



## Forms of Human Rights Violations in the Perspective of International Law in the Israel and Palestine Conflict

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### **Abstract**

Human rights in various value systems and philosophies regarding humans and all aspects of their life. The main focus of human rights is human life and dignity. The conflict between Israel and Palestine is a form of human rights violation from the perspective of international law in the Israeli and Palestinian conflict, namely genocide against the Palestinian population, attacks on hospitals, oppression of journalists and cruelty against children. Israel's crime of aggression is the planning, preparation or implementation of acts of aggression in an effective position to exercise control over or direct the political or military actions of Palestinian leaders and their scale constituting real acts of aggression. An act of aggression which means a state uses armed force by a state against the sovereignty or political independence of another state.

**Keywords:** *Human Rights Violation; International Law; Israel; Palestine*

### **Introduction**

In international law, states are considered the main, most important legal subjects and have the greatest authority as subjects of international law<sup>1</sup>, in line with international regulations, a country initiates relations with another country to obtain better relations, in relations between subjects of international law, especially countries, it is not uncommon for conflicts to occur resulting from differences in interests, and these conflicts cannot always be resolved through peaceful settlement. This conflict of interest is often called a dispute. Disputes between countries can be caused by several factors, such as; economics, politics, ideology, military strategy, or a combination of these interests<sup>2</sup>

The conflict over the Jerusalem area began in 1967, when Israel attacked Egypt, Jordan and Syria and succeeded in capturing Sinai, the Gaza Strip, the Golan Heights (Syria) and Jerusalem through the Six Day War. Jordanian troops were successfully paralyzed by Israel after previously also succeeding in paralyzing Egypt. Jordan's defeat is a nightmare not only for Jordan, but also for the Palestinian people living in Jerusalem. As many as 5,000 Jordanian army personnel were killed and injured, thousands of

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<sup>1</sup>Ketut Arianta, et al, Legal Protection for the Rohingya Ethnic in an International Human Rights Perspective. (Justisia Community Journal, 2020) p.167

<sup>2</sup>Sri Setianingsih Suwardi, International Dispute Resolution (Jakarta: University of Indonesia, 2006) p.1

personnel were taken prisoner, the Air Force was completely destroyed, as well as hundreds of tanks which were relied on to attack Israel.<sup>3</sup>

The Israeli-Palestinian conflict is the longest ongoing conflict in the Middle East (leaving aside the Crusades), which has caused it to become a major concern of the International Community. For example, the conflict between the two was the first agenda at the United Nations (UN) General Assembly, when the UN was just formed and until now has not been resolved even though hundreds of resolutions have been issued. In fact, in the past few years, there have been a series of important events that marked the peace process between these two countries. Jimmy Carter, former President of the United States (USA), is traveling to the Palestinian territories, and holding dialogue with Palestinian leaders<sup>4</sup>.

The conflict between Israel and Palestine has given rise to a series of serious human rights violations, involving abuse of power, excessive use of force, arbitrary detention, restrictions on freedom, and forced expulsion of civilians. These violations not only worsen the humanitarian situation in the region, but also raise moral and legal questions about the obligations and responsibilities of the parties involved.<sup>5</sup>

States as subjects of international law are parties who are obliged to protect, guarantee and fulfill human rights. Concerning human rights internationally, it is regulated in various international human rights legal instruments such as the Universal Declaration of Human Rights<sup>6</sup>. Every country is obliged to respect human rights law, without exception. Even though there are regulations regarding human rights and even regarding the implementation of human rights, human rights violations still occur throughout the world. Among the cases of human rights violations that occurred were Israel's dispute with Palestine, resulting in many victims in Palestine, thousands of whom, including children, women and even volunteers, became victims.<sup>7</sup>

### ***Formulation of the Problem***

Based on the background above, the author draws problem formulations, what Forms of Human Rights Violations in the Perspective of International Law in the Israeli and Palestinian Conflict?

### ***Research Methods***

The approach approach used in this study is the approach Normative juridical (legal research) by reviewing secondary data consisting of legal materials primarily of primary law and secondary law materials by understanding the law as a set of positive rules or norms in a regulatory system of human life.

This normatized juridical law study meant a careful and careful reinvention of legal materials or legal data to solve legal problems.<sup>8</sup> Where in this writing, the author does research and gives detailed, systematic, thorough descriptions of everything that relates to the problem.

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<sup>3</sup><http://www.tribunnews.com/internasional/2017/12/21/cerita-war-enam-hari-inilah-pembebabisrael-bisa-merebut-yerusalem-di-1967?>

<sup>4</sup> Ahmad Ghazali Khairi and Amin Bukhari, 2009, *Palestinian Tears*, (Hi-Fest Publishing, Jakarta, 2009) p. 137

<sup>5</sup>Rachel Christie, *Analysis of the Israeli and Palestinian Conflict on Human Rights Violations from an International Law Perspective* (Citizenship Journal, Vol. 8 No. 1 June 2024)

<sup>6</sup>Ahmad Baharudin Naim, (2010), *International Humanitarian Law*, (Bandar Lampung: Bandar Lampung University, 2010) p. 32

<sup>7</sup>Philip C, *Behind the Independence of Israel and Other Countries Post-World War II*, (Yogyakarta: Center for Information Analysis, 2007) p. 351

<sup>8</sup> Diantha, I Made Pasek. (2016). *Metodologi Penelitian Hukum Nornatif dalam Justifikasi Teori Hukum*. Jakarta: Prenada Media Group

## Discussion

Human rights (HAM) refers to the fundamental rights inherent in all individuals as human beings without any discrimination, including race, religion, gender or social background. These rights are considered basic rights that every individual has by their very nature, and they are protected by international law and the constitutions of countries that adhere to human rights principles.<sup>9</sup> Human Rights (HAM) are natural rights that scientifically exist within humans from the womb, human rights are a gift given by God Almighty to his servants.<sup>10</sup> Therefore, no one may take away someone's rights or eliminate someone's rights. So every human being has the same rights, regardless of where they come from, elites or ordinary people. Equality means that every human being comes from the same product, that is, created by God Almighty, there is no discrimination between any human beings, on that basis it is then formulated in the law that every human being has the same status before the eyes of the law and also has equal rights. The same<sup>11</sup>.

Human rights violations committed by Israel against Palestinians began on June 23 2008, when the first shooting occurred by Israeli citizens against Palestinian civilians who were collecting firewood near the Beith Lahia border by an Israeli military officer. On the same day as the shooting incident, two mortar shells landed in Gaza. In this incident there were no victims, but what Israel did violated humanitarian principles. In September Israel fired two mortar rounds and three rockets into Gaza, but still caused no casualties. After two months in October – November, the conflict between Gaza and Israel increasingly escalated. They attacked each other and began to show a ceasefire on July 19 2008. Rockets and mortars were sent and mutually damaged tall buildings in their country and killed many civilians.<sup>12</sup>

Attacks carried out by Israel have damaged and destroyed many residences, places of worship and UN offices used for aid agencies. Most countries in other parts of the world, especially countries with Muslim populations, strongly condemn the actions taken by Israel against Palestine. For them, Israel has taken away the rights of Palestinian civilians. Israel has also violated Human Rights (HAM). International Human Rights defenders around the world say that Israel's treatment of Palestine is a war crime. In this case, the UN also said that Israel's blockade of Gaza was a war crime and violated humanitarian rights. Attack Israel to Palestine continues to leave sorrow and destruction. Towards the end of 2023, we witnessed a series of human rights violations occurring in the midst of the conflict, with reports from various UN sources highlighting attacks on hospitals, attacks on journalists and cruelty against children. Reports from the UN Human Rights Commission and various other international organizations highlight the escalation of Israeli attacks involving civilians, having a tragic impact on the lives of Palestinians. Below are some of the actions human rights violations what Israel is doing to Palestine during 2023.

### 1. Genocide Against the Palestinian Population

The year 2023 sees the continuation of a series of genocidal acts committed by Israel against the Palestinian population. According to a report from the UN Human Rights Agency, these actions include mass killings, forced displacement, and destruction of property involving Palestinian civilians. In a discussion entitled "2023 War on Gaza: The Responsibility to Prevent Genocide" organized by the UN, professor of Holocaust and genocide studies at Stockton University, Raz Segal and 56 other Holocaust scholars condemned the crimes against humanity by Hamas and Islamic Jihad on October 7, and Israel's actions since then. They noted evidence of systematic attacks on civilian populations defined as crimes against humanity by the Rome Statute of the International Criminal Court. Israeli leaders, including President Isaac Herzog showed "intention to destroy Palestinians" by likening them to "animals".

<sup>9</sup>mediaindonesia.com/politik-dan-law/612630/pengertian-hak-asasi-human-menurut-para-ahli-tipe-dan-example

<sup>10</sup>Pangaribuan, LMP Human Rights. (Law & Development Journal, 19(6), 2017) p. 519.

<sup>11</sup>Nasution, AR (2018). Settlement of Serious Human Rights Violations Cases through National and International Courts as well as the Truth and Reconciliation Commission. (Mercatoria Journal, 11(1), 2018) p. 90.

<sup>12</sup>Guevarrato, G., Bagus, I., Ana, O., & Arundhati, BG Legal Analysis of Armed Conflict Between Palestine and Israel from the Perspective of International Humanitarian Law. (Scientific Articles from Student Research, I(1), 2014) p.1–10.

## 2. Hospital Attack

Israel was proven to have violated international law by attacking hospitals in the Palestinian territories. Reporting from ohchr.org, the UN report noted a series of bombings targeting health facilities, depriving Palestinians of their fundamental right to adequate medical services. Reporting from The Guardian, the following is a list of hospitals in Gaza that were affected by the Israeli attack.

## 3. Persecution of Journalists

Press freedom in Palestine is increasingly threatened due to Israeli actions targeting journalists. Reporting from cpj.org, based on an investigation by the Committee to Protect Journalists (CPJ), as of December 23 2023, at least 68 journalists and media workers were recorded as being among the more than 21,000 people killed since the war began on October 7. This is demonstrated by more than 20,000 Palestinians killed in Gaza and the West Bank and 1,200 killed in Israel. These attacks harm independent reporting efforts and make it difficult to disseminate objective information about the conflict, creating inequalities in access to information.

## 4. Cruelty to Children

Reporting from unicef.org, Palestinian children are the main victims of Israeli atrocities, involving cruel acts such as arbitrary arrest, excessive use of force and murder. Violations of children's rights are a serious focus in this conflict. UN experts issued a strong statement condemning attacks on civilians and calling them a grave violation of international humanitarian law. The series of reports provides a comprehensive picture of ongoing human rights violations in the Palestinian territories occupied by Israel<sup>13</sup>.

The ceasefire carried out by Israel and Palestine, which according to Israel was a Cast Lead operation, clearly violates the principles of humanitarian law. This attack, which lasted for quite a long time, resulted in many victims, most of whom were civilians in the Gaza Strip. This is very contrary to humanitarian principles and ends up violating human rights. Israel's human rights violations against Palestinian civilians appear to have been ignored by international courts. Many resolutions regarding the Israeli and Palestinian conflict have been issued by the UN. The UN has also launched a mission to investigate crimes committed by Israel against Palestinians, much to the criticism of other countries who say that Israel has violated human rights. However, Israel still commits crimes and violates the rights of Palestinian civilians. The government leaders in Israel actually deserve to be dragged to the International Criminal Court because they have caused a humanitarian crisis in the Gaza Strip which resulted in the blockade carried out by Israel.<sup>14</sup>

## Conclusion

The violations committed by Israel against Palestine are considered serious human rights violations, because the actions carried out by Israel have violated the provisions of the Rome Statute, Humanitarian Law, and the Universal Declaration of Human Rights (UDHR). The issue of serious human rights violations that occurred in Palestine is under the authority of the ICC (International Criminal Court). This is because the ICC handles cases of serious human rights violations, such as crimes against humanity, genocide, war crimes and aggression. Forms of human rights violations in the perspective of international law in the Israeli and Palestinian conflict are genocide against the Palestinian population, attacks on hospitals, oppression of journalists and cruelty against children. Israel's crime of aggression is the planning, preparation or implementation of acts of aggression in an effective position to exercise

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<sup>13</sup>dunia.tempo.co/read/1816652/register-pelaringan-ham-israel-versi-pbb

<sup>14</sup>Hengki, H. Application of International Humanitarian Law in the Armed Conflict Between Palestine and Israel. (Lex Et Societatis, 7(2), 2019) p. 169–181.

control over or direct the political or military actions of Palestinian leaders and their scale constitutes real acts of aggression. An act of aggression which means a country uses armed force by a country against the sovereignty or political independence of another country.

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