

Legal and Human Rights Position Paper

**Starvation of Civilians and the Destruction of
Food Sources in the Gaza Strip: The Israeli
Occupation Uses Food as a Weapon of War to
Commit the Crime of Genocide**

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Legal Framework of This Paper:

International Humanitarian Law (IHL):

Encompasses international legal norms related to the protection of civilians during armed conflicts, including the 1949 Geneva Conventions and their Additional Protocols—particularly Additional Protocol I.

The Geneva Conventions:

Specifically, the four Geneva Conventions of 1949, which obligate occupying powers to protect civilians and property in occupied territories, and to prohibit starvation or the destruction of food sources as a method of warfare.

The Rome Statute of the International Criminal Court:

Defines the crime of genocide and outlines the penalties for crimes against humanity, including the use of food as a weapon of war.





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Introductory Overview: Background of the Conflict and the Criminalization of Starving Civilians

For decades, the Palestinian people have lived under Israeli occupation—the longest-standing military occupation in modern history—marked by a range of repressive policies and aggressive practices. These have culminated in the ongoing war on the Gaza Strip, which began on October 7, 2023, and which—by its intensity, scale, and consequences—qualifies as a systematic act of genocide. Among the most heinous crimes committed in this context is the use of starvation as a method of warfare. This has involved the deliberate destruction of food sources, the prevention of the entry of food supplies and humanitarian aid, the targeting of facilities used for the production, storage, and distribution of food, and the imposition of a suffocating siege that has led to a catastrophic state of food insecurity, reaching famine levels in some areas.

The starvation of civilian populations—especially when carried out deliberately and systematically—is not only a flagrant violation of humanitarian ethics but also one of the most serious crimes prohibited under international law. The Geneva Conventions, their Additional Protocols, and the Rome Statute of the International Criminal Court all prohibit acts that deprive civilians of food as a means of warfare or subject them to unbearable living conditions. Such acts are classified under international law as war crimes, crimes against humanity, or genocide, provided the requisite

criminal intent and material elements are present.

The criminalization of starvation as a weapon of war has evolved within international law. Article 54 of Additional Protocol I to the 1977 Geneva Conventions prohibits starvation of civilians as a method of warfare and prohibits the destruction of objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas, crops, livestock, drinking water installations, and food storage facilities. Furthermore, the 1998 Rome Statute of the International Criminal Court defines “intentionally using starvation of civilians as a method of warfare, by depriving them of objects indispensable to their survival, including willfully impeding relief supplies” as a war crime.

What the Israeli occupation is committing in Gaza—through the deliberate cutting off of food supplies, the destruction of fields, farms, kitchens, and warehouses, and the prevention of humanitarian aid convoys—falls squarely within these prohibited acts and constitutes a grave breach amounting to a full-fledged war crime. The gravity of the crime is further compounded by its collective and ongoing nature and by the fact that it forms part of a deliberate policy aimed at destroying a specific population group. This opens the door to its legal classification as an act of genocide, especially where the specific intent and mental element of the crime are present.

Within this framework, this legal position paper aims to clarify the

legal and human rights background concerning the use of food as a weapon of war against civilians in the Gaza Strip. It offers an analysis of the international criminal dimensions of these practices and outlines the legal responsibilities of the occupying power and its individuals, while providing concrete recommendations for the international community to take urgent action to halt this crime and hold its perpetrators accountable.





The Right to Food as a Human Right and an International Legal Foundation

The right to food is one of the fundamental rights enshrined in the international human rights framework, recognized as an integral part of the right to life and human dignity. This right received explicit international recognition in the Universal Declaration of Human Rights of 1948, which states in Article 25 that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care and necessary social services.” The International Covenant on Economic, Social and Cultural Rights of 1966 further enshrined this right in Article 11, affirming that “States Parties recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food,” and obligating them to take appropriate steps to ensure the realization of this right, in accordance with their available resources.

This obligation to ensure access to adequate food extends to times of armed conflict, during which parties to the conflict are strictly prohibited from using starvation as a method to subdue or punish the civilian population. The Geneva Conventions—especially the Fourth Geneva Convention of 1949 and Additional Protocol I of 1977—emphatically prohibit the starvation of civilians as a method of warfare and forbid the destruction or seizure of foodstuffs, agricultural areas, or water sources necessary for the survival of the

civilian population. Legal protection also extends to food storage and distribution facilities, as well as to transportation means used to deliver food, whether operated by governmental bodies or humanitarian organizations.

The Rome Statute of the International Criminal Court elevated this prohibition to the level of international crimes. Article 8(2)(b)(xxv) of the Statute classifies “intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies” as a war crime in international armed conflicts. This legal qualification aligns with established international practice, as evidenced by the jurisprudence of the international criminal tribunals for the former Yugoslavia and Rwanda, where similar practices were criminalized as acts constituting war crimes or crimes against humanity, depending on the context and intended effects.

The obligation to uphold the right to food goes beyond the mere provision of food; it also entails ensuring physical and economic access to adequate, culturally acceptable, nutritious, safe, and sustainable food. Any conduct that leads to the deprivation of a population group of this right—whether directly or indirectly—constitutes a grave breach of international law, particularly when accompanied by a deliberate intent to destroy

that group, potentially amounting to genocide.

In light of the foregoing, the deprivation of civilians in the Gaza Strip of food, the obstruction of humanitarian aid delivery, and the destruction of agricultural and productive infrastructure constitute a flagrant violation of the right to food and represent a compound crime warranting international prosecution.





Documented Incidents of Starving Civilians and Destroying Food Sources in the Gaza Strip

Since October 7, 2023, the Gaza Strip has witnessed an unprecedented Israeli military campaign in terms of intensity and scope, employing a "scorched earth" policy. This campaign revealed a premeditated intent to starve the civilian population through the systematic destruction of food sources, the imposition of a suffocating siege, and the prevention of humanitarian aid, all of which constitute a blatant violation of international humanitarian law. Reports from the United Nations and human rights organizations such as Human Rights Watch and Amnesty International have documented multiple incidents confirming that the Israeli occupation has used food as a weapon of war to inflict collective humiliation on civilians.

This criminal conduct was first manifested in the imposition of a total blockade on the Gaza Strip, during which food supplies were cut off, humanitarian convoys were prevented from entering, and all crossings—including the Rafah border crossing and the Kerem Shalom crossing, which are the main entry points for food and aid—were closed. This policy resulted in a drastic reduction in the number of food trucks entering Gaza, from 500 trucks daily before the war to fewer than 50 trucks in some weeks, despite the fact that over 2.4 million civilians were in dire need of food.

In addition to the blockade, the occupation launched a series of

aerial and ground strikes targeting bakeries, food storage facilities, central markets, and distribution centers belonging to UN agencies. Agricultural land, water wells, farms, and food production factories were also destroyed. UN organizations reported that more than 70% of agricultural land in Gaza became unfit for production due to bombing, leveling, or soil contamination. Dozens of "takiya" (charitable kitchens) that provided free food to the poor were bombed, halting their ability to serve meals at a time when food insecurity had reached catastrophic levels.

Simultaneously, occupation forces prevented civilians from accessing the remaining food by blocking movement between areas or targeting queues at bakeries and relief centers. Dozens of incidents were documented in which civilians were killed while waiting to receive food, as happened during the "Rashid Street Massacre" on February 29, 2024, where a humanitarian aid truck was targeted, and dozens of hungry civilians were executed on the spot with live ammunition.

Furthermore, documented cases showed that the occupation used food as a bargaining chip to demand political loyalty or security cooperation, practices that constitute "collective punishment" and violate all norms of humanitarian law.

These incidents, documented through audio, video, and firsthand testimonies, leave no room for doubt that the occupation has adopted a deliberate starvation policy aimed at subjugating the

civilian population. This policy aligns with a strategy of forced displacement or slow genocide. These documented facts can be crucial in proving criminal intent in international judicial forums.



IV

Criminal Intent of the Occupation Authorities: A Legal Analysis

Proving criminal intent constitutes one of the essential elements in classifying international crimes, especially those falling within the jurisdiction of the International Criminal Court (ICC), such as genocide, war crimes, and crimes against humanity. In the case of starving civilians in the Gaza Strip, the criminal intent of the Israeli occupation authorities is undeniable in light of the frequency of actions, repeated patterns, and official statements that express explicit punitive and vengeful objectives toward the population. International law distinguishes between incidental harm that occurs accidentally during military operations and deliberate harm resulting from premeditated intent to target civilians or subjugate them through inhumane methods. This constitutes a clear violation of the Geneva Conventions, particularly Article 54 of Additional Protocol I to the Geneva Conventions of 1977, which prohibits targeting or destroying the materials essential for the survival of civilian populations, such as foodstuffs and the facilities used for their production and distribution.

The Israeli political and military leadership has openly expressed its criminal intent since the early days of the aggression. On October 9, 2023, Israeli Defense Minister Yoav Gallant declared a "total siege" on Gaza, including "preventing electricity, food, and fuel," adding: "We are fighting human animals, and we will deal with them

accordingly." This statement not only dehumanizes civilians but also constitutes an explicit acknowledgment of stripping them of their basic rights, reinforcing the criminal intent required to prove the crime.

Moreover, systematic policies, such as the repeated bombing of aid distribution centers, restricting the entry of food trucks, targeting farms and bakeries, and imposing severe restrictions on movement, show that these actions were not the result of random fighting conditions. Instead, they were part of a military, economic, and political plan to impose starvation on Gaza's residents. This consistent behavioral pattern represents what is known in international law as a "general plan or policy," providing strong evidence of the mens rea (mental element) required to establish the crime.

Criminal intent was not confined to the actions of the military alone, but extended to government decisions made by the highest political levels in Israel. These decisions revealed a determination to use food as a weapon for collective pressure and to achieve political and military gains by imposing famine and starvation as tools for slow death or forced displacement.

Therefore, analyzing the facts in light of international law, statements by Israeli officials, and the field policies implemented leads to a definitive legal conclusion that the occupation authorities possessed criminal intent. This places them under international

criminal liability according to the Rome Statute and the provisions related to genocide and the use of unlawful means in armed conflicts.



V

Legal Classification of the Crimes: Genocide and the Use of Food as a Weapon of War

The legal classification of the Israeli occupation authorities' behavior toward the residents of the Gaza Strip is one of the most critical issues to be addressed within the framework of international justice, due to the severity of the violations and their direct connection to the most grave crimes, including genocide and war crimes. The use of food as a weapon and the imposition of famine on civilian populations serve as a serious legal indicator of the intent to commit genocide or to cause severe and intentional harm to civilians as a protected group under international humanitarian law.

Article 2 of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948) states that genocide includes "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group," which includes: "deliberately inflicting on the group conditions of life intended to destroy it, in whole or in part." Starving over two million Palestinians in Gaza through blockade, deprivation, denial of food and medicine, and destruction of agricultural facilities and distribution centers clearly falls within this definition.

Furthermore, the Rome Statute of the International Criminal Court

(1998) criminalizes the use of starvation as a method of warfare. Article 8(2)(b)(xxv) stipulates that "intentionally using starvation as a method of warfare by depriving civilians of essential items for their survival, including hindering relief supplies, in violation of the Geneva Conventions" constitutes a war crime. Field evidence indicates that the occupation authorities have systematically engaged in this act by targeting aid convoys, destroying food distribution centers, and closing crossing points.

In addition, customary international law, decisions by the International Court of Justice, and the United Nations' interpretive mechanisms reinforce the principle that using food as a political or military pressure tool is illegal. The United Nations Human Rights Council has classified such practices in its recent reports, including the Special Rapporteur on the Right to Food, as serious violations that rise to the level of crimes against humanity if committed within a systematic and directed policy.

The repeated pattern of violating the right to food in Gaza, the statements by occupation officials expressing the intent to use hunger as a tool for subjugation, alongside the policies of blockade and direct targeting of food infrastructure, collectively form compelling evidence for the existence of both the material and mental elements of the crime of genocide, as well as the crime of using unlawful means in armed conflict.



Therefore, the correct legal classification of the Israeli occupation's actions in Gaza is not limited to being a breach of international humanitarian law but rises to the level of a completed genocide, necessitating an investigation and the prosecution of those responsible before the competent international courts.



VI

Legal Responsibility of the Occupying State and Individuals under International Law

International law, in all its sources, obligates states and individuals to fully comply with its provisions, particularly during armed conflicts. The occupying state is held fully responsible for grave violations of human rights and international humanitarian law, including the use of food as a weapon against civilian populations. In the case of the Israeli occupation of the Gaza Strip, legal responsibility extends to the state, its political and military institutions, as well as individual leaders who issued or implemented orders that resulted in the starvation of the population and the destruction of their livelihoods.

First, "Israel," as an occupying power, bears specific legal obligations under the Fourth Geneva Convention of 1949, which, in Article 55, emphasizes the duty to ensure the provision of food and medical supplies to civilian populations. Article 54 prohibits the destruction of essential resources necessary for their survival. Failure to fulfill these obligations, whether through blocking aid or bombing food facilities, constitutes a serious violation of international humanitarian law, leading to full state liability.

Second, under the International Law Commission's Draft Articles on "Responsibility of States for Internationally Wrongful Acts" (2001), a

state that commits an act that constitutes a breach of an international obligation bears legal responsibility and is required to remedy the harm. This includes acknowledging the wrongful act, providing compensation, and ensuring non-repetition. Numerous international bodies and human rights organizations have documented the occupation's violation of these obligations through a systematic policy of starving civilians and destroying food infrastructure, which necessitates the activation of international accountability mechanisms.

Third, legal responsibility is not limited to the state but extends to individuals, including military and political leaders who participated in planning, executing, or inciting these actions. Article 25 of the Rome Statute of the International Criminal Court establishes individual responsibility for crimes within the court's jurisdiction, including genocide and war crimes. Article 28 holds leaders and commanders responsible for the actions of their subordinates if they were aware of them and failed to take the necessary steps to prevent or punish the perpetrators.

International case law, such as the Nuremberg Trials and the International Criminal Tribunal for Rwanda, has affirmed that the use of means leading to genocide, such as depriving food or destroying livelihoods, provides both material and mental elements sufficient to prove individual and collective criminal responsibility.

Therefore, the violations committed by the Israeli occupation authorities in the Gaza Strip entail dual responsibility: the responsibility of the state for internationally wrongful acts and the responsibility of leaders and individuals for committing serious crimes, which require the initiation of international criminal prosecution and the activation of principles of justice and accountability.



VII

Legal Recommendations: Required Actions from the International Community and Judicial Institutions

In light of the severity of the violations committed by the Israeli occupation authorities against Palestinian civilians in the Gaza Strip, particularly regarding the policy of starvation and the destruction of food sources, the legal and humanitarian duty obligates the international community, including the United Nations and its judicial and monitoring institutions, to take urgent and effective measures to ensure accountability, prevent impunity, and provide full protection for civilians in accordance with the principles of international humanitarian law and international human rights law. First, the United Nations Security Council, based on the United Nations Charter, must take urgent measures under Chapter VII, including imposing sanctions on the occupying state and referring the situation in the occupied Palestinian territories, particularly the Gaza Strip, to the International Criminal Court for the investigation of war crimes, crimes against humanity, and genocide.

Second, the Prosecutor of the International Criminal Court should expand the ongoing investigation into the situation in Palestine to specifically include the use of food as a weapon, targeting distribution centers, warehouses, and food supply chains, as these actions constitute genocide under Article 6 of the Rome Statute and



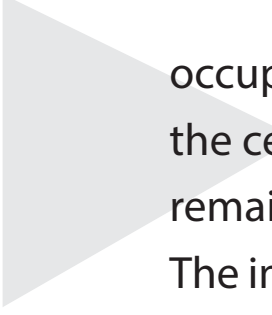
war crimes under Articles 8(2)(b)(xxv) and 8(2)(b)(ii).

Third, the International Committee of the Red Cross and the humanitarian bodies of the United Nations, such as the World Food Programme (WFP) and the Office for the Coordination of Humanitarian Affairs (OCHA), must officially document the violations and include them in their periodic reports. They should also press for the opening of safe humanitarian corridors to deliver food assistance without political or military restrictions.

Fourth, the States parties to the Four Geneva Conventions must activate the Common Article 1, which obliges them to ensure respect for the Conventions in all circumstances, and take concrete steps, including bringing cases before their national courts under the principle of universal jurisdiction against Israeli officials involved in crimes of starving civilians.

Fifth, international civil society, human rights organizations, and bar associations must unite their efforts to prepare documented legal files to present to international judicial bodies, and activate coordinated lobbying campaigns to break the international silence and expose the occupation's systematic policies toward Palestinians.

Finally, countries supporting human rights are urged not to limit themselves to verbal condemnation but to take practical steps, including freezing political and military relations with the



occupying state, reassessing arms deals, and publicly demanding the cessation of the use of food as a weapon of war to protect what remains of the international legal order.

The implementation of these recommendations is a legal and moral necessity, and a collective responsibility of the international community to prevent the repetition of this tragedy, end impunity, and achieve justice for the victims.




VIII

Conclusion: The Starvation of Gaza as a Systematic Crime Requiring Accountability

This paper has demonstrated, through legal evidence and documented facts, that the Israeli occupation has systematically and deliberately adopted a policy of starving Palestinian civilians in the Gaza Strip. This policy includes the systematic destruction of food sources, the prevention of humanitarian aid, the targeting of relief facilities, warehouses, bakeries, and food distribution centers, and ultimately using food as a weapon of war in clear violation of international humanitarian law, particularly Article 54 of Additional Protocol I to the Geneva Conventions, and Article 8(2)(b)(xxv) of the Rome Statute.

The actions committed are not only grave breaches of the Geneva Conventions, but also rise, in terms of context, results, and intent, to the level of genocide, according to Article 6(c) of the Rome Statute. The deliberate deprivation of basic elements necessary for survival, foremost among them food, has led to the death of thousands of civilians and exposed hundreds of thousands to the threat of



starvation. This requires urgent, non-delayed action from the relevant international bodies.

The starvation of Gaza should not be seen as an incidental military strategy or a collateral effect of war, but rather as a systematic, punitive collective approach targeting a population protected under international law. It aims at either their extermination or forced displacement as part of a clear colonial and settler project. This crime is not subject to statute of limitations and falls under the most serious crimes that threaten international peace and security. The Israeli occupation authorities, as the occupying power, bear full legal responsibility for these violations. Additionally, political and military leaders bear individual criminal responsibility, including for ordering, conspiring, or failing to prevent the commission of this crime. Conversely, the international community bears collective responsibility for failing to act, including legal responsibility under Common Article 1 of the Geneva Conventions, which obligates states to "ensure respect" for the Conventions "in all circumstances." It is time to put an end to the policy of impunity and achieve justice for the victims of the horrific crimes committed against the

residents of the Gaza Strip. Ethical calls should not remain empty rhetoric but should translate into actual legal actions, rigorous judicial accountability, and serious political positions that restore the rights of the Palestinian people and protect human dignity against the siege, starvation, and destruction.

The starvation of Gaza is a completed act of genocide, morally unforgivable, and legally inescapable. It demands fair accountability and a decisive international stand to preserve what remains of the human conscience.

End

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