# International Humanitarian Law

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Jay Thenot-Wrobel




## Introduction

International humanitarian law was established to protect civilians and limit warfare, yet its foundations are eroding. On 16 September 2025, the UN Commission of Inquiry found that Israel committed genocide in Gaza, meeting four of the five acts defined by the 1948 Genocide Convention, including mass killings, starvation, and deliberate infliction of life-threatening conditions. The Commission concluded these acts were carried out with clear genocidal intent.

At the same time, UN Human Rights Chief Volker Türk warned that the "rules of war" are being flouted with impunity, citing Gaza, Ukraine, and

Sudan. He condemned the "glorification of violence" and selective respect for international law, which risk normalizing violations and undermining justice.

These findings highlight a broader crisis: despite strong legal norms, enforcement mechanisms remain fragile. The Gaza case raises urgent questions about the credibility of international law and the capacity of the multilateral system to prevent and punish atrocity crimes.

## I. The International Legal Framework under Strain

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide defines five acts that constitute genocide when committed with intent to destroy a protected group: killing, causing serious bodily or mental harm, inflicting destructive conditions of life, preventing births, and forcibly transferring children. Two days after the Hamas Attack, ex-Defense minister Yoav Gallant said that Israel was "fighting human animals". Since then, the UN Commission of Inquiry determined that Israel has committed four of these five acts in Gaza:

The Commission concluded that genocidal intent was evident both in official statements and in systematic military conduct.

Beyond the Gaza case, the UN High Commissioner for Human Rights, Volker Türk, warned that international humanitarian law, the very foundation of peace and global order, is being disregarded. He argued that selective application of the law normalizes violations and undermines justice, citing Gaza as well as Ukraine and Sudan.

Institutions designed to uphold accountability, including the United Nations, the International Court of Justice (ICJ), and the International Criminal Court (ICC), face mounting challenges. Israel has openly defied ICJ provisional measures aimed at halting genocidal practices, while the ICC has come under direct political attack, with U.S. sanctions imposed on its officials investigating crimes in Palestine. Human Rights Watch has stated that only by supporting these institutions can States ensure accountability and prevent impunity.

Together, these developments reveal a widening gap between the principles of international law and their enforcement, placing the credibility of the multilateral system at risk.

## II. Gaza as a Case of Systemic Violation

The Gaza conflict represents one of the most alarming cases of systematic violations of international law. According to the UN Commission of Inquiry, Israeli authorities and security forces have carried out mass killings of Palestinians, inflicted starvation through a total siege, deliberately destroyed health and education systems, and directly targeted children. These acts were accompanied by widespread attacks on cultural and religious sites and systematic sexual and gender-based violence. The Commission

concluded that such measures, combined with explicit statements by Israeli leaders, constitute clear genocidal rhetoric and intent.

Despite the International Court of Justice (ICJ) ordering provisional measures to stop these practices, Israel has continued its siege and military campaign. The Commission found that Israeli authorities showed no intention to comply with international rulings, persisting instead with a strategy of destruction in Gaza. Israel's Prime Minister Benyamin Netanyahu said after a UN top court found the occupation of the Palestinian territory to be illegal as a "decision of lies".

This crisis is compounded by global complicity. The Commission urged member States to suspend arms transfers that could contribute to genocidal acts, while Human Rights Watch called for concrete sanctions against Israeli officials and corporations linked to these crimes. Yet, most states have failed to act decisively, reinforcing a climate of impunity.

Gaza is not an isolated case but part of a broader pattern of selective enforcement. As Volker Türk highlighted, the wars in Ukraine, Sudan, and the Democratic Republic of the Congo also demonstrate the erosion of humanitarian law and the normalization of atrocity crimes. The contrast between the strength of legal norms and the weakness of political will underscore the systemic failure of the multilateral system.

Gaza is thus individually a grave humanitarian catastrophe as well as another part of a pattern of the international community's inability, or unwillingness, to enforce its own legal framework and norms.

## III. The Fragility of Multilateralism

The effectiveness of multilateral institutions in enforcing international law is increasingly undermined by financial and political pressures. The United Nations faces a severe budgetary crisis: the United States has stopped or paused almost all contributions, China has delayed payments, and several European States have cut foreign aid budgets. This has weakened the UN's capacity to conduct humanitarian operations and human rights investigations.

International justice mechanisms are also under direct attack. The United States has imposed sanctions on International Criminal Court (ICC) officials, including judges and prosecutors investigating crimes committed in Palestine. The US is also considering "entity wide sanctions" but the timing of these possible sanctions hasn't been discussed yet. These measures, aimed at obstructing accountability, have been described as a blatant assault on the rule of law.

Meanwhile, the UN High Commissioner for Human Rights, Volker Türk, has warned that selective application of international law threatens the entire global legal order, normalizing violations and eroding trust in justice. The Commission of Inquiry on Gaza further emphasized that continued

inaction by states in the face of clear evidence of genocide amounts to complicity.

These dynamics expose the fragility of the multilateral system: while norms remain strong on paper, enforcement is increasingly vulnerable to political will, power imbalances, and systemic neglect.

## Conclusion

The Gaza case demonstrates both the relevance and fragility of international law. The Genocide Convention provided a framework to identify atrocity crimes, yet the failure to enforce ICJ rulings and hold perpetrators accountable shows how easily norms can become only symbolic. Without decisive action, stopping arms transfers, supporting UN mechanisms, and reinforcing the independence of the ICJ and ICC, the erosion of humanitarian law will continue. Safeguarding international law is not only about ending the genocide in Gaza but about preserving the legitimacy of the entire global order, on which peace and justice ultimately depend.

Links to the articles

https://www.reuters.com/world/europe/us-could-hit-entire-international-criminal-court-with-sanctions-soon-2025-09-22/ : US could hit entire ICC with sanctions soon

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