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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

STARVATION AS A METHOD OF WARFARE UNDER INTERNATIONAL CRIMINAL LAW: A CRITICAL ANALYSIS OF ARTICLE 8 OF THE ROME STATUTE.

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ABSTRACT

Using starvation as a method of warfare causes devastating humanitarian crises. It is further prohibited under the Rome Statute, customary International Humanitarian Law, and under various other international legal instruments. Essentials required for human survival, like food, water, and medical facilities, face strict restrictions in situations of prolonged blockades or sieges. These situations raise serious concerns regarding compliance with international humanitarian law. Such instances of severe starvation and depreciation are reported by multiple reports by the United Nations.

The situation of blockades in Gaza highlights severe gaps in legal accountability, raising concerns pertaining to proving intent and highlighting the complex intersection between International Humanitarian Law and military strategies. Starvation has been enforced previously during many armed conflicts; however, limited jurisprudence exists regarding its application in modern conflicts and blockades.

This paper examines whether blockades in Gaza constitute a violation of the prohibition on starvation under Article 8 of the Rome Statute. It argues that 'deliberate denial' of essential relief aid to civilians constitutes a war crime, and the International Criminal Law must evolve to bring accountability in the context of modern conflicts and blockades.

This paper aims to include a doctrinal analysis of the Rome Statute and relevant International Laws. Apart from that, case law from ICC and ICTY will be included to evaluate the legal characterisation of starvation in the context of conflict in Gaza. Reports from the UN and

international agencies are incorporated for further analysis, with contemporary examples from conflict zones of Yemen and Syria.

The discussion is divided into four parts: Part I outlines the legal framework of starvation as a war crime; Part II examines doctrinal interpretations of Article 8; Part III applies these norms to the Gaza context; and Part IV evaluates accountability challenges and prospects for enforcement.

HISTORICAL BACKGROUND

Starvation as a method of warfare has a long-standing historical context. The early Hague Conventions of 1899 and 1907 were among the first multilateral treaties to address the conduct and methods of warfare, explicitly prohibiting the 'wanton destruction of enemy resources' and the deliberate deprivation of food for civilians¹. These provisions reflected the recognition that targeting civilian sustenance was not a military tactic but a devastating humanitarian issue. They also helped in establishing the principles that belligerents must respect civilian lives even during the war.

The Geneva Conventions of 1949 further strengthened the measures regarding civilian protection by codifying the obligations to ensure equal access to food, water, healthcare, and sanitation even during an armed conflict². The Fourth Geneva Convention explicitly mentions the protection of the civilian population under foreign occupation, prohibiting collective punishments, forced displacements, and measures that would intentionally deprive civilians of essential needs. The Additional Protocols of 1977, particularly Article 54(1) of Protocol 1, reinforced the earlier norms by prohibiting the destruction of essentials needed for the survival of civilian populations and mandating the facilitation of humanitarian relief.

Historical examples illustrate the practical application of these norms. Even during World War II, the siege of Leningrad and the blockade of other civilian regions led to widespread famine. This

¹ Hague Convention (II) with Respect to the Laws and Customs of War on Land, July 29, 1899, 32 Stat. 1803, 187 Consol. T.S. 227; Hague Convention (IV) Respecting the Laws and Customs of War on Land, Oct. 18, 1907, 36 Stat. 2277, 205 Consol. T.S. 277.

² Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 75 U.N.T.S. 287.

situation prompted the early discussion on the legal and moral obligations of belligerents towards civilians during any conflict. The International Criminal Court has considered similar charges in conflicts such as those in Darfur

The evolution of these evolving legal frameworks draws a growing international consensus: starvation as a warfare method is not only a moral atrocity but also a legally prosecutable offence under International Humanitarian Law, Treaty Laws, Customary Laws, and peremptory norms. These historical provisions establish the doctrinal foundation for analysing modern conflicts and blockades, where proving intent and enforcing accountability remains a complex yet essential one.

RELEVANT CASE LAWS

The International Jurisprudence, while addressing starvation, has developed two tracks: (i) detention camp cases, where tribunals treated severe deprivation of essentials such as water, food, medicines, and basic care as inhuman and cruel treatment, and (ii) ICC practice that squarely frames as starvation of civilians as a method of warfare under Article 8

1) **Prosecutor v. Delalić (Čelebići), Case No. IT-96-21-T**

The Čelebići Trial Chamber gave the judgment that the prohibition of inhuman treatment extends to the living conditions of the protected persons and is violated when basic needs like water, food, clothing, and medicines are not provided. The Tribunal rejected the defence of lack of resources and emphasised that minimum standards are 'absolute, not relative'. According to the stated facts, the tribunal found that the camp's feeding conditions were at a starvation level and that detainees were also refused access to an existing water supply. These findings came to a clear conclusion that deliberate or knowing denial of indispensable sustenance in detention constitutes inhuman and cruel treatment and may engage superior responsibility when superiors knew or should have known and failed to act.³

³ **Prosecutor v. Delalić (Čelebići)**, Case No. IT-96-21-T, Judgment, ¶¶ 539, 557–58, 1081–82, 1118, 1242 (Int'l Crim. Trib. for the Former Yugoslavia Nov. 16, 1998) (holding minimum standards are "absolute," noting refusal to allow detainees to access existing water supply, and finding "feeding conditions were at starvation level").

2) Prosecutor v. Naletilić & Martinović, Case No. IT-98-34-T

This case is supposed to be the backbone for elements of war crime under customary International Humanitarian Law and Common Article 3. The Trial Chamber, along with the Appeal Chamber, set the modern requirements for (i) the existence of an armed conflict and (ii) the required close nexus between conflict and the act of starvation. For the allegations of intentional starvation, the tribunals' approach towards Article 3 offenses underscores that the perpetrator must intentionally inflict or at least know the cause of serious suffering or injury, and that the conduct or act occurs within the armed conflict context and not as a purely private crime. The doctrinal framework of this case informs us how prosecutors would prove the intent where denial of essentials needed for survival is embedded in broader siege or blockade strategies.⁴

3) Prosecutor v. Naletilić & Martinović, Case No. IT-98-34-T, Judgment

In this case of Naletilić & Martinović, the Trial Chamber convicted the accused of cruelty under Article 3 and wilfully causing great suffering under Article 2 of grave breaches. The convict abused detainees across multiple facilities. However, this case is not 'starvation' per se. The Court's findings conclude that severe deprivation in detention, along with other abuse, meets the gravity threshold for inhuman or cruel treatment. This landmark case is usually cited for the articulation of elements and the gravity of seriousness threshold for condition-based crimes.⁵

4) Statement of ICC Prosecutor Karim A.A. Khan KC

The clearest move of detention conditions jurisprudence towards starvation as a method of warfare at the International Criminal Court appears in the situation of Palestine. In May 2024, the Prosecutor applied for arrest warrants under Article 8(2)(b)(xxv) and 8(2)(e)(xix), alleging severe starvation of civilians residing in Gaza, citing obstructed relief

⁴ **Prosecutor v. Tadić**, Case No. IT-94-1-T, Trial Judgment, ¶¶ 559–617 (Int'l Crim. Trib. for the Former Yugoslavia May 7, 1997) (armed-conflict and nexus requirements under Art. 3); **Prosecutor v. Tadić**, Case No. IT-94-1-A, Appeals Judgment (Int'l Crim. Trib. for the Former Yugoslavia July 15, 1999).

⁵ **Prosecutor v. Naletilić & Martinović**, Case No. IT-98-34-T, Judgment (Int'l Crim. Trib. for Former Yugoslavia Mar. 31, 2003); see also id. ¶¶ 404–07, 454–56 (convictions for cruel treatment and wilfully causing great suffering; discussion of command responsibility).

and deprivation of essential goods like water, food, medicine, electricity, and basic care. The Pre-Trial Chamber later referenced these charges in addressing jurisdiction and warrants. The litigation of this case is still ongoing. This case is pivotal for deciding the contemporary application of starvation provisions to a modern blockade paradigm. It will also inform how the International Criminal Court is likely to evaluate the intent by considering the pattern of obstruction, operational orders, policies, and decisions taken during the conflict. The Court will also evaluate the scope of objects indispensable to survival.⁶

Synthesis for Article 8 Interpretation

- 1) Elements and Objects - The International Criminal Court clarifies that ‘objects indispensable to life’ include food and water, and by context medicine and shelter, anchoring deprivation-based acts in Article 8 or even outside detention.⁷
- 2) Intent and Proof - The above case laws stress inferring intent from sustained patterns of deprivation, knowledge of conditions, and failure to remedy, especially under command responsibility
- 3) Conflict Nexus and Classification - The nexus in Prosecutor v. Tadić and armed conflict tests stay as threshold gatekeepers, relevant to both international (Art. 8(2)(b)(xxv)) and non-international (Art. 8(2)(e)(xix)) settings.
- 4) From camps to blockades - The earlier cases of starvation centred on the detention camps, the situation in Palestine introduced the area-wide starvation practices through blockades and collective punishments in Gaza.

SCHOLARLY COMMENTARY

- 1) What counts as ‘objects indispensable to survival’?

Various scholars and commentators from Humanitarian and International Law argue that Article 8 of the Rome Statute's phrase ‘objects indispensable to survival’, also written as

⁶ **Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for Arrest Warrants in the Situation in the State of Palestine** (May 20, 2024), Int'l Crim. Ct., News Release; see also **Statement ... on the issuance of arrest warrants** (Nov. 2024)

⁷ **International Criminal Court, Elements of Crimes** art. 8(2)(b)(xxv) & 8(2)(e)(xix) (defining “objects indispensable to survival”), ICC-ASP/1/3 (2011).

OIS, must include not only food and water, without which food and water cannot be accessed, prepared, stored, or delivered. It includes fuel, electricity, and medicines. Murdock and Jordash state that crime's contours track International Humanitarian Law rules on OIS and relief operations and therefore extend to blocking aid pipelines and not just destroying foodstuffs.⁸ The JICJ symposium by de Waal et al. also states starvation as a process manufactured by external measures like area siege, market disruption, denial of fuel and electricity, and medical supplies. These things have already been addressed by International Humanitarian Law and should be included under Article 8.⁹ EJIL: Talk analyses the Gaza situation on grounds of accessibility to humanitarian aids, also implies that obstruction of relief, even without direct food denial, can satisfy the provisions of Article 8 if the intention is proved.

2) Mens Rea in sieges and blockades

There has been scholarly debate over whether Article 8(2)(b)(xxv) requires a specific purpose to starve or whether the intention may be inferred from a pattern of military actions where starvation can be foreseen. Vanderbilt's transnational law analysis frames four lenses - intent, method, form, consequence, and argues that sustained obstruction and pattern of choices of carrying as closing of crossings, restricting fuel, targeting food systems and markets can evidence the method of warfare element and draw intent from the context.¹⁰ The siege-law literature further clarifies that sieges per se are not unlawful, but intentional starvation of the residing population is - so evidence must disaggregate legitimate blockades from measures whose design or implementation predictably deprives civilians of OIS.¹¹ EJIL: Talk and some other commentaries propose adding duration, scale, official statements, and targeting patterns to prove the intent.

⁸ Catriona Murdoch & Wayne Jordash QC, *Clarifying the Contours of the Crime of Starvation*, EJIL:Talk! (June 27, 2019), <https://www.ejiltalk.org/clarifying-the-contours-of-the-crime-of-starvation/>

⁹ Alex de Waal et al., *The Purposes of Starvation: Historical and Contemporary Uses*, 17 *J. Int'l Crim. Just.* 699 (2019), <https://academic.oup.com/jicj/article/17/4/699/5721410>.

¹⁰ Eliav Lieblich, *Criminalizing Starvation in an Age of Mass Deprivation in War: Intent, Method, Form, and Consequence*, 56 *Vand. J. Transnat'l L.* 1 (2023), <https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=2756&context=vjtl>.

¹¹ Aurel Sari, *Siege Warfare and the Prohibition of Intentional Starvation of Civilians*, 24 *J. Int'l Humanitarian Legal Stud.* (2022), <https://www.tandfonline.com/doi/full/10.1080/14639947.2022.2080362>

PART 2 CASE STUDY: THE GAZA SIEGE

BACKGROUND: GAZA UNDER BLOCKADE AND SIEGE

The Gaza Strip is a densely populated coastal region. There are approximately 2.2 million inhabitants who have faced stringent restrictions on movement and access restrictions since the 2007 blockades.¹² These blockades were imposed by Israel right after Hamas assumed de facto control over the region. Israel, as a measure of self-defence, imposed a land, sea, and air blockade that restricts the movement of people and goods. It also included essential supplies and fuel. Egypt's intermittent closures of Rafah crossings fueled Gaza's isolation. These restrictions were imposed in the 1990s; however, they were intensified during June 2007, and again after the October 2023 Hamas attack on Israel.

The blockades have been fueled by major rounds of hostilities, like 2008-09 (Operation Cast Lead) and 2014 (Operation Protective Edge),¹³ each of them severely damaging civilian infrastructure and further degrading the living conditions in the region. Certain UN Reports and inquiries highlight the large-scale impact of these hostilities on civilians, including damage to homes and public services.¹⁴

Following the Hamas attacks on 7 October 2023, Israel announced a complete siege and blockade in Gaza, 'no electricity, no food, no fuel; everything is closed'. This statement was given by Israel's Defence Minister Yoav Gallant. This statement signalled a significant shift from restrictive blockades to an overt policy of complete deprivation. This raised serious questions under International Humanitarian Law regarding siege warfare and the protection of civilians. Subsequent UN Humanitarian Updates repeatedly noted the complete shutdown of electricity, limitation on movement of fuel, and severe restrictions on access to water, food, and medical supplies, along with the blockades also included heavily conditioned aid entry.

¹² U.N. Off. for the Coordination of Humanitarian Affs. (OCHA), *Hostilities in the Gaza Strip and Israel*: (Feb. 1, 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-108> (noting 2.2 million affected and escalation of restrictions).

¹³ OCHA oPt, *Gaza Crossings: Movement of People and Goods*, <https://www.ochaopt.org/data/crossings> (noting restrictions intensified in June 2007 and after Oct. 2023).

¹⁴ *Report of the Independent Commission of Inquiry on the 2014 Gaza Conflict*, U.N. Doc. A/HRC/29/52 (2015), <https://www.un.org/unispal/document/auto-insert-185919/>

By early 2024 and into 2025, UN agencies consistently assessed needs for the entire 2.2 million population and described access through crossings of Kerem Shalom and Rafah as erratic and frequently curtailed. It also describes prolonged closures and security vetting, creating bottlenecks. Even medical evacuations via Rafah crossings were halted for a prolonged period and only episodically resumed. Such scenarios illustrate the systematic fragility of humanitarian access under blockades and siege conditions.

Application of Article 8 to Gaza

- 1) Legal Elements and Threshold - Article 8(2)(b)(xxv) provides a provision to criminalise ‘intentionally use of starvation of civilians as a method of warfare by depriving the civilians of objects indispensable to their survival’. This is a formulation clarified by the International Criminal Court's Elements of Crime to include wilfully impeding supplies, as provided under the Geneva Convention.¹⁵
- 2) Actus Reus in Gaza blockades: deprivation and obstruction - various United Nations agencies and some specialised International entities have documented large shortages of food, potable water, fuel, and medical supplies across Gaza since October 2023. It has been reported that multiple hospitals were shut down due to a lack of power and critical supplies required for healthcare. There had been blackouts in ICUs and dialysis units due to a shortage of power and electricity. The IPC Famine Community in August 2025, along with other UN agencies, confirmed famine in the city of Gaza. They also warned of the spread absent unfettered aid, as well as recognising several constraints on humanitarian access as a driving cause. The above-mentioned points, both deprivation of objects needed for survival and intentional impediment of reliefs both are contemplated by Article 8(2)(b)(xxv).¹⁶
- 3) Mens Rea: inferring ‘intent to starve’ - This element requires requisitely demanding, however, this can be proved circumstantially. The senior leaders of Israel announcing

¹⁵ *International Criminal Court, Elements of Crimes* (2013), at 19–20 (Art. 8(2)(b)(xxv)) (icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf).

¹⁶ IPC Famine Review Committee, **Gaza Strip, August 2025** (confirming famine; drivers and access constraints).

‘complete siege’, no electricity, no fuel, no food, proves the element of deprivation strategy rather than incidental disruption. When such declarations are made by the officials who follow a pattern of restricted crossings, denial of fuel, and bureaucratic control over relief, the tribunals specifically investigate whether the only reasonable inference is that starvation of the living population represents the tactic of warfare. In other words, the bureaucratic control over the basic reliefs is asserted, and the life-threatening conditions are both already foreseeable and these foreseeable circumstances have already been observed for a couple of months, the continued action of starvation may prove the intention.¹⁷

ATTACKS ON OBJECTS INDISPENSABLE TO CIVILIAN SURVIVAL

Article 8(2)(b)(ii) of the Rome Statute explicitly mentions the provisions for the prohibition of intentionally attacking civilian objects, apart from the objects required for fulfilling military objectives. This prohibition is also enforced by Article 54 of Additional Protocol 1 to the Geneva Convention. It provides provisions for the protection of the objects required for the survival of the civilians, which include food, agricultural materials, potable drinking water installations, and medical supplies.

Multiple humanitarian agencies across the globe, including the agencies of the United Nations, have released reports providing proof of attacks and destruction of such objects in Gaza. According to the Office for the Coordination of Humanitarian Affairs (OCHA), the Israeli army has attacked and destroyed multiple bakeries, water pipelines, agricultural facilities, and sewage treatment facilities.¹⁸ This has undermined food and water security for the population. The World Health Organization has also documented numerous repeated attacks on hospitals and clinics in Gaza, which were later rendered inoperative due to the damage caused and lack of electricity and healthcare supplies required.¹⁹

¹⁷ Yoav Gallant, public “complete/total siege” remarks (Oct. 9, 2023).

¹⁸ U.N. Office for the Coordination of Humanitarian Affairs (OCHA), *Hostilities in the Gaza Strip and Israel: Flash Update #41* (Nov. 15, 2023), <https://ochaopt.org>

¹⁹ World Health Organization, *WHO Situation Report: Gaza Crisis* (Nov. 2023), <https://www.who.int>.

Legal Analysis of the situation - Israeli officials often use the 'dual use' argument to justify their actions. Their main argument states that the civilian infrastructure, like water pipelines, schools, and hospitals, is often exploited by Hamas for military purposes; they also argue that Hamas stores weapons in schools and hospitals. However, the International Humanitarian Law, it is requires proving whether an object's destruction is necessary to a concrete and direct military advantage, and even after that, whether the expected incidental harm to the civilians would be excessive in nature in relation to the advantage anticipated, the principle of proportionality.²⁰

The **International Criminal Tribunal for the Former Yugoslavia (ICTY)** in *Prosecutor v. Galić* had put more emphasis on the fact that targeting of civilian objects needed for their survival would be treated as a war crime while having the knowledge of its impact on the civilians in the future.

There were repeated attacks on bakeries, water pipelines, and agricultural land in the city of Gaza, along with official statements from officials stating deliberate starvation in the region and cutting off access to basic supplies does not constitute incidental damage but resembles a deliberate strategy to keep the civilians deprived of essential supplies. Such aspects regarding the conflict, when understood in the context of total siege, likely cross the threshold required of Article 8(2)(b)(ii).

COLLECTIVE PUNISHMENT

The siege and blockade imposed by the State of Israel in Gaza do not target any specific combatants but rather the entire population of Gaza, which is over 2.2 million. The denial of electricity, fuel, food, and water impacts indiscriminately; it impacts a group of people who bear no accountability for hostilities from the side of Hamas. These innocent groups include children, the elderly, and the infants.

²⁰ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 51(5)(b), June 8, 1977, 1125 U.N.T.S. 3.

This type of collective targeting of innocent people satisfies the threshold of collective punishment stated in Article 33 GC IV..²¹ The suffering is not directed individually or linked to personal responsibility; rather, it is directed towards the civilians for the actions of Hamas. The **International Committee of the Red Cross (ICRC)** provides a clarification that Article 33 extends to ‘all measures of intimidation or terrorism’, which is meant to penalise the innocent civilians for the actions of a few.²²

The International Humanitarian Law scholar Yoram Dinstein states on the fact that any actions faced by civilians due to acts of any armed groups clearly violate the cardinal principle of individual responsibility.²³ He further argues that where targeting of civilians is used as leverage against the adversaries, it constitutes collective punishment, even though it has military justifications. Another scholar, Marko Milanovic, states that blockades which foreseeably produce widespread civilian deprivation, cannot escape the legal characterization of collective punishment, even when presented as military necessity.’

HUMANITARIAN CONSEQUENCES

According to the United Nations Relief and Works Agency (UNRWA), more than 90% of the population in the Gaza Strip faces food scarcity under the siege conditions. There has been systematic denial of flour, wheat, and other staples; this does not just constitute a temporary disruption, it resembles a deliberate strategy that satisfies the material elements of ‘starvation’ under **Article 8(2)(b)(xxv)** of the Rome Statute. The jurisprudence of the **International Criminal Tribunal for the Former Yugoslavia (ICTY)**, in the judgement of *Prosecutor v. Mladic*, states that the elements of starvation can be established when there is prolonged and intentional deprivation of food supplies needed for the survival of civilians.²⁴

²¹ Geneva Convention Relative to the Protection of Civilian Persons in Time of War art. 33, Aug. 12, 1949, 75 U.N.T.S. 287.

²² Jean-Marie Henckaerts & Louise Doswald-Beck, *Customary International Humanitarian Law* (ICRC & Cambridge Univ. Press 2005), Rule 103.

Patrick Kingsley & Ronen Bergman, Israel Orders a ‘Complete Siege’ on Gaza, Cutting Electricity and Fuel, *N.Y. Times* (Oct. 9, 2023).

²³ Yoram Dinstein, *The Conduct of Hostilities Under the Law of International Armed Conflict* 229 (3d ed. 2016).

²⁴ U.N. Relief & Works Agency for Palestine Refugees in the Near East (UNRWA), Emergency Appeal for Gaza (2023).

CONCLUSION

The Prohibition of Starvation is not just an aspirational norm of International law, but a hard prohibition embedded in treaty law, customary law, and the moral logic that civilian survival should not be weaponised. The provision provided in Article 8 of the Rome Statute crystallises the prohibition of starvation by criminalising the intentional deprivation of objects required for civilians' survival. Combining the Geneva Conventions with Additional Protocol 1 establishes a clear legal threshold that starvation encompasses policies and practices that systematically deny access to food, water, medicine, fuel, electricity, and basic healthcare.

The Gaza siege since October 2023 provides an apt case study for the application of Article 8(2)(b)(xxv) and 8(2)(e)(xix). The material elements of crime are met through sustained and well-documented deprivation of essential supplies and the obstruction of humanitarian relief on a population-wide scale. Furthermore, the deliberate destruction of bakeries, water infrastructure, agricultural land, and hospitals cannot be regarded as incidental harm when carried out within a comprehensive siege framework.

International criminal law should not just evolve by inventing new prohibitions, but rigorously executing already established prohibitions. Modern warfare technology relies on bureaucratic controls, infrastructural destruction, and administrative strangulation rather than overt battlefield techniques.