ZAC Conference Series: Social Sciences and Humanities
(ZACCS: SSH)
https://conf.zenithacademic.co.uk/index.php/zacsssh
ISSN (Print): 3049-7760 ISSN (Online): 3049-7779
3rd International Humanitarian Conference, Baghdad 2024
Volume 001, Issue 01, 2024, pp. 001-350
https://doi.org/10.70516/zaccsssh.v1i1.51

Crimes against Palestinian Civilians Under Zionist Occupation

Bassem Mohammed Hammoud [1, a)]

[1] Al Hikma University College, Baghdad, Iraq

[a)] Corresponding author: hicnas.2024@hiuc.edu.iq

Abstract. Throughout its long history, humanity has coexisted with conflicts, power, influence, policies of violence and distress, bloodbaths, massacres, racial calamities and famines. Its present and future visions are still subject to horrors, hardships and tragedies. International humanitarian law has come to express these values in legal language that imposes the obligation on the States parties that make up these agreements. The basic rules and principles of this law have become a set of values accepted by the entire international community and to know that the civilian population is the first to be exposed in most cases to acts of aggression and violence. In different parts of the world, we are witnessing the process of ethnic cleansing, mass killings and atrocities committed against civilians and destroying their homes and property. This is what prompted the researcher to choose his research (crimes committed against Palestinian civilians under the Zionist occupation) to answer many questions, including knowing who are civilians through the concept of crimes against civilians. The international trend of retaliation against civilians was rejected during the military operations. In the UN General Assembly resolution adopted in 1970, it is not permissible to retaliate against the civilian population, whether they are a group or individuals in armed conflicts. Civilians, in particular, within the framework of international humanitarian law, which is a newly established law that includes a set of international legal rules targeting situations of armed conflict and the protection of civilians suffering from the scourge of this conflict , and the subsequent military occupation. The rules of international humanitarian law are characterized by moral highness, as they codify the rules of morality that must prevail during armed conflict and military occupation

Keywords: Palestinian, Crimes

Research Importance

The importance of the research came from the scientific point of view to find out the truth of the crimes that were recorded during the time of armed conflict or during the period of military occupation in order to find out the truth of these crimes that occurred from the Zionist soldiers or from the American soldiers or from the British soldiers or by the security companies and match them with the status of international humanitarian law. In practice, it is to determine the international responsibility of the perpetrators of these crimes .

Research Hypothesis:

The hypothesis in this research is the answer to the central question: What are the crimes committed against civilians and do these crimes extend to civilians during the armed conflict or during the military occupation, and is there a responsibility on the occupation state?

Thesis Methodology

As for the scientific method used by the researcher, it is the analytical legal method by mentioning international legal agreements and articles, and by analyzing and matching them or violating them through the occurrence of the actions of the occupier that affect civilians.

The use of applied acts in a comparative manner is the application of part of them to the countries that have been occupied and the international and humanitarian violations and war crimes, especially what happened in Palestine.

LITERATURE REVIEW

Within the framework of research on this topic, many previous academic studies were reviewed, which were a starting point for research and a great motivation in choosing the topic. The most prominent of these studies on this subject is the book of Dr. Muhyiddin Ali Ashmawi entitled (Civilians' Rights under War Occupation), Dr. Salahuddin Amer entitled (The Evolution of the Concept of War Crimes), Dr. Abdulaziz Sarhan entitled (The Legal Framework of Human Rights in the Light of the Criminal Court), Dr. Khalil Ismail Al-Hadithi entitled (The Conflict of Legitimacy between the Occupation and the Resistance), and other references that all the studies dealt with by the professors came in a general and scientific manner, and no researcher can add more than what was written in this subject . However, the researcher coexisted with this subject and lost the right of conscience to write and the right of the oppressed people to give facts about some Zionist violations of the rules of international humanitarian law.

Search Segmentation:

Since the approach of the study is an analytical legal approach, where the researcher conducted a theoretical analysis of the subject of (crimes committed against Palestinian civilians under the Zionist occupation). Therefore, the researcher divided this study into two topics preceded by the introduction and concluded with a conclusion that includes conclusions and recommendations as follows:

The first topic: Definition of crimes against civilians. This topic was divided into two requirements in the first

We highlight the crimes of killing civilians. In the second demand, we will mention the crimes of torturing civilians. In the second, we will talk about the forms of crimes against civilians, which were divided into two demands. In the first demand, we will study war crimes. In the second demand, we will begin to study crimes against humanity. This study concludes with the conclusions and recommendations.

First Section:

Definition of crimes against civilians

Before starting, a general definition of the meaning of the crime is necessary, as the language came from the crime, guilt or sin in committing a violation and deviating from the binding legal rule. (1)As for the definition of the crime in the General Penal Code, it is ((the wrongful act, whether positive or negative, issued by a criminal will, for which the law imposes a criminal penalty)) where the international trend about retaliation against civilians was rejected during military operations and in the United Nations General Assembly resolution was adopted in 1970 : It is not permissible to retaliate against the civilian population, whether they are a group or individuals as a basic principle for the protection of the civilian population in armed conflicts (2) , and then this was formulated in Articles 40 to 42 as well as Article 51 (6) of Additional Protocol I. As for the definition of crimes against civilians, they are serious violations of the rules of the Fourth Geneva Convention of 1949 , and the first additional right of 1977 committed against the civilian population protected by these international conventions (3) . Accordingly, this section can be divided into two requirements as follows :

The first demand: Killings of civilians .

The second requirement: Crimes of torture of civilians .

THE FIRST SECTION

MURDER.

Attacks on human life and the killing of a person are prohibited except for specific reasons that human life is protected and sacred by the compelling Sharia texts [17]

Islam required fighting the polytheists and the people of apostasy and the prostitute, but it ordered them to fight away from brutality , so it prohibited representation of the dead [8]. Second: Killing one person, especially killing innocent people, is like killing all people, as the Almighty said: "Whoever kills a person without the same corruption in the earth, it is as if he killed all people"(Surat Al-Ma 'idah –Verse : 32)

The Almighty said, "And they will not kill the soul that Allah has forbidden except with the truth" (Surat Al-Furqan –Verse : 68)

This branch can be divided into the following :

Section I: - Prohibited weapons that lead to the mass killing of civilians .

Section II: - Mass killings of civilians .

Section III: - Global Position on Mass Murder.

Section I: - Prohibited weapons that lead to the mass killing of civilians .

Warring parties can use all weapons allowed in international law to weaken the capabilities of the other party or to achieve victory over it . However, there is a type of internationally prohibited weapons that no party to the conflict may use, including: -

1. Asphyxiating gases that lead to mass death, whether from the civilian population or from the military . Because it does not give the other party the opportunity when used to announce their surrender
2. Toxic substances of all kinds, whether used by placing them in water, in supplies or through special shells.
3. Petrochemical or bacteriological materials that transmit infectious diseases and epidemics , such as anthrax .
4. Dangerous weapons that lead to serious injury, such as phosphorus bombs, cluster bombs and arrows.
5. Second: Which explodes inside the body as bullets (blood, blood)

Section II: - Mass killings of civilians .

Among the crimes of mass murder is the crime of extermination of the human race or genocide , which includes, in particular, the forcible transfer of children of a national, ethnic, racial or religious group to another group with the intention of destroying this group as such in whole or in part .

On December 9, 1928 , the League of Nations approved the Convention on the Extermination of the Human Race, and the entry into force of this Convention on January 12, 1951. This Convention was issued as a result of the policy of Nazi Germany during the Second World War. Germany's policy in that period led to the annihilation of millions of people. This Convention stipulates that the acts in which this crime is formed when it occurs, whether in time of peace or in time of war, constitute an international crime. This Convention mentioned some of the acts that make up the material element of the crime, provided that the special criminal intent of the perpetrator, which is the intention to annihilate a group of people in whole or in part, is present [13]. Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 states the following acts, which mean genocide:

1. Killing members of the group or inflicting physical or spiritual harm on that group.
2. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
3. Imposing measures aimed at not having children or forcibly transferring children from the group to another group [22]

As mentioned above, the purpose of killing other than the purpose specified in Article 2 of the same Convention. If the event occurs due to financial or social differences, in this case, the provisions of the national penal law shall apply in the state in which these acts occurred, contrary to what was the purpose of killing and extermination of the human race. We may note that the rules of the national criminal law of each State shall be in accordance with the rules of international law and in accordance with the provisions of this Convention [13].

In order for this crime to occur, the victims must be a number of victims. The victim cannot be one for this crime to occur, so there must be multiple victims [8]. The United Nations has not yet been able to consider the targeted political measures to eliminate political groups among the acts that constitute the material element of the

crime of genocide. This is unfortunate because ensuring respect for the political rights of individuals and groups helps to achieve the desired goal of codifying this crime. As for the punishment for this crime , it is within the jurisdiction of the national courts in the country of which the accused holds nationality. If he is arrested in any other country, he is tried within the courts of this country.

Section III: - Global Position on Mass Murder

Human history witnesses many cases of genocide, and the international community was confronted with this barbaric phenomenon in 1945 with the formation of some courts [7] . And then the international treaties in the Convention on the Prevention and Combating of the Human Race, which was unanimously approved by the General Assembly of the United Nations on 9 December 1948 [23]. The second paragraph of Article 2 of the Islamic Declaration states that ((It is forbidden to resort to means that eliminate the human fountain)), regardless of whether it is total or partial. Article (33) of the Fourth Geneva Convention/1949 prohibits collective punishments as well as measures of retribution against the veiled population [23]. As for when it becomes the following.There is a situation in a country or a city and a curfew is imposed or roads are cut and people are routinely detained with the aim of intimidating and punishing the entire community. These measures constitute a form of collective punishment [2]. Article (55) of the Fourth Geneva Convention states that strict closures are a violation of this article because the population is not supplied with food and medical materials for civilians. Article (56) of the Fourth Geneva Convention of 1949 stipulates that medical transport and public health facilities must be facilitated to combat infectious diseases and epidemics that can affect the civilian population, and each of them has the right to seek the assistance of a lawyer to defend him and to seek the assistance of an interpreter. This is stated in Article (72) of the Fourth Geneva Convention, while Article (3) of the Fourth Geneva Convention prohibits and punishes the crime of genocide. It stated the following . The following acts shall be punished: -

1. Genocide or conspiracy to commit genocide .
2. Direct and public incitement to commit genocide
3. Attempt to commit or participate in genocide [23].

Second Topic

Crimes Of Torture of Civilians

Torture [14] means intentionally inflicting great physical or mental harm or suffering on a person, with the intention of obtaining information or confessions , punishing him for an act he has committed or is suspected of having committed, or intimidating him and being under the control of the perpetrator . All legal penalties or penalties inherent in or incidental to such penalties shall not be considered torture or suffering.

The Universal Declaration of Human Rights is present to protect all persons from being subjected to torture in the text of Article 5 as well as Article 7 of the International Covenant on Civil and Political Rights. which was declared by the United Nations in 1975 to be the basis of the United Nations Convention against Torture in 1984 . Three regional human rights documents have been approved, namely ((the European Convention on Human Rights 1950, Article 3 has prohibited the crime of torture)) , ((the American Convention on Human Rights 1969, Article 5 has prohibited the crime of torture)) , ((the African Charter on Human Rights 1981, Article 5 of which has prohibited torture)) [9] On December 9, 1975, the United Nations General Assembly adopted the Declaration on the Protection of All Persons from Torture . Article (2) of this Declaration states the following: "Any act of torture or other cruel, inhuman or degrading treatment shall be considered an affront to human dignity and shall be condemned as a denial of the purposes of the United Nations and a violation of human rights and fundamental freedoms set forth in the Universal Declaration of Human Rights [25]. The Inter-American Committee to Prevent and Punish Torture provided a broad and more comprehensive definition of ((the use of methods against a person with the aim of erasing the personality of the victim or weakening his physical and mental abilities. Even if it does not cause physical pain or mental illness)) As for the Rome Statute of the International Criminal Protection adopted in 1998, it defines torture as : ((The infliction of severe pain or suffering, whether physical or mental, on a detained or controlled person)) [14]. Torture or cruel and inhuman treatment, whether in international or non-international armed conflicts, has been consistently condemned by United Nations bodies, the Security Council, regional organizations or international Red Cross and Red Crescent conferences. This requirement can be divided into several branches, including:

Figure 1.2 GDP Growth Rate (%) in real terms 2002 - 2004

It is stated in Article Seven of this agreement ((No precedent). No person shall be subjected to torture or inhuman treatment, and no medical or scientific experiment may be conducted on any person without his consent)) [10]. Article 5 of the Universal Declaration of Human Rights states: " No one shall be subjected to torture or to

cruel, inhuman or degrading treatment." This article is similar to the seventh article that preceded it . International conventions forbid any torture to which any person is subjected and not to subject him to any medical experiment. Because this reduces his dignity and affects his personality in his relationship with the society in which he lives [17].

Section II : The position of the American Convention on Torture .

This Convention provides for the prohibition of torture in Article 5 as follows :

1. No person shall be subjected to torture or to cruel or inhuman punishment, and persons whose liberty has been restricted shall be treated with respect .
2. The punishment may only be carried out on the guilty person.
3. The physical integrity of a human being must be respected .
4. The purpose of a custodial sentence should be to reform prisoners, not to humiliate them [10].

As for the Geneva Convention of 1949, it is stated in Article (12) ((The wounded and sick members of the armed forces and other persons must be respected. It is prohibited to use violence against them or torture) [23]. As for the First Protocol of 1977, Article (75), second paragraph, prohibits the torture of protected groups, as the following acts are prohibited:

1. Practicing any violence against people's lives, health or physical safety, especially murder and torture in all its forms .
2. Humiliating treatment of a person, violation of personal dignity that degrades him, and coercion to prostitution [21].

Section Three: Legal Description of Crimes of Torture of Civilians .

Article (7) of the Elements of Crimes Rules of the Statute of the International Criminal Court set out the legal description of torture as a crime against humanity .

1. The perpetrator inflicted severe pain or suffering, whether physical or psychological, on one or more persons. Such person or persons shall be detained by or under the control of the perpetrator. The conduct was committed as part of a widespread or systematic attack directed against civilians .
2. The perpetrator knew that this behavior was part of a widespread or systematic attack directed against the civilian population. The perpetrator infringes on the body of a person and commits the assault by the use of force or threat or commits the assault on a person who is unable to express the truth of his consent [1].
3. The perpetrator confined one or more women forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law.
4. The perpetrator infringes on the body of a person who commits conduct that results in sexual rape and commits the assault by the use of force or threat of use of force or abuse of power , or commits the assault on a person who is unable to express the truth of his consent [8].
5. The perpetrator deprives one or more persons. of their fundamental rights in contravention of international law. The perpetrator should target this person or group because of their belonging to a specific sect or group. Such targeting shall be on political, ethnic, national, cultural, religious or any other grounds universally recognized as prohibited under international law [8].
6. Arresting, detaining or abducting one or more persons . Refuse to acknowledge the arrest, detention, or abduction, or to give any information about their fate or whereabouts , or that such refusal is preceded or coincided with the deprivation of liberty. According to the above, no state may allow the torture of the civilian population or the imposition of any cruel, degrading or inhuman punishment [5].

Second Section

Form of Crimes against Civilians

The world witnessed many forms of crimes that claimed the lives of many civilians in two world wars, namely World War I and World War II. After that, there were many armed conflicts of an international and non-international nature, as their number reached about (250) armed conflicts, and the number of victims reached about (170) million people, and the large number or the largest percentage was of unarmed civilians. These armed conflicts result in criminal acts that have caused scourges, human suffering and crimes against the free and honorable world, the most important of which are war crimes and crimes against humanity. These crimes were

committed by the savages of the influential . According to this, we will address these crimes in two demands, respectively, as follows:

The first requirement: War crimes.

The second requirement: Crimes against humanity .

The First Section

The war crimes. His daughter's life in the balance.

The second is considered: a war is one of the oldest crimes known to mankind , and it did not have rules in ancient times that regulate and limit the acts of cruelty and brutality that characterize the belligerents at that time , and then soon some principles and foundations that helped to alleviate this cruelty and brutality appeared. The emergence of divine religions had the greatest impact on setting controls and restrictions on the behavior of the belligerents , especially those teachings that came in our great Islamic religion, and they also called on some writers and jurists to consolidate some of the rules and foundations that the belligerent parties must follow, which had a great impact, and that we will see in the following division [15].

Section I : Codification of war crimes.

Section Two : What are war crimes?

Section I Codification of War Crimes:

The law of war has witnessed a significant and noticeable development through the aforementioned. This led to the stability of some customary rules governing the conduct of war operations between warriors, which continued even though these customs and usages were transformed into written legal rules in the second half of the nineteenth century by codifying these rules and usages in the form of international agreements or declarations or in the form of instructions directed by governments to their armies in the field [12]. The Navy is mentioned below. Ahdat al-Dawliya, which came in the codification of the rules for hostilities: -

1. 1. Paris Naval Declaration of April 16, 1856 .
   The Paris Maritime Declaration is the first written international document involving the international regulation of some legal aspects of naval warfare. This declaration includes the following principles:
   a. Maritime piracy
   b. Maritime interdiction must be effective in order to be binding .
   c. Enemy goods on neutral ships and neutral goods on enemy ships are protected except for contraband [27].
      This statement was followed by a set of instructions issued by the Government of the United States of America in 1863 to govern its armies in the field. These instructions are considered the first attempt to codify the rules of land warfare. Acts committed against poor civilians were prohibited, and sanctions were imposed on the perpetrators [12].
2. Geneva Convention of 22 August 1864.
   This agreement is the result of the efforts of the founders of the International Red Cross Movement. In 1864, the Swiss Federal Confederation called for an international conference to consider the kind of treatment received by the sick and wounded in wartime . This conference resulted in the signing of an international agreement related to the protection of the wounded, the sick and the wounded in the field of war and the collection of the wounded and the sick from the military regardless of the country to which they belong and to take care of them and that the wounded must be handed over from the prisoners to the side to which they belong if their condition does not allow carrying weapons again.
3. St. Petersburg Declaration of December 11, 1868: -
   This declaration is considered one of the oldest international documents that included a ban on the use of some types of weapons. It has been prohibited to use shells weighing at least 400g if they are of the type that explodes or are packed with explosive or flammable materials. The wounded, sick, and wounded of the enemies avoided brutal treatment, as well as discrimination between combatants and civilians . Civilians avoided the scourge of war
4. Draft Brussels Declaration of 1874: -
   The attempt that followed the St. Petersburg Declaration was the draft declaration issued by the Brussels Conference in 1874, which resulted in the signing of the Brussels Convention to codify the customs and customs of war on land , although the countries participating in the conference did not ratify the Brussels Convention and although it did not enter into force . It has gained moral value, as it had a great influence on the Peace Conferences in The Hague in 1899 and 1907, where it was the starting point for these conferences [12].
5. The First Hague Peace Conference of 1899:

This conference was held in The Hague in 1899 , with the aim of prohibiting the use of asphyxiating or harmful gases and prohibiting the use of dumdum bullets in wars [12].

6. The Second Hague Conference in 1907:
   The Hague Peace Conference II was held with bombs. His works are complementary to those of the First Hague Peace Conference of 1899. The Fourth Hague Convention, signed on 18 October 1907, relating to the Laws and Customs of War on Land, replaced the Second Hague Convention of 1899 or its annexed Regulations. According to this regulation, the following acts are considered prohibited acts: -

a) The use of poison or poisoned weapons.
b) Killing or wounding the person who surrendered or was unable to fight .
c) Seizure or demolition of enemy property is prohibited unless it is ruled to be of military necessity.
d) It is prohibited to recruit citizens against their country .
e) It is prohibited to bomb exposed cities and villages.
f) Article (50) of the regulation prohibits the imposition of any collective punishment on the people, including the taking of hostages .
g) It is prohibited to abuse prisoners of war , and for this purpose Article (17) of this regulation stipulates that (the prisoner shall be under the control of governments without the control of individuals)
h) Continued efforts to codify and develop the laws of war after the two world wars.

The First World War and the bloody events that it witnessed that claimed the lives of tens of millions of innocent men, women and children, without distinguishing between fighters and civilians. This prompted jurisprudence, states and international bodies to exert efforts to establish rules of war to reduce its losses and woes. Among these efforts was the Washington Naval Conference held on February 6, 1922 to discuss a project submitted by the United States of America related to the right to use submarines and their inadmissibility of violating humanitarian rules and customs and prohibiting the use of toxic gases in wars [27]. This draft was presented to the Committee of Legislators held in The Hague for the period from 1922 to 1923, and this conference reached the drafting of a convention in this regard . But it entered into legal force in 1936 when it was ratified by the States at the London Conference held in 1936 and thus this Convention became in force between the five parties [8]. They are the United States of America, England, France , Italy and Japan, and non-parties have been invited to join this agreement and a large number of countries have entered into it [19]. In 1925, the Geneva Protocol was signed to prohibit resorting to toxic gas warfare, bacteriological warfare, or microbial warfare [20]. Then came the signing of Paris (Brian Killoy) in August 1928between France and the United States of America, and the aim of this as a means to renounce wars in resolving disputes. More than 45 countries joined this charter, and the charter became effective in July 1929, and then came the Geneva Convention of 1929, the first of which concerned the improvement of the conditions of the wounded and sick members of the armies in the field. The second concerned the treatment of prisoners of war. The four Geneva Conventions of 1949 replaced these two conventions. As a result of these four conventions, a diplomatic conference was held on April 21 until August 12, 1949, which was called by the Swiss Federal Council as a sponsor of the Geneva Conventions. Representatives of 63 countries attended the conference. The first relates to improving the situation of the wounded and sick of the armed forces in the field. The second relates to improving the situation of the wounded, sick and shipwrecked of the armed forces at sea, while the third relates to the treatment of prisoners of war. Finally, the fourth relates to the protection of civilians in time of war and the right to the four Geneva Conventions of 1949 (the two subsequent Protocols), which were concluded in June 1977. The first relates to the protection of victims of armed conflicts of an international nature. The second relates to the protection of victims of non-international armed conflicts, followed by many conventions and protocols concluded to achieve the same objectives. Among the documents , the Geneva Convention of 1980 on the Prohibition, Change or Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects. Protocol II amended in May 1996 on the Prohibition of the Use of Mines , Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons, and Protocol IV adopted in Vienna on 13 October 1995 on the Prohibition of the Use of Blinding Laser Weapons the use of which in combat causes blindness of vision [16]. In addition to the second: For the above, it must be noted the role played by the statute of the Special War Crimes Tribunal for the former Yugoslavia in establishing a new dimension in the process of codifying war crimes, as it stressed the issuance of an order for a serious violation of the four Geneva Conventions of August 12, 1949, which constitutes individual criminal responsibility and requires punishment, and the statute listed an enumeration of these acts and violations and also added to the Department of Prohibition and Criminalization , any violation of the laws and customs of war and enumerated them, as these rules and principles have become the foundations on which international humanitarian law is based, and therefore the violation of these principles and rules constitutes a war crime [16].

Section Two : What are war crimes?

In this section, we will address international efforts in defining war crimes. International jurisprudence (Western and Arab) has contributed significantly to the development of a definition of war crimes, as well as the prominent role of international conventions in defining war crimes and clarifying their divisions .

First: - Definition of war crimes.

As we mentioned earlier in the definition of the crime. It is the act that violates the order of society, which is criminalized by the Criminal Code and is subject to a criminal penalty.

As for the war: It is a conflict between two parties of the armed forces, each of the parties to the conflict aims to preserve its rights against the other party. Therefore, war crimes: - are crimes committed during armed conflicts at the international level ((international conflicts)), and at the national level ((civil war))

1. Definition of war crimes in Western jurisprudence: Defire defines war crimes as ((those crimes committed against the laws and customs of war))
   Oppenheim defines them as acts of hostility by soldiers or other enemy personnel. Enemy soldiers should be arrested and punished for violations of the rules of combat.
2. Definition of war crimes in Arab jurisprudence: Arab jurisprudence confirms that the definition of war crimes: ((Acts contrary to the law of war committed by soldiers or non-combatants)) All acts of killing during war within the limits of the law of war cannot be prosecuted, but are considered legitimate acts [27]. Another direction defines it as: (Cal is a violation of the laws and customs of war, whether issued by the belligerents or others, with the intention of ending the intimate relationship between the two belligerent countries) [6].

Another approach goes on to define war crimes as: ((Every deliberate act committed by a member of the armed forces of a belligerent party or a civilian in violation of a rule of international humanitarian law that must be respected)) [12].

Second: - Definition of war crimes within the framework of international agreements.

1. War crimes are defined in international conventions as serious violations of international humanitarian law committed during international and non-international armed conflicts.
   Several legal instruments contain definitions of war crimes, including the Statute of the International Military Tribunal in November, the Geneva Conventions of 1949, the Additional Protocols thereto of 1977 , the legal regime of the International Criminal Tribunals for the Former Yugoslavia and Rwanda and international conventions, as well as the internal legislation of different countries. Acts that constitute war crimes have been clarified, but the Rome Statute of the International Criminal Court, adopted on 17 July 1998 , includes all acts specified in the aforementioned conventions. But it is important to mention one single act that could constitute a war crime
2. The United Nations Commission of Experts in the former Yugoslavia, established by Security Council Resolution No. (780) in 1992, decided that any serious violation of the laws and customs of war is considered a war crime. The American war book also defined a war crime as a violation of the laws of war by one or more persons, whether military or civilian.
   The four Geneva Conventions included a list of grave breaches of the conventions. Article (50) of the first conventions (which is common to the four conventions, and reversed by Article (51) of the second conventions, Article (130) of the third convention and Article (147) of the fourth convention) stipulates that the grave breaches referred to in the previous articles are those that carry one of the following acts, including (intentional killing, torture or inhuman treatment, intentional infliction of severe pain, serious damage to physical safety or health , destruction or seizure of property in a manner that is not justified by military necessity, and in an unlawful and arbitrary manner. Then came Article (58) of the First Protocol, which confirmed the description of grave breaches as contained in the common texts in the four conventions, and added to it a number of violations, describing them as grave breaches, that is, war crimes [4].
3. There is an analytical list of war crimes contained in other international treaties that the practice classifies grave violations as war crimes, as when protected persons or objects are at risk, or in the event that they violate the values of an agency mission: -

a) Behavior that endangers protected persons or objects and includes most war crimes, such as killing, destruction, or illegal seizure of property, it has been decided that the mere act of attacking civilians or civilian objects is considered a war crime, even if this prevents causing death or serious injury [5].

b) Behavior that violates important values can amount to war crimes. Even if it does not directly put people or civilian objects at risk , such as attacking dead bodies, subjecting people to degrading treatment, and violating the right to a fair trial (Idem , pp.497-498)

* In light of the above, the following observations can be made:

- Every violation of the rules and customs of war, that is, the rules of international humanitarian law, is considered a war crime.
- War crimes are not limited to the number of crimes, because every violation of the rules of international humanitarian law is considered a war crime
- War crimes can occur within the framework of international and non-international armed conflict.

The second requirement: Crimes against humanity.

After the First World War, crimes against humanity arose within the concept of crimes against the laws of humanity, a term contained in the Hague Convention of 1907. In 1942, the Allies began to reconsider this crime. Article (7) of the Statute of the International Criminal Court enumerated the acts that are considered a crime against humanity whenever they are committed within the framework of a widespread or systematic attack directed against any civilian population and with knowledge of such attack. Crimes against humanity are among the most serious crimes that raise the ire and concern of the international community.

All relevant international conventions have not clearly defined the concept of crime against humanity, and therefore the London Charter of 1945 can be considered the basis for the definition of crimes against humanity. Article (6c) of it stipulates that ((Crimes against humanity, specifically murder, exile, enslavement and other inhumane acts committed against the civilian population before or during the war or any provisions based on sectarian, racial or religious grounds, whether or not they are contrary to the internal law of the state in which such crimes and violations occurred)) [18].

No treaty on crimes against humanity has been developed since 1945 until after the Security Council issued the Statute of the International Criminal Tribunal for the Former Yugoslavia [26]. Then its resolution on the formation of the International Criminal Tribunal for Rwanda through the Security Council No. (955) of 1994 to establish a court and prosecute persons responsible for genocide and other serious violations of humanitarian law. The Security Council affirmed the principle of responsibility issued in Rome in 1998, which entered into force on 1/6/2001 in accordance with the text of Article(26) of it, where we find that Article (7) of it defines the following acts as a crime against humanity when committed within the framework of a widespread or systematic attack directed against any civilian population and with knowledge of this attack.

On the basis of the above : All the shameful acts carried out by the criminal Zionist occupation government of the forced displacement of the residents of Gaza and other cities of Palestine and their killing of women, children, elders, clerics and journalists and their use of excessive force of destructive and internationally prohibited weapons in destroying the infrastructure of hospitals, schools, places of worship and houses and did not even spare them drinking water purification plants, and all these acts are considered crimes for which international law is held accountable and which are considered war crimes and cannot be subject to statute of limitations .

CONCLUSION

In order to reduce the crimes committed against civilians, preserve the rights of the civilian population and their property, provide them with adequate protection, and hold the occupying power accountable for the violations committed against the population of the occupied state under international treaties and covenants, and in light of what was discussed in the topic of (Crimes committed against Palestinian civilians under the Zionist occupation), which is one of the topics of great importance in public international law in general and international humanitarian law in particular and under the occupation , and these crimes were clarified and the extent of international responsibility for them and their applications to the occupier in Gaza .

Based on the above, this study by the researcher showed the following results: -

1. The crimes of the occupying power are to resort to killing the civilian population despite the recommendations of international laws not to resort to this.
2. Then the use of torture in various eras as a means to obtain a confession from the accused or those suspected of committing certain crimes, while the accused is subjected to torture in hideous conditions in order to interrogate him and amount to a violation of his freedoms and human dignity, including slavery .
3. The occupation forces deliberately use excessive violence and indiscriminate destruction, which led to the sabotage and destruction of the infrastructure of the country being occupied and in the result endangers the lives of all people.

Recommendations

Through what has been researched, the researcher recommends the following:

1. The international community represented by the United Nations must take a firm and unified position on the occupation in a fair and unified manner among all countries to eliminate the tragic cases resulting from the occupation and not be satisfied with condemnation or criticism .
2. I call on all international bodies and organizations, including human rights, to stand seriously, firmly and strongly to demand and hold accountable the perpetrators of war crimes and crimes against humanity committed against the Palestinians in accordance with international laws and to support the Palestinians to refer the perpetrators of these crimes to the competent international courts.
3. I call for the prosecution of the Zionist occupation government and its administration members and all those who contributed, planned and carried out these crimes and violations committed against the Palestinian people.

REFERENCES

1. Dr.Al-Shafi 'i Muhammad Al-Bashir , Human Rights Law, Al-Maaref Establishment in Alexandria , Third Edition, 2004 .
2. Ahmed Karoud , Islamic International Law, Part III , First Edition, Al-Halabi Human Rights Publications, Beirut , Year of Printing 2005 .
3. The Intermediate Lexicon by Ibrahim Mustafa, Ahmed Hassan Al-Ziad and others, Dar Al-Dawa Edition for Authorship and Printing , Istanbul – Turkey – 89 , Part Two .
4. Dr. Ahmed Fathi Sorour , International Humanitarian Law, First Edition, Arab Future House, Cairo , 2003
5. John Maddie Henckers and Louis Wald-Beck , Customary International Humanitarian Law, Volume I , National Library and Documents, Cairo , 2007
6. Dr. Hassan Obaid , International Crime, Applied Analytical Study, First Edition, Dar Al-Nahda Al-Arabiya , Cairo , 1979 .
7. Dr. Riad Al-Attar , The Crime of Torture and Impunity , First Edition, Year of Printing 2004 .
8. Dr. Suhail Hussein Al-Fatlawi and Dr. Imad Mohammed Rabie , International Humanitarian Law, Publishing and Distribution House, Jordan Amman , Head Office , 2007 .
9. Dr.Tarkhan Bakkah , Crimes against Humanity , Al-Halabi Human Rights Publications, 2006 .
10. Dr. Sayed Ibrahim Al-Desouki , Occupation and its Impact on Human Rights, An Applied Study of the American-British Occupation of Iraq , Cairo , 2004-2005 .
11. Sherif Atalam , Lectures on International Humanitarian Law, Cairo .
12. Dr. Salah Al-Din Amer , Armed Popular Resistance in International Law, International Legitimacy of the Palestinian Resistance, Dar Al-Fikr Al-Arabi , Cairo , 1977 .
13. Dr. Abdulaziz Sarhan , The Legal Framework of Human Rights in International Law, First Edition, 1987 .
14. Dr.Adnan Al-Sabah , Torture in International Law, Kefaya website, November 18, 2004 .
15. Dr. Omar Mahmoud Al-Makhzoumi , International Humanitarian Law – In the light of the International Criminal Court, Amman Head Office , Downtown , First Edition in 2008 .
16. D. Adel Abdullah Al-Masdi , International Criminal Court, Jurisdiction and the Rules of Referral , Dar Al-Nahda Al-Arabiya , Cairo , First Edition.
17. Dr. Mohammed Al-Zuhaili , Human Rights in Islam , Dar Ibn Kathir – Damascus , Fourth Edition, 2005 .
18. Dr.Mahmoud Sharif Baswini, International Humanitarian Law, printed by the Iraqi Ministry of Human Rights,Baghdad ,in 2005 .
19. Dr. Abdelhamid Khamis , War Crimes and their Punishment , PhD Thesis , Faculty of Law, Cairo University, 1976 .
20. Dr. Yahya Al-Shimi, The Principle of Prohibition of Wars in International Relations, Faculty of Law, and a thesis submitted to Cairo University in 1976
21. Definition according to Article 48 of Additional Protocol I of 1977
22. Convention on the Prevention and Punishment of the Crime of Genocide, 1948
23. ICRC Geneva Convention, 1949 Ninth Edition,Cairo , 2007
24. Convention on the Prevention and Punishment of the Crime of Genocide
25. The text of Article (2) of the Declaration of the General Assembly of the United Nations, on December 9, 1975, to protect against torture
26. Security Council Resolution No. 808 of 1993 on the formation of the International Criminal Tribunal for Yugoslavia
27. Dr. Mahmoud Sami Geneina , Research in the Law of War , Journal of Law and Economics , First Issue of January 11, 1941 , pp. 50-51 .