Temporary Concentration and Evacuation of Civilians." Let's stop and examine what "concentration" means. Nine out of ten Gazans have already been forcibly displaced from their homes. Many do not have homes to return to. Under international law, the forcible transfer of civilians—otherwise known as ethnic cleansing—is a war crime. The objective is to cleanse an area of its civilian population. This doesn't

require bombing; simply making civilian life impossible suffices. You destroy homes, and people move. This order is manifestly illegal.

Just yesterday, opposition leader Yair Lapid spoke on the news encouraging “voluntary emigration” from Gaza. Voluntary? How can anyone call it voluntary when people are herded like cattle, fleeing a war zone under coercion? Under international law, in exceptional circumstances, you may temporarily evacuate civilians if there is a pressing military necessity, if you ensure their safety, provide humanitarian support, and guarantee their return. But if you demolish their homes—where are they supposed to go? To be clear: forced displacement and ethnic cleansing constitute both war crimes and crimes against humanity. Whether or not the legal threshold of specific intent toward genocide is met, the violations are so severe. The intent to permanently remove Gaza’s civilian population is openly expressed. The question of what happens to them seems irrelevant to those in power. This brutal dehumanization has trickled downward—from political leadership, through military ranks, into public discourse.

Gaza presents a moral mirror to Israeli society. And what we see reflected is deeply troubling. The silence, the silence of the Israeli public, the silence of academia. As a member of the Israeli academic community, I must say: we were in a state of hibernating, in shock. But we must awaken. Academia must speak out. It must confront this mirror and find the courage to name what is happening.