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“OUR TAKE”

**INTERNATIONAL LAW AND HUMANITARIAN LAW IN THE
FACE OF DEADLY AIRSTRIKES**

“The Case of the Israeli Hospital Bombing in Gaza”

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INTRODUCTION

The recent Israeli airstrike on a hospital complex in Gaza, where thousands of civilians had sought refuge, casts a harsh light on the role of international and humanitarian law in times of conflict. This tragic incident underscores the urgent need for accountability, justice, and the protection of human rights. It also raises critical questions about the application of international norms in volatile regions like the Middle East.

The Framework of International and Humanitarian Law

International law governs relations between sovereign states, setting guidelines for conduct, particularly during conflicts. Humanitarian law, specifically, seeks to safeguard those not involved in hostilities—civilians, medical personnel, and the wounded. The cornerstone of international humanitarian law (IHL) lies in the Geneva Conventions of 1949 and their Additional Protocols, which dictate the treatment of civilians, prisoners of war, and the sick or wounded during armed conflicts. These conventions emphasize the protection of civilians and require clear distinctions between combatants and non-combatants.

Under the Geneva Conventions and the Rome Statute of the International Criminal Court (ICC), the deliberate targeting of civilians or hospitals can be prosecuted as war crimes.

The Hospital Bombing: A Clear Violation of Humanitarian Law

The attack on a hospital, especially one known to shelter civilians, represents a flagrant violation of IHL. Hospitals are protected spaces under international law.



Article 18 of the Fourth Geneva Convention explicitly prohibits any attack on civilian hospitals. This airstrike disregarded key IHL principles of distinction and proportionality, both of which aim to limit harm to civilians in conflict zones.

Key Principles: Distinction and Proportionality

The principle of distinction obliges warring parties to differentiate between military and civilian targets. Civilian objects, such as hospitals and schools, cannot be targeted. Proportionality dictates that even if a military target is identified, the harm to civilians must not outweigh the anticipated military advantage.

In the case of the hospital bombing, the attack's scale and the civilian death toll prompt serious scrutiny. With thousands of civilians endangered, the airstrike's disproportionality raises the question: Can such an act ever be justified under international law? The destruction of a medical facility, coupled with mass casualties, highlights a grave breach of these core principles.

State Responsibility and International Accountability

Under international law, states are responsible for the actions of their armed forces. Israel, as the perpetrator of this airstrike, must be held accountable for any violations of international law. Independent investigations by bodies such as the United Nations or the International Criminal Court could hold those responsible accountable for war crimes. The ICC, under the Rome Statute, prosecutes individuals for war crimes, crimes against humanity, and genocide.



Should this bombing be found to have intentionally targeted civilians or civilian infrastructure, military leaders or government officials involved could face prosecution. While Israel is not a signatory to the Rome Statute, the ICC has previously initiated investigations into actions in Palestinian territories, signaling the possibility of similar action in this case.

The Role of the International Community

Despite the existence of legal frameworks to address such atrocities, enforcement often falls short due to geopolitical interests and state sovereignty. However, the international community has a moral obligation to demand independent investigations, push for accountability, and ensure that humanitarian laws are respected to prevent further atrocities.

Organizations like the United Nations and the International Committee of the Red Cross (ICRC) are vital in advocating for civilian protection and monitoring compliance with humanitarian law. The UN Security Council, despite its gridlocks on Israel-Palestine matters, must prioritize ceasefires, civilian protection, and accountability.

Humanitarian Response and Aid for Victims

Beyond legal and political responses, immediate humanitarian action is critical. The destruction of the hospital has led to devastating loss of life and damaged Gaza's already fragile infrastructure. Humanitarian organizations must facilitate the safe delivery of medical supplies, food, and water to affected areas through protected corridors.



CONCLUSION

The airstrike on the hospital complex is a stark reminder of the fragility of human rights in wartime and the indispensable role of international humanitarian law in mitigating human suffering. Upholding international law is vital not only for justice but also to ensure that future violations are prevented.

For lasting peace and stability, all parties in the conflict must be held accountable under international law. Even in war, rules must protect the most vulnerable. As the world watches, the enforcement of these laws will reflect the international community's commitment to justice and human dignity.

The lesson is clear: without adherence to the rule of law, there can be no sustainable peace, even in the midst of conflict.





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