# **ICC JURISDICTION: AGAINST ISRAELI WAR AND HUMANITARIAN CRIMES AGAINST PALESTINIAN CIVILIANS 2023**

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| **ARTICLE INFO** |  | **ABSTRACT** |
| ***Keywords:****ICC Jurisdiction**International Law**Israel**Palestine****How to cite:****-* ***Article History:*** *Received:* *Revised:* *Accepted:*  |  | *This study explains the ICC's jurisdiction policy regarding Israel War Crimes against Palestinian Civilians, especially the October 7, 2023, attack on Gaza. And this study also explains what drives Israel to be strong in attacking Palestine. In this case, of course, Israel is a country that is immune to international law. This writing uses qualitative writing methods, produces data from previous journals, articles, and official websites, and uses a normative legal approach, where this type of research is carried out by examining cases that violate existing laws and regulations. In addition, this research also conceptualizes articles and policies on the ICC, International Law, and International Humanitarian Law. To achieve justice for Palestinian civilians, the ICC is taking action and further investigating war crimes and humanity committed by Israel. And the factor is that Israel is immune to international law first because Israel is a country that has not ratified the ICC treaty. Second, Israel is the country that is given the greatest assistance by the United States in terms of economy, bilateral cooperation, and even military weapons.* ***DOI: https://doi.org/****10.18196/jmh.xxxx.xxxx* |
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# **1. Introduction**

# In the years following decades of discrimination, aggression, and persecution by the Israeli state, as well as targeting the Palestinian civilian population based on their non-Jewish identity and national status, Israel colonized Palestine in 1948, carrying out attacks on Palestinian civilians and carrying out widespread and systematic human rights violations. To enforce the regime's oppressive domination over the Palestinian civilian population, Israel has committed crimes under international law, gross violations of human rights, and cruel acts against those civilians. Israel's pattern of illicit behavior is part of a broad and systematic attack on the Palestinian people. The brutal or inhumane acts carried out within the framework of these attacks were carried out to uphold the status quo. Still, these attacks resulted in many civilian casualties in the war and of course This is a war crime and falls into the category of crimes against humanity. (Mezan, 2022).

The deprivation of internationally enforced rights at the expense of civilians based on ethnicity or nationality by fleeing territories of origin that have now been seized and recognized by Israel. So, some Palestinian populations with several seven million people are displaced in Lebanon, Jordan, Syria, and Palestine itself, and even the persecution of Palestinian civilians. And of course, in this case, Israel includes the category of crimes against humanity[[1]](#footnote-1). These violations can be seen from the mechanisms related to articles on crimes against humanity to punish war crimes: a). According to the Geneva Conventions of 1949 and Additional Protocol of 1977 Under article 49, paragraph 1 of the Geneva Conventions of 1949, States that have ratified the Geneva Conventions shall issue national laws that may impose effective criminal sanctions on any person who commits or orders to commit a grave offense against Convention. b). Through the War Crimes Ad hoc Tribunal In known history, there were two Courts that tried World War II criminals, namely, the Tokyo Court to try Japanese war criminals, the Nuremberg Tribunal to try Nazi war criminals, Germany. After World War II, the International Criminal Tribunals for the former Yugoslavia (ICTY) and for Rwanda (International) were established. c). Through the International Criminal Court (ICC) the ICC was established by the Rome Statute of 1998. This court is permanent to try the most serious crimes. The ICC is authorized to prosecute four crimes: genocide, Crimes against humanity, Crimes of War and Crimes of aggression [[2]](#footnote-2).

And in International law, there is also International Humanitarian law as a set of rules that seek to limit the impact of armed conflict on society, including civilians, people who do not or no longer participate in conflict, and even those who still participate, such as combatants. To achieve this goal, international humanitarian law covers two areas: human protection, and restrictions on means and methods of warfare. International humanitarian law derives from international treaties and law. The rules of international humanitarian law are outlined in a series of conventions and protocols. There is one of the Instruments of International Humanitarian Law, namely: the Geneva Convention (IV) on the Protection of Civilians and the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction. Because of the conflict between Israel and Palestine, there are many humanitarian casualties against Palestina civilians, so there is a need for law and rights for civilians in Palestine [[3]](#footnote-3).

In addition to crimes against humanity, there are Israeli perpetrators committing acts of genocide such as in this latest incident on October 7, 2023, Israel’s massive attack on Gaza Palestine, which has killed many Palestinian civilians in Gaza reaching 12,000 people including more than 55,000 children and 3,500 women [[4]](#footnote-4). With decades of war crimes, Israel has used disproportionate force and carried out countless massacres and shootings against Palestinian civilians as a form of revenge, punishment, and deterrence. And in the October 7, 2023, attack with the bombing of hospitals in Gaza. In this case, Israel denied it because Israel claimed that the Palestinian rockets allegedly hit the Gaza hospital, namely Al-Ahli hospital, and it was analysed to reveal that the bombing of the hospital in Gaza came from Israeli fire [[5]](#footnote-5). In Israeli behaviours, it certainly shows war crimes behaviours, because in an international humanitarian law in warfare it is forbidden to destroy public facilities such as places of Ibadan, hospitals, schools [[6]](#footnote-6) Not only did hospitals be raided, even schools were destroyed, facilities such as water and the internet were also blocked. So, with the Israeli behaviours of this there is a war crime or a crime of aggression.

Looking at the mechanism of crimes tried by the International Criminal Court (ICC) ICC, namely: Genocide, Crimes against humanity, Crimes of War and Crimes of aggression. And Israel's behaviours towards Palestinian civilians from decades until the October 7, 2023, attacks show the existence of Genocide, Crimes against humanity, war crimes or aggression. And this behaviour has been stated that Israel is committing an international criminal act because it is by the ICC type of crime with the meaning that Israel violates international law. However, from 1948 until now there has been an attack on October 7, 2023, there is no clarity from the UN, or the ICC Judiciary that Israel has violated international law and international humanitarian law against Palestinian civilians. And that provided an opportunity for Israel to continue attacking the Palestinians until then. This resulted in Israel becoming immune to international law. This research focuses on the ICC's policy of jurisdiction against Israeli crimes against Palestinian civilians which is a violation of international law, as well as what drives Israel to become immune to International Law.

**2. Literature Riview**

The Israeli-Palestinian conflict has been going on for decades so that in this conflict there are many researchers about the conflict, ranging from diplomatic relations, the role of NGOs, international law. And from this literature review flaws in this research. This study will discuss international law focusing on how the ICC Jurisdiction handles Israeli crimes against Palestinian civilians and what factors make Israel immune to international law. In looking for GAP in this study, it requires some previous research.

In his research, John Quigley (2023) discusses Israeli Crimes against Humanity against Palestinians. Seven million Palestinians were forced to flee due to the conflict with Israel, and they are now refugees in Palestine, Syria, Jordan, and Lebanon. Palestinian civilians are prohibited from entering their home territory in Israel. In this conflict, the crime of persecution is a subtype of crimes against humanity, which is the deprivation of internationally recognized rights of civilians at the expense of their nationality or ethnicity. Persecution of such crimes may be referred to the International Criminal Court. which can be prosecuted by the International Criminal Court. Additionally, there are jurisdictional requirements for most Palestinian Arab refugees, so an investigation may be underway to bring charges against the Israeli authorities tasked with preventing Palestinian Arabs from returning to their homes. [[7]](#footnote-7).

But Qandeel (2023) explained by continuing to consider Israeli aggression considering state obligations and accountability laws. To illustrate, this research argues that there are three claims by giving the first example, settler attacks on Palestinians, focuses on acts of violence encouraged or enabled by Israeli security personnel. Second, an analysis of violent crimes committed by settlers shows that they are classified as state-sponsored crimes. Third, this agreement illustrates the existence of a consensus regarding the definition of state responsibility for violations committed, as stated in international law, and this agreement shows that the violence committed by Israel is a crime committed by the state, thereby imposing responsibility on the state that committed the violation. crime. Because it is often fatal and destructive, settler violence against Palestinians is not and has never been a concern for international law enforcement. [[8]](#footnote-8).

Aroosa Kanwal (2022) that Israel formed an invisible “drone-sphere” to silence voices of resistance and protest in Gaza. Worse still, Israel is unable to take responsibility for its crimes autonomously. The deafening silence surrounding Israel's use of deadly drones to kill people in Palestine is one case that deserves serious attention in this regard. The use of top-down methods for survival has resulted in Palestinian silence and invisible deaths. Additionally, the execution of Gazans is presented as a demonstration of expanded surveillance, allowing Gazans to perceive drones as invisible living creatures that can turn deadly at any time [[9]](#footnote-9).

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In his research Mutaz M. Qafisheh (2016) contrasts the conditions of Palestinian prisoners in Israeli prisons with the conditions of Namibian prisoners in South Africa during the apartheid era. Israel and South Africa both implement different systems for different racial groups in contravention of international law, and this is a commonality in their conditions. Responses from around the world make a difference. The superpowers are ready to step in and solve Namibia's problems; otherwise, the situation in Namibia would probably remain the same. In addition to negotiating forums, countries must take significant action and implement penalties against Israeli citizens suspected of committing crimes. Apart from that, Palestine must use legal and diplomatic channels and other possible means. The recent admission of Palestinians to the International Criminal Court may be a significant step forward in fighting the apartheid system implemented by the Israeli occupation authorities, which includes crimes against Palestinian prisoners in Israel. However, many states need to be technically prepared [[11]](#footnote-11).

Previous studies have mostly discussed Israel's crimes against the persecution, expulsion, mass murder, and rape of Palestinian civilians, and it is still rare to discuss how Israel in violating the laws of war is tried by the ICC, so the studies find flaws, related to the discussion of this research.

**3. Research Method**

In this study, the type of research used is a normative legal approach, where this type of research is carried out by examining cases that violate existing laws and regulations. Legal sources obtained from this type of research are primary legal materials, secondary legal materials, and tertiary legal materials from literature sources. The primary legal material itself is to examine the provisions derived from international law, namely in the form of legislation, conventions, and declarations. Secondary legal sources are all those concerning legal discussions that are not official documents, for example, journals, books, expert opinions and so on to examine the normative framework using related legal materials on the provisions of international jurisdiction regarding Israel's war violations against Palestinian civilians.

This research also uses the point of view of the ICC Jurisdiction, therefore the legal materials that have been obtained from the literature study will be elaborated and linked in such a way as to achieve systematic writing so that the desired solution to the conflict Israeli war violations against Palestinian civilians. Data processing is carried out in a deductive way, namely drawing the essence of a conflict that is general to the specific problem faced. Furthermore, data from legal materials that have been obtained will be further identified in terms of international legal provisions. So that the analysis carried out can help provide a reference for the material of this study.

# **3. Result and Discussion**

**ICC Jurisdiction**

This international court based in The Hague-Netherlands was established through the Rome Statute (Rome Statute) 1998. Although both are domiciled in The Hague, this institution has nothing to do with other international court institutions which are one of the main organs of the United Nations, namely the International Court of Justice (ICJ) or better known as the International Court of Justice. The ICJ was created at the same time as the United Nations was established in 1945, its statutes are attached to the UN charter (The Charter of United Nations) and its budget is based on the UN budget [[12]](#footnote-12). The ICC is an independent institution, having its own organizational structure independent of the United Nations as well as its operating budget which is based on the contributions of states parties to the 1998 Rome Statute In other words it can be said. that the ICC is a subject of international law of international personality. Thus, the ICC can carry out various international legal capacities in the context of carrying out its functions. The ICC may exercise its functions and authorities in the territory of Member States and also by special agreements in the territory of other States. Although based in The Hague, the Netherlands, the ICC can hold its sessions in other countries as needed [[13]](#footnote-13).

The ICC is limited in its jurisdiction and judicial power due to several factors: First, the ICC can only try individuals based on indictable legal subjects or personal jurisdiction (rationale personae). Individual accountability is required for those who commit crimes under the jurisdiction of the International Criminal Court (ICC). This includes civil servants and military and civilian commanders. Second, the ICC has jurisdiction over crimes that fall into the category of “material jurisdiction” (rationale materiae), which is defined in Article 5-8 of the 1998 Rome Statute as the most serious crimes in the eyes of the world community. The following are forms of crimes according to the ICC: Genocide, crimes against humanity, and war crimes as a class, violent offenses. According to Article 6 of the law, genocide is defined as any act committed to cause harm in whole or part to a nation, ethnicity, race, or religious group. Examples of such acts include the killing of group members, serious physical or mental abuse of group members, deliberate physical abuse of the group's living conditions, actions taken with the intent to prevent births within the group, and the forced removal of children from the group. one group to another group [[14]](#footnote-14).

According to Article 7 of the Statute, any act of direct, widespread and organized attack against the civilian population is considered a crime against humanity. Violating the basic principles of international law, these crimes against humanity include murder, extermination, enslavement, deportation or forced transfer of populations, imprisonment or cruel deprivation of physical liberty, torture, rape, sex slavery, forced prostitution, forced pregnancy, and forced sterilization. , or any other form of sexual violence against groups identified as political, racial, national, ethnic, cultural, religious, and gender collectivises, as well as enforced disappearances and apartheid. Article 9 of the Statute defines war crimes as serious violations of the 1949 Geneva Conventions. Such acts include the following: forcing prisoners of war or other protected persons to assist enemy forces; depriving them of their right to a fair trial; routinely deporting and imprisoning them; torturing or treating them inhumanely, including using biological experiments; intentionally causing great suffering or serious body injury; widespread destruction and unlawful taking of property; and take hostages. This law does not provide an explanation regarding criminal acts of aggressiveness, in contrast to the three previous types of criminal acts which are explained at length in certain articles. The law simply explains that the violations mentioned in the UN charter are related to this violation. In this regard, the Charter also does not explain what is meant by the crime of aggression, except that it states that in the event of acts endangering international peace and aggression, the Security Council, based on Chapter VII of the Charter, can take unlawful measures. appropriate actions up to the deployment of multinational forces [[15]](#footnote-15).

**Discussion**

Israel has built apartheid settlements and barriers, carried out assassinations, sieges, and collective punishment, taken over additional territory, and waged deadly war on defenseless Palestinian refugees since 1948. Israel has committed several cold-blooded murders that have claimed the lives of many people. the whole family in just the last ten years. Tens of thousands of other Palestinians were injured, and more than 4,000 Palestinians mostly women and children were killed[[16]](#footnote-16). Even decades have also attacked, including on October 7, 2023, which killed 12,000 civilians and this has been categorized as mass murder, namely genocide. Since 1967, Israel has occupied the Occupied Palestinian Territory (OPT), which includes the West Bank, including East Jerusalem, and Gaza. In 2005 Israeli ground forces confirmed that they were not abandoning Gaza. Israel continues to occupy Gaza to this day. This is proven by the fact that Israel to date effectively maintains control over Gaza's skies and waters, the flow of people and products, except for Gaza's border with Egypt, and the infrastructure necessary for Gaza's survival, making the Gaza Strip an open territory. -air prison [[17]](#footnote-17).

Serious violations of the rules of war, whether intentional or not, are known as war crimes. Hostage-taking planned attacks on civilians, and these are examples of war crimes. Israeli airstrikes and rocket attacks targeting Palestinian civilians or acting indiscriminately are considered war crimes. Criminal penalties may apply to those who commit war crimes and those who direct, support, or enable such acts. According to the principle, this responsibility falls to the command, and civilian leaders who know of crimes committed by other states but do nothing to stop them or do not bring the guilty parties to justice can be held criminally responsible. Over the past 20 days, war crimes have been and continue to be committed by Israel due to attacks from Hamas which will raise great fears that Israeli forces are carrying out indiscriminate attacks that violate the law and harm civilians. Intentional killings and so did indiscriminate rocket launch into Israeli communities. Since October 7, nearly 1,400 Palestinians have lost their lives. In addition, Israel continues to bombard the Gaza Strip, which has a population of 2.3 million people. According to the Gaza Ministry of Health, since October 7, nearly 7,000 Palestinians have died, including around 3,000 children. Bombs sometimes destroy entire blocks or even entire communities. Even in densely populated parts of the region, Israeli forces use white phosphorus, a chemical that burns when it meets oxygen, causing horrific and severe burns. Burns affecting 10% of the human body are often fatal, and white phosphorus can burn to the bones. Apart from that, Israel also blocks electricity, food, and water for Gaza residents as a kind of collective punishment. Apart from that, Israel deliberately prevents humanitarian aid from reaching people in need, this is also a war crime. Human Rights Watch has noted serious violations of the rules of war by the Israeli army during previous periods of hostilities, especially in 2021, and during the October 7 attack, resulting in Israeli orders and directives to evacuate most of Gaza's civilian population, for its military needs or civil protection. Such evacuations are illegal, and citizens should be allowed to return as soon as possible [[18]](#footnote-18).

Although the International Criminal Court has never been able to hold Israel accountable for its violations against Palestinians, the ICC's authority remains in this matter. The International Criminal Court (ICC) was established as the first permanent criminal court to provide prosecution for major transnational crimes such as war crimes, genocide, and violations of the Geneva Conventions. Article 7 explicitly mentions apartheid as a crime that falls within the scope of the courts, so this is closely related to the current situation in Israel and the Occupied Palestinian Territories. Criminal prosecution for international crimes, war crimes and crimes against humanity is often left to the respective countries concerned. Ad hoc tribunals are often called by the winning side in an international war to deal with a crime before the International Criminal Court (ICC) was established. The tribunals consisted of the Rwanda Genocide Tribunal and the Nuremberg Tribunal. As Israel and the United States exert tremendous pressure on each other and put in place several procedural procedures to avoid such encounters, there is more resistance to expectations that Israeli commanders and officials will also have to face similar trials for war crimes and crimes against humanity that regarding Israel's actions against Palestinian civilians. [[19]](#footnote-19). In this case, the ICC Jurisdiction is also investigating the conflict of October 7, 2023, although Israel is not a member of the ICC, the ICC will cooperate with ICC member states or non-member states to achieve accountability. With the ultimate aim of achieving justice for the victims and upholding my declaration under the Rome Statute as an independent prosecutor, impartially looking at the evidence and defending the rights of the victims, both Palestinian and Israeli civilians [[20]](#footnote-20).

The part of international law based on customs and treaties known as “international humanitarian law” seeks to protect victims of armed conflict and limit the tactics and weapons of war. Serious violations of these legal regulations are considered war crimes against humanity, the perpetrators of which are directly responsible, and prosecution is left to the sovereign government. However, if a state does not wish to, or is unable to, prosecute, the crime may be tried by an international criminal court such as the ICC Judiciary established under a treaty or based on a binding decision of the UN Security Council [[21]](#footnote-21). International humanitarian law derives from international treaties and law. The rules of international humanitarian law are outlined in a series of conventions and protocols. There is one of the Instruments of International Humanitarian Law, namely: the Geneva Convention (IV) on the Protection of Civilians and the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and their Destruction [[22]](#footnote-22).

In the instrument of International Humanitarian Law, it is clear that Israel violates the instrument of Humanitarian Law which attacks Palestinian civilians using bombs containing chemical substances [[23]](#footnote-23). However, by international humanitarian law, Israel has violated the law because it maintains effective control over Gaza, including its waters and airspace, the movement of people and goods, and the bombing of hospitals in Gaza. Based on international humanitarian law, the rules of warfare must ensure civilian and humane treatment of the population, providing medical care and supplies. The laws of war apply only in certain situations, particularly during armed conflict or occupation. Other laws, particularly international human rights law, always apply, establish the duty of each State to defend the rights of individuals living in territories under its authority or their control. Legal norms are non-reciprocal, meaning they apply regardless of the actions of other parties. This is an important point to make. Defending crimes such as intentional assault or the imposition of collective punishment by claiming that the victim was an opponent, that there was an unfair power gap, or some other form of injustice is unacceptable [[24]](#footnote-24).

And if you look at Israel's attitude where there is no Israeli accountability for its violations of Palestine and ICC Jurisdiction has also never succeeded in dealing with Israeli violations. And of course, in this case, some things encourage Israel to continue attacking Palestinians and civilians. According to the arguments in this study, *first*, Israel has not ratified the ICC Treaty, *second*, there is support from the United States as a World Superpower.

**Israel does not ratify ICC law**

The Government of the State of Israel proudly declares its recognition of the necessity, and undoubtedly the essential nature, of an efficient judicial system. Initially, the Government was an enthusiastic and persistent supporter of the concept of an International Criminal Court and its embodiment in the form of the Rome Statute. courts to enforce the law and prevent impunity. Moreover, Israel, one of the countries that first proposed the idea of ​​the International Criminal Court, has been actively involved in all stages of the court's creation since the early 1950s through its distinguished lawyers and statesmen. with its representatives passionately, with a high sense of sincerity and seriousness, contributing to everything at the ICC. With sincerity of heart and mind, they correctly followed the stages of drafting the Statute, therefore they are currently assisting the ICC Preparatory Commission in its work in a responsible and mission-oriented manner [[25]](#footnote-25).

However, Israel expressed its deep disappointment and regret at the 1998 Rome Conference regarding the inclusion of provisions in the Statute designed to achieve the political objectives of certain states. Israel warned that this regrettable behavior may be a sign of plans to abuse the Statute for inappropriate political purposes. Because of this, the government of the State of Israel now refuses to sign the Statute, with all its efforts to enforce its provisions against the government and its people for political reasons. The tenement of Israel hopes that by voicing its concerns regarding these activities, Israel will be remembered as a cautionary tale against the dangers of politicization, which might defeat the goals of an impartial central body and advance humanity. Nevertheless, as a democratic society, Israel continues to conduct political and academic debates regarding the ICC and its significance in the context of international law and the international community. The essence of the Court as an important means of ensuring that criminals who commit truly heinous crimes will be brought to justice, while those who potentially violate basic principles of humanity and the public conscience will be properly prevented have never been made guidelines. Therefore, the signing of the Rome Statute by Israel will allow Israel to morally identify this basic idea, which underlies the establishment of the Court. And the State of Israel withdrew its signing in 2002, by Article 127 of the Statute. [[26]](#footnote-26)

And amid increasing international pressure, as well as publicity from The Hague, the Israeli government is defending itself against accusations of war crimes. However, this is precisely the difference from the Ad Hoc courts. It was the norm at the International Criminal Court in the second half of the twentieth century that the Prosecutor of the International Criminal Court could act by the formal requests of state parties, and concerning the availability of individual defendants to the Israeli-Palestinian conflict in 2008-2009 the ICC initially asserted that the ICC could not handle the case because it lacked jurisdiction Over Israel, as a country that is not a signatory to the Court's legislation, Attorney General Luis Moreno-Ocampo changed his mind on February 2, 2009. However, because the Palestinian Authority could change existing legal restrictions, this tactic was repeated. At a time when the Court was investigating cases of Palestinian jurisdiction over alleged atrocities committed in Gaza, Moreno-Ocampo immediately stated that the ICC was investigating methods to try Israeli leaders for alleged war crimes in Gaza [[27]](#footnote-27).

**United States Aid as a Superpower to Israel**

Many members of Congress and US Presidents have demonstrated dedication to strengthening US-Israel collaboration and ensuring Israel's security since the country's founding in 1948. US policy in the Middle East is influenced by its strong bilateral relationship with Israel, with Congress actively monitoring the agency's activities. executive. and Israel is a large importer of American weapons and also the largest recipient of American foreign aid. so that Israel's economic partners became large due to encouragement from the United States, which signed a free trade agreement in 1985. and every congress The United States frequently includes recommendations to improve Israel. and this is proven by the state of Israel continuing to develop with support from the United States [[28]](#footnote-28).

Israel is the largest cumulative recipient of U.S. foreign aid since World War II. March 1, 2023, Foreign aid data in this report is collected by the Congressional Research Service from several sources, including USAID U.S. Foreign Loans and Grants (also known as the "Greenbook"), CRS's communications with the U.S. Department of State and International Agencies. Development (USAID), and the annual Budget Justification of the Department of State and Congress of USAID. As we discussed in the previous paragraph, the United States in cooperation with Congress, successive administrations have offered support to Israel which demonstrates America's strong domestic support for Israel, as well as shared security goals in the Middle East, shared dedication to democratic values, and historical ties since the United States' support for Israel. Israel's founding in 1948. Israel has received $158 billion (in current figures, or non-inflation-adjusted dollars) in missile defense and bilateral aid from the United States to date. Nearly all US bilateral aid to Israel now takes the form of military aid while Israel previously benefited greatly from generous economic aid between 1971 and 2007. A third 10-year Memorandum of Understanding (MOU) on military support, covering FY2019 to FY2028, was signed by the US and Israeli governments in 2016. In line with Congress the United States committed under the terms of the MOU to provide $38 billion in military assistance to Israel ($33 billion in Foreign Military Financing (FMF) grants and $5 billion in missile defense appropriations) [[29]](#footnote-29).

The F-35 Joint Strike Fighter, a fifth-generation stealth aircraft developed by the Department of Defense and considered the most technologically advanced fighter jet ever built, was operated by Israel as the first country outside its homeland. With US support, Israel has so far acquired 50 F-35s through three different contracts, of which 36 have been delivered. The James M. National Military Authorization Act, passed by Congress in Fiscal Year 2023, allocates $520 million for joint US-Israel military programs, which includes $500 million for missile defense. Fiscal Year 2023. Under the MOU, Congress increased funding for additional defense and non-defense cooperation initiatives by $98.58 million and provided Israel with $3.8 billion for missile defense and FYF in the Fiscal Year 2023 Consolidated Appropriations Act.[[30]](#footnote-30).

Israel's relations with the United States and other global players have been influenced by developments in international trade since the 1970s when Israel signed a peace treaty with Egypt, which coincided with a major increase in American funding for Israel. The growth of high-tech companies and other scientific fields that attract international investment and trade has pushed Israel's economy from progress towards an economy that is interconnected and comparable to Western countries during this time. Through leveraging its military might, arms export capabilities, and technological and economic prowess, Israel has strengthened its ties with China and India, as well as other countries in Asia, Africa, and Latin America. [[31]](#footnote-31). Because the United States is a global power, as is well known, it also has significant influence in the UN. The United States has dominated this system since the UN was founded, or even directly controls it. There were times when it appeared as if the United States was claiming ownership of the organization. The UN was formed with significant assistance from the United States. The main concepts and principles of the UN Charter represent the American worldview, symbolized by the similarities between the Preamble to the US Constitution and the Preamble to the UN Charter [[32]](#footnote-32). Israeli lawyers urge the military to take a proactive role in deciding what can and cannot be done in specific warfare operations, and the UN's position on war crimes and crimes against humanity against Palestinian civilians only serves to validate their advice. Their advice on matters such as appropriate targets of attack, selection, and use of weapons, and warfare tactics in the operational planning of military operations. All Israeli military legal advisors must emphasize that all IDF operations must comply with international humanitarian law and human rights norms. If these lawyers support actions that constitute gross violations of human rights and war crimes, they can be held accountable for those actions [[33]](#footnote-33).

And on the Oct. 7 attack, United Nations Secretary-General António Guterres expressed concern over the impact of Israel's actions on Gaza on the well-being of civilians. An estimated 1 million Gazans (nearly half the territory's population) have been forced to flee their homes. But in this case, it is also a precedent for Biden to ask Congress to provide an additional $14 billion in U.S. security assistance to Israel. US officials have stated that they do not intend to use US ground forces but are reportedly considering what may or may not "trigger US military involvement" [[34]](#footnote-34). In the Israeli-Palestinian conflict, where there has been an Israeli attack in recent decades and there was another major attack on October 7, as analysed from the sources in this study, the attitude of the UN and International Law has always been acutely paralyzed, or it can be said that there is no follow-up with the meaning that the UN always vetoes Israeli crimes against Palestinian civilians. If examined more deeply, the state of Israel is a colonial state and the beginning of the trigger of the conflict.

# **4. Conclusion**

The general era of warfare certainly has rules made by international law. The provisions of international humanitarian law are part of the international law of the Geneva Convention (IV) on the Protection of Civilians as well as the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and their Destruction. By carrying out chemical breakdowns, 3,478 Palestinians were killed, including 853 children and 936 women, and more than 12,065 Palestinians were injured. In fact, most of the deaths were caused by Israeli airstrikes. Israel also stepped up its blockade on Gaza, cutting off food, water, electricity, and fuel supplies, and bombing one of Gaza's hospitals. In this case, of course, it has been considered a war crime and a crime against humanity and an act of genocide against Palestinian civilians. However, the ICC's jurisdiction is still investigating crimes against humanity and war crimes against Israel. And in the policy against Israel's war crimes in previous decades where International Law or the UN has always been acutely paralyzed or can be said to have no follow-up. because with the factors that Israel did not activate the agreement from the ICC, besides that Israel also received the greatest assistance by the United States as a Superpower of the world.

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