



A special collection – the war in Gaza

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- **The current collection brings together articles and legal analyzes concerning the war that has been going on between the State of Israel and the terrorist organizations in the Gaza Strip since October 7. The collection is divided into several different categories in order to facilitate orientation.**

We hope you find the file helpful at this difficult time.

Articles and legal analyzes – the war in Gaza

Publications of the Program for Law and National Security (INSS)

Removing Special Protection: The Legal Justification for the Raid on Shifa Hospital

Pnina Sharvit Baruch, November 16, 2023

A post was published analyzing the significance of maintaining international legitimacy to safeguard Israel's freedom of action during the fight against Hamas and suggesting necessary actions for achieving this goal.

To Win: Be Level-Headed, Not Impulsive

Pnina Sharvit Baruch, November 5, 2023

On November 5, a post was published analyzing the significance of maintaining international legitimacy to safeguard Israel's freedom of action during the fight against Hamas and suggesting necessary actions for achieving this goal.

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Israel's Humanitarian Obligations Toward the Civilian Population in Gaza

Pnina Sharvit Baruch and Tammy Caner, October 26, 2023

An article was published addressing Israel's humanitarian responsibilities towards the civilian population in Gaza, in accordance with the rules of armed conflict.

Israel at War: Laws of Armed Conflict

Adi Kantor and Pnina Sharvit Baruch, October 24, 2023

A podcast was released discussing the rules governing Israel's operations in the Gaza Strip, the phenomenon of international support for Hamas, and the role of the international community considering the ongoing events.

An Interview with Col. (Res.) Adv. Pnina Sharvit Baruch (INSS) on the Gaza War at Scripps News

Pnina Sharvit Baruch, October 23, 2023

An interview was conducted on the war in Gaza on the American television network Scripps News, featuring Colonel (res.) Adv. Pnina Sharvit Baruch, Head of the Program for Law and National Security at the Institute for National Security Studies (INSS). The discussion focused on the laws of armed conflict within the complex reality of the Gaza Strip.

The Struggle Against Holocaust Denial: The 2023 Edition

Pnina Sharvit Baruch, October 22, 2023

A post was published describing the phenomenon of denying the atrocities committed by Hamas and suggesting actions that need to be taken in response.

The Legal Aspects of Hamas's Murderous Attack on Israel

Pnina Sharvit Baruch and Tammy Caner, October 18, 2023

An article was published addressing the legal aspects of the violent attack by Hamas and the rules applicable to the Israeli response in the Gaza Strip.

The War with Hamas: Legal Basics

Pnina Sharvit Baruch, October 16, 2023

An article was published elaborating on the international legal principles concerning the attack by Hamas on October 7th and the subsequent Israeli response.

Israel at War | Special Discussion

Adi Kantor, Pnina Sharvit Baruch and Anat Shapira, October 15, 2023

A podcast was released covering the atrocities committed by Hamas against innocent Israeli citizens and exploring the responses to these acts.

Application of Laws of War in Israel-Hamas Conflict – Overview

Israel- Hamas 2023 Symposium- International law "Made in Israel" V. International Law "Made for Israel"

Yuval Shani and Amichai Cohen , Articles of War, October 22, 2023

An article addressing the challenges of interpreting and applying international law in the context of the Israel-Hamas conflict.

Making Sense of Casualty Counts in the Israel-Hamas War

Adam Klein, LAWFARE, November 17, 2023

An article underscores the significance of the laws of armed conflict as the fitting normative framework for evaluating the Israel-Hamas conflict.

Have war crimes been committed in Israel and Gaza and what laws govern the conflict?

Christian Edwards, CNN, November 17, 2023

An article explores various aspects of the Israel-Hamas conflict, including war crimes, relevant laws, the principle of proportionality, attacks on hospitals and refugee camps, and more.

Israel- Hamas 2023 Symposium- Distinction and Humanitarian AID in the Gaza Conflict

Jeffrey Lovitky, War of Articles, November 13, 2023

An article has been published addressing the challenge of distinguishing between the harm to civilians and the humanitarian aid needed in the Gaza Strip amidst the conflict between Israel and Hamas.

Opinion: I'm an expert in urban warfare. Israel is upholding the laws of war

John Spencer, CNN, November 7, 2023

An article was published discussing whether Israel's actions in the Gaza Strip align with the laws of armed conflict. The article examines the various measures taken within the framework of the ongoing war.

The Ground Rules in Gaza

Mark Goldfeder, The Hill, November 3, 2023

An article was published reviewing the legal challenges confronting Israel due to the escalation of conflict in the Gaza Strip and the ground intervention by the IDF.

Hammas-Israel Conflict 2023: Key Legal Aspects

Israel Ministry of Foreign Affairs, November 2, 2023

Israel's Ministry of Foreign Affairs published a document presenting the main legal aspects of the war.

An Open Letter of Reply by Six Israeli Moral Philosophers to Their Oxford Colleagues, On Israeli Military Actions in Gaza

Yitzhak Benbaji, Michael Gross, David Heyd, Saul Smilansky, Daniel Statman and Noam Zohar, October 30, 2023

A response letter penned by numerous senior Israeli academics strongly opposed the content of a letter sent by academics from the UK to the Prime Minister of the UK and the head of its opposition. The latter claimed that Israel is engaged in serious crimes and repeated violations amidst the conflict in the Gaza Strip.

Israel- Hamas 2023 Symposium- Assessing the Conduct of Hostilities in Gaza- Difficulties and Possible Solutions

Marco Sassòli, Articles of War, October 30, 2023

An article was published primarily addressing the international legal issues stemming from the Israeli response following the events of October 7 and the subsequent criticism by the international community. It suggests advocating for transparency in the attack process by offering access to military plans and information to assess the attack's integrity as it unfolds.

Israel's Laws of War How IDF Doctrine Shapes the Campaign Against Hamas in Gaza

Asa Kasher, Foreign Affairs, October 27, 2023

An article was published discussing the necessity of an appropriate and proportionate Israeli response to the events of October 7. The article delves into issues such as the distinctive nature of the conflict between Israel and Hamas, highlighting the obligation placed on both parties to conduct their operations and conflicts in accordance with the laws of war.

Israel is Acting Proportionately Against a Terrorist Enemy

Arsen Ostrovsky, POLITICO, October 26, 2023

An article was published addressing the necessity for Israel to respond to the attacks by Hamas in accordance with the provisions of international law. It emphasizes the importance of adhering to the principles of proportionality and providing early warnings to citizens in the response.

The War on Hamas and International Law

Tamar Hostovsky Brandes and Amichai Cohen, The Israel Democracy Institute, October 26, 2023

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An article was published addressing the significance of Israel's adherence to the rules of international law amid the ongoing conflict between Israel and Hamas. This is especially pertinent in light of some public voices urging for a disregard of these established rules.

The Disproportionate Confusion About Proportionality

Geoffrey S. Corn, JINSA, October 26, 2023

An article was published that delineates various legal definitions within the framework of international law pertinent to the ongoing conflict between Israel and Hamas. This includes discussions on proportionality, self-defense, collateral damage, the concept of a "reasonable" commander, and other relevant legal aspects.

The Law of Armed Conflict

Joshua Rozenberg, A Lawyer Writes, October 25, 2023

An article was published summarizing the speech delivered by House of Lords member Lord Guglielmo Verdirame, an expert in international law. He addressed essential international legal principles necessary within the context of international conflicts, specifically referring to the situation between Israel Hamas.

Israel- Hamas 2023 Symposium- A Moment of Truth: International Humanitarian Law and the Gaza War

Amichai Cohen, Articles of War, October 23, 2023

An article was published addressing the operational, humanitarian, and legal considerations arising from the progression of the conflict between Israel and Hamas in the Gaza Strip. The article also provides a detailed discussion on the evacuation of the civilian population as part of combat.

Israel- Hamas 2023 Symposium- The Circle of Suffering and the Role of IHL

Helen Durham and Ben Saul, Articles of War, October 19, 2023

An article was published addressing the numerous breaches of international law and alleged war crimes committed during the conflict between Israel and Hamas.

המלחמה בעזה: מה מותר לישראל לעשות? / דוד אנוך וברק מדינה

David Enoch and Barak Medina, ICON-S-IL Blog (in Hebrew), October 17, 2023

An article was published discussing Israel's response options following the events of October 7. It emphasizes the objectives of deterrence, punishment, and prevention within a framework of considerations governed by international law.

Hamis Bears the Blame for Every Death in This War

Bret Stephens, The New York Times, October 15, 2023

An article was published reviewing the war crimes committed by the organization Hamas as part of the conflict and discussing the preferred Israeli response to these crimes.

What Does the Law of War Allow in Response to the Hamas Attacks?

Mark Goldfeder, The Hill, October 13, 2023

An article was published discussing Israel's prospective response to the events of October 7 from a legal standpoint within the framework of the laws of armed conflict.

Israel- Hamas 2023 Symposium- The Legal Context of Operations Al-Aqsa Flood and Swords of Iron

Michael N. Schmitt, Articles of War, October 10, 2023

An article was published, elucidating various international legal concerns regarding the laws of armed conflict in connection with the conflict between Israel and Hamas.

Implementation of Laws of War - Specific Steps

Civilians Involved in Combat

Israel- Hamas 2023 Symposium- Participation in Hostilities During Belligerent Occupation

Ioannis Bamnios, Articles of War, November 3, 2023

An article was published addressing the impact on civilians in the context of the conflict in the Gaza Strip. It explores the operational and legal options available to Israel for establishing a monitoring and control mechanism within the use of force, with careful consideration given to distinguishing between combatants and civilians.

Use of Human Shields

Israel- Hamas 2023 Symposium- What is and is not Human Shielding?

Michael N. Schmitt, Articles of War, November 3, 2023

An article was published dealing with the illegal practice of the terrorist organization Hamas using Israeli civilians and captives as human shields as part of the organization's method of warfare against Israel.

Providing Advance Notices Before an Attack

Israel- Hamas 2023 Symposium- The IDF, Hamas, and the Duty to Warn

Michael N. Schmitt, Articles of War, October 27, 2023

An article was published discussing the obligation of issuing warnings and notifications imposed on countries before launching attacks on targets that pose a risk of potential harm to civilians.

Attacks on Ambulances

Israel- Hamas 2023 Symposium- Attacks and Misuse of Ambulances During Armed Conflict

Luke Moffett, Articles of War, November 8, 2023

An article was published discussing the legal implications surrounding the use of force against ambulances, also concerning medical units, in amid conflicts like the ongoing clash between Israel and Hamas.

Use of White Phosphorus

Israel- Hamas 2023 Symposium- White Phosphorus and International Law

Kevin S. Coble and John C. Tramazzo, Articles of War, October 25, 2023

An article was published discussing the legal framework for the use of white phosphorus in an urban area as part of combat in accordance with the rules of international law.

Tunnels

Israel- Hamas 2023 Symposium- Targeting Gaza's Tunnels

David Wallace and Shane Reeves, Articles of War, November 14, 2023

An article explores the legal implications arising from Hamas's utilization of terror tunnels.

Civilian population obligations in the context of armed conflict

Israel- Hamas 2023 Symposium- The Obligation to Allow and Facilitate Humanitarian Relief

Ori Pomson, Articles of War, November 7, 2023

An article was published addressing the imperative to permit and streamline the delivery of humanitarian aid amid conflict, in accordance with the obligations outlined in humanitarian law.

Legal Issues Regarding a Siege on the Gaza Strip During War

Avi Bell, Kohelet Policy Forum, October 16, 2023

An article was published addressing legal issues arising from the Israeli blockade of Gaza in the context of the events on October 7. The article also explores the question of the obligation to supply humanitarian goods in war situations.

Israel- Hamas 2023 Symposium- A “Complete Siege” of Gaza in Accordance With International Humanitarian Law

Rosa-Lena Lauterbach, Articles of War, October 16, 2023

An article was published that explores the various legal aspects of a blockade, discussing its permissible scope and legality in the context of a changing reality.

Israel- Hamas 2023 Symposium- The Evacuation of Northern Gaza: Practical and Legal Aspect

Michael N. Schmitt, Articles of War, October 15, 2023

On October 15, an article was published dealing with the various legal aspects concerning the warnings provided by the IDF to the residents of the northern Gaza Strip and its demand for the evacuation of all civilians in view of the risk to their safety.

מים, חשמל, ופינוי זמני מעזה? ההיבטים המשפטיים

Liron Libman, Ynet (in Hebrew), October 13, 2023

An article was published discussing various aspects of the Israeli blockade of the Gaza Strip. The article examines its humanitarian dimensions and questions its actual existence.

Aspects Regarding the Utilization of Force

Israel- Hamas 2023 Symposium- Iran’s Responsibility for the Attack on Israel

Jennifer Maddocks, Articles of War, October 20, 2023

An article was published addressing the ramifications of Iran's involvement in the conflict in Gaza. It delves into whether a collaboration between a state and a non-state entity constitutes an inappropriate use of force according to international law principles. The article also explores the accountability of a state concerning the actions of non-state entities under its influence.

The UN Has Blood on its Hands: Denying Israel’s Right of Self-Defense Must Stop

Anne Bayefsky, The Times of Israel, October 15, 2023

An article was published exploring the impact of the United Nations on Israel's capacity to defend itself following the events of October 7th.

Analysis of the Crimes Committed by Hamas on 7.10 and Aspects of International Criminal Law

Israel- Hamas 2023 Symposium- After the Battlefield: Transnational Criminal Law, Hamas, and Seeking Justice- Part I

Dan E. Stigall, Articles of War, October 26, 2023

An article was published, centering on criminal law within non-international conflicts. This article aimed to offer an effective response to the actions of Hamas within the context of the conflict in Gaza.

ללמוד מטעויות של אחרים: שלושה טיעונים נגד הקמת בית דין צבאי מיוחד לשיפוט מחבלים

Elad Gil, Tachlith– The Institute for Israeli Policy (in Hebrew), October 25, 2023

An article was published exploring the legitimacy of establishing a special military court to prosecute terrorists, particularly in response to the events that occurred on October 7th.

How Could War Affect ICC's View of Israel and Hamas? - analysis

Yonah Jeremy Bob, The Jerusalem Post, October 23, 2023

An article was published discussing the potential impact of the war in Gaza on the future approach of the International Criminal Court (ICC) regarding Israel and Hamas.

Call for Urgent Action - Response of Israel's Women's Rights Organizations to UN WOMEN's Statement of October 13

Women's organizations around the world, October 23, 2023

Several women's organizations from Israel and around the world sent a letter to the United Nations Women (UN Women), urging it to condemn the severe harm inflicted on women and other civilian populations by the terrorist organization Hamas since October 7. This appeal comes in response to the organization's previous statements, which overlooked the vulnerability of the female and civilian population.

Urgent Call for Action by International Law and Human Rights Experts: Crimes against humanity and war crimes against women and children during Hamas atrocities in Israel

Group of experts in international law, human rights law, and gender studies, October 22, 2023

A group of experts in international law, human rights law, and gender studies called on human rights bodies at the United Nations, including the UN Women, to condemn the massacre perpetrated by the organization Hamas. The appeal also includes a plea to the international community to utilize all available means for the immediate release of all hostages in the affected areas, including babies, children, women, the elderly, Holocaust survivors, and people with disabilities who require urgent care.

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Israel- Hamas 2023 Symposium- Beyond the Pale: IHRL and the Hamas Attack on Israel

Yuval Shanny, Amichai Cohen and Tamar Hostovsky Brandes, Articles of War, October 17, 2023

An article was published discussing the application of laws governing armed conflict to non-state actors involved in a conflict. It delves into various aspects such as war crimes, genocide, hostage-taking, and more.

Should Hamas Be Prosecuted for War Crimes by the International Court?

Avi Bell and Avraham Russell Shalev, Newsweek, October 13, 2023

On October 13, an article was published addressing the necessity of the intervention of the International Criminal Court (ICC) due to the war crimes committed by the organization Hamas.

Hamas and Islamic Jihad Are Criminally Liable for War Crimes

Alan Baker, Jerusalem Center for Public Affairs, October 9, 2023

An article was published examining the war crimes committed during the conflict by terrorist organizations in the Gaza Strip.

Hostages

A letter- Urgent Call for the Immediate Release of the Kidnapped Israeli Infants and Children

Hundreds of academics in Israel and around the world, October 27, 2023

A letter was published on behalf of hundreds of academics in Israel and around the world calling for the immediate release of the children and babies who were abducted to the Gaza Strip on October 7 in view of the potentially serious effects of being held captive at a young age, as well as in view of the international condemnation prohibiting the abduction of this population altogether.

The Hamas Abductions and International Law

Amichai Cohen, The Israel Democracy Institute, October 23, 2023

An article was published dealing with the status of the abductees held in the Gaza Strip after the events of October 7. The article discusses the crime of kidnapping in international law and explains the issue of criminal responsibility for committing this type of crime.

Hamas's International Humanitarian Law Obligations Toward the Elderly

Yahel Gerlic, Jurist, October 16, 2023

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An article was published addressing international humanitarian obligations concerning the elderly population. The article also explores a comprehensive prohibition on the captivity of this demographic.

Call for Urgent Measures to Effect the Release of the Hostages Held by Hamas in Gaza

The Israeli Law Professors' Forum for Democracy, October 13, 2023

A statement was published on behalf of The Israeli Law Professors' Forum for Democracy signed by hundreds of Israeli and international experts of international law calling for the immediate release of the abductees in the Gaza Strip.

Law Professors and Human Rights Experts: Holding Hostages in Gaza is a Crime Against Humanity

The Israeli Law Professors' Forum for Democracy, October 11, 2023

It was announced that The Israeli Law Professors' Forum for Democracy sent several letters to international organizations calling for the release of the abductees in the Gaza Strip while analyzing the legal situation regarding the prohibition of kidnapping in accordance with the rules of international law.

Israel- Hamas 2023 Symposium- Hostage-Taking and the Law of Armed Conflict

John C. Tramazzo, Kevin S. Coble, Michael N. Schmitt, Articles of War, October 11, 2023

An article was published dealing with the question of the abductees held in the Gaza Strip and analyzing the laws of the armed conflict relevant to this issue.

Dissemination of information and media coverage aspects during war

Governments and International Organizations Leave the Record Uncorrected

Katherine Pompilio and Benjamin Wittes, Lawfare, October 23, 2023

An article was published analyzing the misleading media portrayal that ensued following the attack on the Al-Ahli Baptist Hospital in Gaza.

IHL and Information Operations During Armed Conflict

Tilman Rodenhäuser and Samit D'Cunha, Articles of War, October 18, 2023

An article was published that explores the boundaries of disseminating information and disinformation within the context of warfare (information operations) while considering the constraints imposed by international law.

The role of other actors

Insights From Israel: 'Saying Israel Made Gaza an Open-Air Prison Is a Smokescreen for Antisemitism'

Tamar Silam, Jurist, November 1, 2023

An article was published discussing the international legal avenues available for relocating refugees affected by the conflict in the Gaza Strip to Egypt.

The "Law and National Security" news collection is published routinely once a month.
[See the previous news collections \(in Hebrew\).](#)



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