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War and Crime: Analysing the Israel-Palestine Conflict with Nexus to Public International Law

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ABSTRACT

War and armed conflict have constituted one of the most serious threats to human life, liberty, and property, as well as the fundamental concept of humanity as a moral and ethical concept, since the birth of civilisation. On a purely logical level, it is ludicrous that the murder of one or a few individuals is assigned negative social sanction and is treated as a crime, yet the death of thousands is lauded as a great act of patriotism or sacred obligation in religion. Jean Rostand expresses this propensity succinctly: "Kill one man, and you are a murderer. Kill millions of men, and you are a conqueror. "

It is never easy to think about the Israeli-Palestinian conflict. Nonetheless, the increasing number of declarations underlines the importance of considering the circumstances involved in assessing the situation under the applicable law. While the solution to any conflict is political, any armed conflict is governed by a specific area of international law known as the law of armed conflict, commonly known as international humanitarian law. Although it is frequently claimed that international humanitarian law is ineffective, we must not lose sight of the reality that its application, however limited, ensures that civilian lives are saved. This paper conducts an extensive and in-depth analysis of the application of International Law to armed conflicts with a specific nexus to the Israel-Palestine conflict.

Keywords: *Israel Palestine Conflict, IHL & IHRL, International Law, Hamas, Reparations.*

I. INTRODUCTION

War and armed conflict have constituted one of the most serious threats to human life, liberty, and property, as well as the fundamental concept of humanity as a moral and ethical concept, since the birth of civilisation. On a purely logical level, it is ludicrous that the murder of one or a few individuals is assigned negative social sanction and is treated as a crime, yet the death of thousands is lauded as a great act of patriotism or sacred obligation in religion. Jean Rostand expresses this propensity succinctly: "Kill one man, and you are a murderer. Kill millions of

¹ Author is a student at Christ Academy Institute of Law, India.

*men, and you are a conqueror.*²"

It is never easy to think about the Israeli-Palestinian conflict. Nonetheless, the increasing number of declarations underlines the importance of considering the circumstances involved in assessing the situation under the applicable law. While the solution to any conflict is political, any armed conflict is governed by a specific area of international law known as the law of armed conflict, commonly known as international humanitarian law. Although it is frequently claimed that international humanitarian law is ineffective, we must not lose sight of the reality that its application, however limited, ensures that civilian lives are saved. This paper conducts an extensive and in-depth analysis of the application of International Law to armed conflicts with a specific nexus to the Israel-Palestine conflict.

(A) Statement of Problem:

To investigate the theoretical features and practical realities of the current international scenario to identify the variety and extent to which international law, plays a role in answering the complicated and evolving dynamics of 21st century armed conflict.

(B) Objectives of Study:

1. Study the IHRL and IHL
2. Learn about the commitments for the rehabilitation of victims of war.
3. Examining the deliverance of justice to the aggrieved

(C) Literature review:

1. The Israel-Palestine Conflict in International Law: Territorial Issues³

Sarah Hibbin & Iain Scobbie (2010)

SOAS School of Law Research Paper No. 02-2010

The author has considered what territory a future Palestinian state could claim under contemporary international law. The paper gives meaningful insights into the growing conflict and the legal basis for, and the integrity of, Israel's territorial claims. Furthermore, if the Middle East Peace Process fails, the question of whether Israel may lawfully retain control of the occupied lands has been adequately addressed in this paper.

² Jean Rostand, *Thoughts of a Biologist*, Heinemann, 1956, p. 93.

³ Scobbie, I. and Hibbin, S. (2010) *The Israel-Palestine Conflict in International Law: Territorial Issues*, SSRN. Available at: <https://ssrn.com/abstract=1621382> (Accessed: 05 May 2024).

2. The International Armed Conflict Resolution: Significance of the International Law.

Mahmood, Hasnain. (2022)

ASIAN CONFERENCE ON BUSINESS, ECONOMICS AND SOCIAL SCIENCES (ACBESS-2021)⁴

The paper states that in the past, armed conflicts have occurred among communities or states worldwide for various disputes. But, in true sense, there was always a dearth of explicit norms for protecting civil and military rights. A collection of laws governing armed conflict law, often known as international humanitarian law, was defined in 1949 and is now part of the Geneva Convention. Armed conflict law combines Jus ad bellum and Jus in bello (conduct of warfare), and the author investigates International Armed Conflict Resolution through International Laws and its significance.

(D) Hypothesis:

The international law provisions are adequate and inclusive of Victims of war crime and hence, capable of resolving the Middle Eastern upheaval.

(E) Research Methodology:

Secondary sources like books, journals and research papers have been referred to to fulfil the study's requirements. This study is doctrinal in nature.

(F) Research Questions

1. What is IHL and how is it applicable to the Israel-Palastine Conflict in terms of levels of accountability for violations and non-compliance with International Law?
2. What is the legal standing of the parties to the conflict with respect to obligations imposed and rights conferred?
3. How does the law govern restitution/ reparations for victims and protection for those deprived of their liberty?

II. RESEARCH QUESTION I

What is IHL and how is it applicable to the Israel-Palastine Conflict in terms of levels of accountability for violations and non-compliance with International Law?

⁴ Hasnain Mahmood, *The International Armed Conflict Resolution: Significance of the International Law* (2022).

IHL AND IHRL:

The first is known as *jus ad bellum* and refers to the legality of the resort to war. This area is governed by the UN Charter, as well as international customary law.⁵ The second normative framework is called *jus in bello*, also known as International Humanitarian Law (IHL). This particular strata of International Law regulates the manner in which the fighting is conducted after the parties waging war have already entered into an armed conflict. So, IHL shall apply in situations of armed conflict irrespective of their nature or belligerent. Its main goal is to protect civilians and other categories of persons who do not participate in the hostilities, as well as certain objects, from harm inflicted during armed conflicts.⁶

The most important IHL treaties are the four Geneva Conventions of 1949⁷ and their two Additional Protocols of 1977⁸. The clauses of these treaties outline the types of people and objects that are protected from attack during armed conflicts.⁹ They also limit the means and methods of conflict, in accordance with the principles of distinction, proportionality, military necessity, and humanism. It is worth noting that "terrorism" and "acts or threats of violence the primary purpose of which is to spread terror among the civilian population" are clearly outlawed under these treaties. Many of the principles outlined in these accords have become standard IHL norms, such as the prohibition on targeting civilians. The non-state actors are obligated by customary IHL principles when they become a party to an armed conflict under international law to ensure serving of basic human rights. As a result, the Special Court for Sierra Leone's Appeals Chamber ruled that "it is well settled that all parties to an armed conflict, whether states or nonstate actors are bound by international humanitarian law, even though only states may become parties to international treaties"¹⁰

Along with that, *The International Committee of the Red Cross (ICRC)* produced a detailed

⁵ *Accountability of the Hamas under International Humanitarian Law*. (2014, March 6). Jerusalem Center for Public Affairs. Available: <https://jcpa.org/article/accountability-of-the-hamas-under-international-humanitarian-la/>

⁶ Bartels, Rogier. (July 3, 2018). *The Interplay between International Human Rights Law and International Humanitarian Law During International Criminal Trials*. Journal of Human Rights & International Legal Discourse Amsterdam Law School Research Paper No. 2018-19. [Online] Available at SSRN: <https://ssrn.com/abstract=3207194> or <http://dx.doi.org/10.2139/ssrn.3207194> [December, 2023]

⁷ *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (Geneva Convention I); *Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea* (Geneva Convention II); *Geneva Convention Relative to the Treatment of Prisoners of War* (Geneva Convention III); and *Geneva Convention Relative to the Protection of Civilian Persons in Time of War* (Geneva Convention IV)

⁸ *Relating to the Protection of Victims of International Armed Conflicts* (Additional Protocol I); and *Relating to the Protection of Victims of Non-International Armed Conflicts* (Additional Protocol II)

⁹ *Supra* Note 5

¹⁰ *Prosecutor v. Sam Hinga Norman SCSL-2004-14-AR72(E), Decision on Preliminary Motion Based on Lack of Jurisdiction (Child Recruitment)*, 31 May 2004, para. 22.

research¹¹ in 2005 that identifies all extant customary IHL principles and explains which form of armed conflict they apply to. It was discovered that many of these customary standards apply to both kinds of armed conflict. According to some scholars, the gap between the norms that govern international armed conflicts and those that govern non-international armed conflicts is latching closer as a result of human rights considerations that call for increased protection for victims of armed conflicts regardless of where it begins i.e. internationally or within a state.¹² Yet, considerable discrepancies still persist between these two distinct sets of norms, owing primarily to states' reluctance to limit their control over non-state entities, granting of the status of prisoners under common Article 3¹³ and the state's right to "defend itself and to re-establish law and order"

Now that we have settled the kind of law that applies to the present conflict let us now move on to the analysis of the conflict and the parties involved in it. The next segment of this paper is dealing with the same. The author breaks down the armed conflict in question by studying the history, the belligerents, the actors and their nature, the obligations imposed on them via the international they are subject to and the rights they are honoured with by virtue of the very same law.

III. RESEARCH QUESTION II

What is the legal standing of the parties to the conflict with respect to obligations imposed and rights conferred?

The Israeli-Palestinian conflict dates back over a century, when Britain signed the Balfour Declaration¹⁴ during World War I, promising to establish a national home for Jews in Palestine. British troops took over the territory from the Ottoman Empire at the end of October 1917. A massive Jewish migration to Palestine began, fueled by Jews fleeing Nazism in Europe. Between 1918 and 1947, the Jewish population of Palestine grew from 6% to 33%. Palestinians were frightened by the demographic shift, and tensions grew, sparking the Palestinian rebellion from 1936 to 1939. This was previously criticised by the UN Security Council as a "*flagrant violation of international law*". However, this was followed by the Yom Kippur War, years of conflict, the Al Aqsa Incident and finally, the gruesome act of launching 5000 rockets by Israel

¹¹ Ed. Jean-Marie Henckaerts and Louise Doswald-Beck, (2005) "*Study on Customary International Humanitarian Law Annex: List of Customary Rules of International Humanitarian Law*" ICRC and Cambridge University Press, [Online] Available at : [Click Here](#) [December, 2023]

¹² Supra Note 11

¹³ Under Geneva Convention III, the immunity of prisoners-of-war from prosecution covers combatant activities (i.e. lawful acts of war such as targeting military personnel and objects) but does not cover war crimes (i.e. violations of IHL norms), for which prisoners-of-war can be prosecuted.

¹⁴ Stein, Leonard (1961). *The Balfour Declaration*. Simon & Schuster. ISBN 978-965-223-448-3. [December 2023]

onto Palestine which led to more than 1500 casualties, 450 hostages and the announcement of a 'State of War' by Palestine.

The Nuremberg Charter has defined war crimes as "*violations of the laws or customs of war including murder, ill-treatment or deportation to slave labour or for any other purpose of the civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages, or devastation not justified by military necessity*"¹⁵

Hamas was created in 1987 during the Israeli-Palestinian conflict, with religious leader Ahmed Yassin as its core. It arose in opposition to the Palestine Liberation Organisation, led by socialist and nationalist Yasser Arafat had previously been considered the rightful authority among Palestinians. The founders of Hamas criticised the PLO for failing to defend Palestinian interests and giving in to Israel's occupying approach. Hamas clearly seeks the establishment of a Palestinian state. The initial call for a Palestinian state to take the West Bank, Gaza, and the area already occupied by Israel raises questions about the state's proposed territory. They vehemently opposed the 1993 Oslo Peace Accords¹⁶ between the Palestine National Liberation Organisation and the State of Israel. Initially, they refused to join the Palestinian National Authority, which was gaining international recognition as the legal authority and model for a future Palestinian state (though not unanimously).

In order for this gruesome confrontation to be qualified as a subject to IHL it must be classified as an 'armed conflict'. We have safely established the existence of an armed conflict the existence of an armed conflict and now, to determine on whom the IHL norms are binding the parties to the conflict are categorised as state or non-state actors. In the Tadić case, the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY) defined armed conflict as "any resort to armed force between States or protracted armed violence between governmental authorities and organised armed groups or between such groups within a State."¹⁷

It is well accepted that Hamas does not constitute a legitimate government of a recognised state, and so is regarded a non-state actor.¹⁸ However, it is highly organised, with an organised

¹⁵ Rome Statute of the International Criminal Court, opened for signature 17 July 1998 [2002] ATS 15 (entered into force 1 July 2002)

¹⁶ Britannica, The Editors of Encyclopaedia. [13 Dec. 2023] "*Oslo Accords*". Encyclopedia Britannica, [ONLINE] <https://www.britannica.com/topic/Oslo-Accords>. Accessed 8 January 2024.

¹⁷ Prosecutor v. Tadić, ICTY Case No. IT-94-1, Judgment (Trial Chamber), 7 May 1997, para. 562. Compare with Rome Statute Article 8(2)(d), relating to serious violations of Common Article 3.

¹⁸ Prof. Brigitte Nacos, (2009) "Israel and Hamas: Villain-and-Hero Narrative and the t-Word," ("Hamas is also a political party that won the 2006 elections in the Palestinian territories but that does not make the organization a

military force, political and social components, and de facto rule over a specific territory, Gaza. Given the violent battles between Israeli and Hamas armed forces, the combat during Operation Cast Lead was unquestionably intense enough to qualify as an armed conflict under IHL. By this logic, the confrontation between Israel and Hamas most importantly from the beginning of *Operation Cast Lead*¹⁹ but probably earlier, qualifies as an armed conflict requiring the application of IHL. In fact, the Israeli Supreme Court believes that Israel has been in armed confrontation with Palestinian terrorist organizations, including Hamas.²⁰ Hamas fighters who targeted Israeli civilians with missiles and suicide bombers breached the Geneva Conventions, which prohibit aggression against the life and body of anybody who is not participating in hostilities. Because Hamas is participating in an armed war with Israel, it is required to follow some IHL guidelines.

Now, to determine which IHL principles apply to Hamas, the armed confrontation in the present matter must be categorized as either international or non-international in nature. The Israeli Supreme Court describes the confrontation between Israel and Palestinian terrorist organisations, including Hamas, as worldwide in scope.²¹ In 2005, the Court based this conclusion primarily on the idea that any armed conflict fought in the context of belligerent occupation is international in nature.²² Until that year, all Palestinian terrorist organisations operated from Israeli-occupied territories, including the West Bank and Gaza.²³ However, the Court noted that an armed conflict that "crosses the borders of the state" should be considered international, regardless of whether it is related to a situation of belligerent occupation.²⁴

Furthermore, one of the reasons why some IHL rules are not applicable in non-international armed conflicts (for example, providing prisoner-of-war status to captured fighters) is to allow the state to "*defend itself and reestablish law and order*"²⁵ by dealing with non-state armed organisations under domestic law. However, this reasoning cannot be subjected to the matter

state actor. There is no Palestinian state"), Available: <http://www.reflectivepundit.com/reflectivepundit/2009/01/israel-and-hamas-villain-and-hero-narrative-and-the-word.html> [December 2023]

¹⁹ 'Endeavored to destroy terrorist infrastructures in the Gaza Strip, in particular rocket launching capabilities.'

²⁰ *Mara'abe v. The Prime Minister of Israel*, Supreme Court of Israel, HCJ 7957/04, 15 September 2005, para. 1.

²¹ *Public Committee against Torture in Israel v. Government of Israel*, Supreme Court of Israel, HCJ 769/02, 11 December 2005 "*Targeted Killings Judgment*"

²² Oxford: University Press, (2005), p. 420, *The Targeted Killings Judgment*, para.18

²³ 'Five months before the *Targeted Killings Judgment* was rendered, Israel pulled its military forces and civilian population out of Gaza. However, the judgment's point of departure was that Gaza is occupied by Israel. This can perhaps be explained by the fact that the petition under consideration was filed in 2002 and the judgment was completed many months before its publication'.

²⁴ *Targeted Killings Judgment*: 'international law regarding international armed conflict [...] applies in any case of an armed conflict of international character - in other words, one that crosses the borders of the state - whether or not the place in which the armed conflict occurs is subject to belligerent occupation.'

²⁵ *Unlawful Combatants Judgment*, para. 11. & *Gaber Al-Bassiouni v. Prime Minister*, Supreme Court of Israel, para. 9 (State's compulsions to abide by common Article 3)

at hand, owing to Israel's lack of complete authority in Gaza. This in turn, prevents the country from employing any law enforcements such as physically apprehending the fighters. This is another argument in favour of viewing the Israel-Hamas armed war as international.²⁶

However, many experts believe that because Hamas is a non-state player, the Israel-Hamas war should be classified as a non-international armed conflict, notwithstanding its cross-border nature.²⁷ Furthermore, most commentators believe that the US Supreme Court's position in the Hamdan decision is that the conflict between the US and al-Qaeda is a non-international armed conflict, as opposed to the Israeli Supreme Court's view that any cross-border armed conflict is international in nature.²⁸ Therefore, it cannot be concluded as to whether the conflict is International or non-international in nature. However, for the purpose of research, the author considers this conflict as non-international on account of the matter being outside of territorial bounds, the non-state actors, the lack of the State's right to take arms and silencing the conflict and the overall belligerents of war.

IV. RESEARCH QUESTION III

How does the law govern restitution/ reparations for victims and protection for those deprived of their liberty?

Following the end of hostilities, the process of ensuring that justice is served begins. While it may be nearly difficult to establish meaningful justice while both the victim and the perpetrator are still involved in armed conflict, the cessation of armed conflict raises the potential of ensuring justice through the payment of reparations.

Reparations are critical to ensuring justice following the armed war. There has recently been substantial debate over whether international law recognises the right to reparation, and if so, whether it is individual, collective, or both. Victims of armed conflicts are both individuals and collective entities; however, the distinction between the two is frequently blurred in practical situations, and thus discriminating between the two is often unnecessary and counter-productive.

An established premise of international law is that transgressions must be addressed through restitution.

²⁶ e Roy S. Schöndorf, . (2005) "*Extra-state armed conflicts: is there a need for a new legal regime,*" 37 NYU J. Int'l L. & Pol. Available: <https://ssrn.com/abstract=644821> [December 2023]

²⁷ Anthony Dworkin, (2009) "*Are Israel and Hamas Committing War Crimes in Gaza?*" [ONLINE] Available: <http://www.crimesofwar.org/onnews/news-gaza3.html> [December 2023]

²⁸ *Hamdan v. Rumsfeld*, United States Supreme Court, 548 U.S. (2006), 126 [ONLINE] Available at: <http://www.supremecourtus.gov/opinions/05pdf/05-184.pdf> [December 2023]

In the Chorzow Factory case, the Permanent Court of International Justice (PCIJ) ruled that “reparation must, as far as feasible, wipe away all the consequences of the illegal conduct and re-establish the situation, which would, in all probability, have existed if that act had not been done”.²⁹ As a result, it is widely accepted that persons who have suffered a legal injury under international law have the right to seek recompense.³⁰ As previously noted, armed conflict is essentially governed by IHRL and IHL, both pillars of public international law. It follows logically that international law requires restitution for breaches committed during an armed conflict.

There are two types of reparation: individual and collective. Individual reparations are provided to individual victims in the form of restitution and compensation.³¹ This is a well-established legal right with a substantial scholarly basis. The PCIJ laid the foundations as early as 1927 in the aforementioned Chorzow Factory case. The PCIJ held that ‘*it is a well-settled international law regime, if not a general conception, that any breach of an engagement entails and imposes an obligation to make reparation in an adequate form*’. Reparation is the necessary complement of a failure to apply a convention, and it is unnecessary for this to be stated in the convention itself.³² It went on to say that reparation should, to the greatest extent feasible, eliminate all consequences of the illegal act and restore the condition that would have been if the act had not been committed. Restitution in kind, or, if this is not practicable, payment of an amount comparable to the value that a restitution would.³³

The most recent iteration of the worldwide effort to define victims' rights to restitution was the approval by the UN General Assembly of Basic Principles on the Right to Remedy and restitution (Basic Principles) on December 16, 2005.³⁴ Although they are not legally obligatory, the basic principles establish core standards and underlying assumptions for the right to restitution. Victims are defined under the Basic Principles as persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss, or significant impairment of their fundamental rights, through acts or omissions that constitute gross violations of IHRL or serious violations of IHL.³⁵

²⁹ Permanent Court of International Justice, *Case Concerning Factory at Chorzow*, Merits, No. 17 (1928) p. 47.

³⁰ ‘Deviations from the standard of full reparation are discussed for situations of mass atrocities.’

³¹ Howard M. Holtzmann and Edda Kristjańsdóttir 2007, *International Mass Claims Processes: Legal and Practical Perspectives*, Oxford University Press, Oxford. Available: [Click Here](#)[December 2023]

³² *Factory at Chorzow Case (Germany v. Poland)*, Jurisdiction, 1927, PCIJ, Ser. A, No. 9, p. 21.

³³ *Factory at Chorzow Case (Germany v. Poland)*, Merits, 1928, PCIJ, Ser. A, No. 17, p. 47.

³⁴ General Assembly Res. 60/147, (2005), *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*. [December 2023]

³⁵ *Supra* Note 16

The remedies offered include adequate, effective, and timely compensation. Commemorations and memorials to the victims are among the proposed remedies.³⁶ These are examples of collective reparations. Despite a pledge to defend against collective targeting, the Basic Principles are vague as to who can seek compensation. The Van Boven report³⁷ throws some light on this by observing that groups of victims or collectively victimised communities must be able to make collective claims for damages and receive collective restitution.

This is broad enough to accommodate both collectively targeted groups and a large number of individuals targeted separately. Collective compensation is also included in the Updated Set of Principles for Combating Impunity.³⁸ According to Principle 31, "*Any human rights violation gives rise to a right to reparation on the part of the victim or his or her beneficiaries*".

Principle 34 then elaborates in great depth on "measures of restitution, compensation, rehabilitation, and satisfaction as provided by international law". Interestingly, the original text of Principle 34 used the phrase "individual",³⁹ but this was substituted by "measures concerning the right to restitution, compensation." This elaboration made it abundantly evident that reparations exist not just as a right of the afflicted individual, but also for the impacted community.⁴⁰ In terms of procedural issues, Principle 32 adequately provides for restitution to persons and communities through appropriate methods and programmes. However, no attempt is made to ensure that the legal status of the 'community' is developed in any meaningful way.⁴¹

Individual and group reparations may not always be compatible. In truth, collective reparations are awarded on behalf of a group's rights, whereas individual reparations are clearly paid in favour of an individual's rights. There have been various situations where collective and individual rights have clashed.⁴² Giving precedence to group rights may infringe on individual rights, while giving precedence to individual rights may alienate and deny the group as a whole. The only method to resolve such disagreements is through a process of consultative deliberation

³⁶ 'VII. Victims' right to remedies', Principle 11(b). Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

³⁷ UN Sub-Commission on the Promotion and Protection of Human Rights, '*Study Concerning the Right to Restitution, Compensation and Rehabilitation for Victims of Gross Violations of Human Rights and Fundamental Freedoms: Final Report, submitted by Mr. Theo van Boven, Special Rapporteur.*' Available at: <http://www.refworld.org/docid/3b00f0b82c.html> [December 2023].

³⁸ UN Commission on Human Rights, Report of the independent expert to update the Set of Principles to combat impunity. Available: <http://www.refworld.org/docid/42d66e7a0.html> [December 2023]

³⁹ Principle 34, 'Scope of the right to reparation'

⁴⁰ UN Commission on Human Rights, '*Report of the independent expert to update the Set of Principles to Combat Impunity, Diane Orentlicher.*' (2005) ONLINE [December 2023]

⁴¹ UN Commission on Human Rights, Report of the independent expert to update the Set of Principles to combat impunity, 18 February 2005, E/CN.4/2005/102, Available: <http://www.refworld.org/docid/42d66e7a0.html>

⁴² Allen Buchanan, 'The role of collective rights in the theory of indigenous peoples' rights', in *Transnational Law and Contemporary Problems*, Vol. 3, 1993.

by the courts prior to the final award of damages. The rights and interests of all parties involved must be addressed fairly and without prejudice to society's overall rights.

V. CONCLUSION

Current humanitarian difficulties would not exist if all sides involved in an armed conflict respected IHL and IHRL, and the world would not have known crises such as Syria, Yemen, South Sudan, Bosnia, and Herzegovina, among others. As a result, there is a need to strengthen the existing legal framework by improving law implementation and enforcement. International institutions such as the United Nations, the P5 countries, and aspiring Great Powers such as India should play a role in ensuring that the law is followed. The existing rules are sufficient, and there is no need to revisit long-established validity rules. In general, the rulebook's release would be a lengthy, time-consuming, and vexatious process.

The hypothesis stands correct and therefore in the author's opinion the current content and constituents of law are enough to resolve the middle eastern upheaval.⁴³

⁴³ *The international law provisions are adequate and inclusive of Victims of war crime and hence, capable of resolving the Middle Eastern upheaval'. ICRC, Protection of War Victims: How Does Law Protect in War?.* Available: <https://casebook.icrc.org/case-study/icrc-protection-war-victims>

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3. Statute of the International Court of Justice
4. Articles on The Effects of Armed Conflicts on treaties General Assembly resolution 66/99 of 9 December 2011
5. Universal Declaration of Human Rights
6. International Covenant on economic, social and cultural rights ICESR
7. International Covenant on civil and political rights ICCPR
8. Convention against torture and other cruel, inhuman or degrading treatment or punishment
9. Basic Principles and Guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law
10. Guiding principles on internal displacement
11. The Geneva Convention

(B) Table of Cases:

S. No.	Case	Citation
1	Germany v. Poland <i>Chorz'ow Case</i>	1927, PCIJ, Ser.A No. 9
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4	Ex parte Quirin <i>Unlawful Combatants Judgment</i>	317 U.S. 1 (1942)
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6	Mara'abe v. The Prime Minister of Israel, Supreme Court of Israel	HCJ 7957/04
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