

Humanitarianism in the Crosshairs: The Israel-Hamas War, the Russia–Ukraine War, and the Call to Fortify Legal Protections

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Abstract:

The armed conflict between Russia and Ukraine raises a lot of humanitarian concerns, and the well-being of humanitarian respondents and the need for their protection. International humanitarian and human rights law place emphasis on the protection of the rights of members of the civil population of warring countries, including humanitarian respondents. This article examines the extent to which these international instruments are observed and enforced in the Ukraine-Russian belligerence. It also examines how the Security Council of the United Nations has fared in its proactive steps to hold violators of the laws of war accountable, as in the case of the Ukraine-Russia, Israel-Hamas belligerence. The paper adopted a doctrinal approach of primary and secondary sources of information in analyzing the conflict situation, employing legislation, case studies, internet sources, articles, and journal publications. This paper finds that, notwithstanding the United Nations resolution and treaties, international humanitarian law and human rights law were violated and relegated the power and position of the security council of United Nations Security Council. The paper recommends strict enforcement and arm punishment for any country in the future that violates the laws applicable to arms conflicts. The Security Council must take proactive steps to hold those who cause violations of the rules of international humanitarian law and human rights accountable in the spirit of *pacta sunt servanda* and respect for *ius cogens* rules.

Keywords: Israel-Hamas, Humanitarian Law, Human Rights Law, Armed Conflict, Ukraine-Russia

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1. INTRODUCTION

The potential gains of humanitarian respondents in the ongoing Russian-Ukrainian armed conflict cannot be overemphasized. This paper focuses on the gains and roles played by humanitarian respondents in achieving respect for and protection of the wounded and sick. The article also focuses on non-combatants in the Russian-Ukraine armed conflicts and the need for humanitarian responders under international humanitarian law to be respected and promoted in armed conflict situations. As international laws are meant to play a vital role in every armed conflict and promote international humanitarian law relationship, it must be emphasised that the Four Geneva Conventions of 1949 and their Additional Protocols had an important impact in this regard.

It follows therefore, that in armed conflicts, such as the Russia -Ukraine conflict, the protection of humanitarian respondents remains of timely relevance, as insecurity and violence associated with armed conflicts significantly impact their role in armed conflict situations or humanitarian emergencies. Furthermore, the consequences of insecurity and attacks on humanitarian respondents by members of armed forces or non-state armed groups may hinder them from providing needed healthcare services to the wounded and sick or other humanitarian assistance in the ongoing armed conflict.¹ It must be stressed that the problem of insecurity and attacks on humanitarian respondents² now demands double efforts to ensure that they are adequately protected from further attacks and to formulate practical measures for their safety and protection. Therefore, it is essential in this context to submit that humanitarian respondents are practically exposed to suffering and all manner of danger in the discharge of their daily responsibilities, which form part of human challenges,³ as they strive to provide humanitarian responses to individuals in dire need of humanitarian relief. In recognition of the gains of the humanitarian respondents in armed conflict situations, it should be noted that international humanitarian law and human rights law complement each other in ensuring adequate protection of humanitarian respondents during armed conflicts.

In advancing the discussion, the paper is divided into three main parts. The first is an overview of the topic considering the issue's prevalence and how humanitarian respondents are affected in the Russian-Ukraine, Israel-Hamas armed conflicts. The second part examines the basic concepts, incidences of attacks on humanitarian respondents; challenges of obtaining Data; application of international humanitarian law and human rights violations in the Russian-Ukrainian, Israel-Hamas armed conflicts, and

¹Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art 8(a).

² J Lee, 'Ukraine War: Two United Kingdom Aid Workers Captured by Russia' *BBC News* (29 April 2022) <<https://www.bbc.com/news/uk-61268817.amp>> accessed 11 May 2025.

³ S Roth, 'Aid Workers as Edgework—Voluntary Risk-Taking and Security in Humanitarian Assistance, Development and Human Rights Work' (2014) *Journal of Risk Research* 1, 1–17.

the need to strengthen the applicable legal frameworks to address insecurity and attacks on humanitarian respondents and civilians. The third part is the conclusion, in which the paper identifies existing interpretative approaches that could be applied in addressing the protective gaps and suggests ways to build on them. An argument is made that although the United Nations can be held responsible for failing to prevent harmful practices against humanitarian respondents and civilians, the ensuing decision cannot be upheld against it due to the absolute immunity it possessed under international law⁴.

2. OVERVIEW OF BASIC CONCEPTS

2.1 Defining humanitarian responders

In defining humanitarian responders, this paper offers a broad overview to provide the necessary understanding of the term regarding the topic and strengthen the legal framework applicable to insecurity. Importantly, to gain a complete understanding of the concept of humanitarian responders, it must be emphasised that humanitarian responders are humanitarian aid workers who provide all forms of assistance and protection to civilian populations in armed conflict situations or humanitarian emergencies arising from war, natural disasters, and or other conditions of need.⁵ To briefly summarise the concept of the humanitarian respondent, the term 'humanitarian' is defined as a person involved in or connected with improving people's lives and bringing succor to their challenges in life.⁶ However, in answering the question of who is a humanitarian from a professional perspective, it should be noted that professional humanitarians are engaged in the work of relieving human suffering and providing for individuals in dire need of assistance and protection for better conditions of living.

In recognition of the situation of humanitarian respondents, the United States Centers for Disease Control and Prevention⁷ defines the role of humanitarian respondents as assisting people who have been "forced from their homes because of conflicts or natural disasters. Humanitarianism evolved right from the mid-19th century when Henri Dunant founded the International Committee of the Red Cross⁸ after witnessing the Battle of Solferino in 1859. The socio-economic relevance of humanitarian respondents in an armed conflict situation in tackling devastating consequences of disasters is what the humanitarian respondents are meant to address, and there is a need to explore their potential relevance in an armed conflict situation, as it affects the ongoing armed conflict. The results achieved by national and international humanitarian respondents are a credit

⁴ UN Charter art 105

⁵ EJ Nilles et al, *Aid Worker Security Report 2017: Behind the Attacks – A Look at the Perpetrators of Violence Against Aid Workers* (Humanitarian Outcomes) <<https://www.aidworkersecurity.org/sites/default/files/2020-08/AWSR2017.pdf>> accessed 10 May 2025.

⁶ *Cambridge International Dictionary of English* (6th edn, Cambridge University Press 1995)..

⁷ Centers for Disease Control and Prevention, <<https://www.cdc.gov>> accessed 5 May 2025

⁸ Henry Dunant, *A Memory of Solferino* (International Committee of the Red Cross, 1862).

to the determination and capability of the humanitarian system and to the donors who provide support and assistance in their operations.⁹

In addition, in appreciation of the gains of humanitarian respondents in armed conflict situations, there is a significant challenge in responding to the psychological needs of the humanitarian respondents. It must be emphasised that while their safety and security can be measured, the exact data regarding their deaths, depression, drug consumption, and other stress-related problems are very challenging to ascertain. Moreover, it may be argued that in defining and implementing specific systems to support both domestic and global humanitarian respondents' needs, it should be noted that the support is not adequate or lacks attention and resources.¹⁰ In practical terms, the above position is in accordance with the notion that humanitarian respondents are vulnerable groups in times of disaster. Despite the complete nature of the work of humanitarian assistance in armed conflict, humanitarian respondents continue to endure most of the violence in terms of absolute numbers, almost in the same manner as the civilian population in a conflict-prone territory.

However, recent data have shown that while attack rates have risen for domestic and global humanitarian respondents and vulnerable civilians,¹¹ the rate of increase has been higher for domestic humanitarian respondents than for their counterparts at the worldwide level. More significantly, it must be emphasised that the death rates for domestic aid workers are higher than for global humanitarian aid workers, which has continued to exist in recent years. Indeed, it is worth asserting that the principal functions of humanitarian respondents are to provide relief in crises, which include armed conflicts, war, natural disasters, and others,¹² which must be geared towards advocacy activities that will improve access to individuals in dire need as a result of a humanitarian crisis, and ensure pragmatic steps to humanitarian action in all situations of armed conflict or humanitarian emergencies.¹³ Given the overall purpose of the work of humanitarian assistance, it is unquestionable that the principles of humanity, impartiality, neutrality, and independence guide humanitarian responders. In this context, humanitarian aid should be provided neutrally and impartially without bias and with a focus on the most vulnerable population during armed conflict.

Furthermore, it is worth noting that the guidance and framework provided by these principles are a crucial factor distinguishing humanitarian assistance from development and other forms of assistance. Therefore, a specific question in protecting humanitarian

⁹ M Griffiths, 'Global Humanitarian Overview 2022' (United Nations Office for the Coordination of Humanitarian Affairs, 2022).

¹⁰ Humanitarian Outcomes, *Aid Workers Security Report 2019: Speakable – Addressing Sexual Violence and Gender-Based Risk in Humanitarian Aid* <https://www.humanitarianoutcomes.org/sites/default/files/publications/aswr_2019_o.pdf> accessed 20 May 2025

¹¹ *Ibid.*

¹² ALNAP, 'Resource on Humanitarian Learning' <<https://www.al.nap.org/resource/21236>> 3 accessed 20 May 2025.

¹³ *Ibid.*, p4.

respondents and vulnerable populations in an armed conflict is whether international humanitarian law rules contain special protections for these persons. The answer is that international humanitarian law provides for all persons in an armed conflict situation, as humanitarian respondents have consistently faced significant risk during armed conflict. In recognising the nature of these vulnerable persons, it must be emphasised that between 2012 and 2014, humanitarian respondents in Afghanistan, Pakistan, Somalia, South Sudan, the Central African Republic, and Syria were all subjected to a significant risk of various attacks.¹⁴ Additionally, it is essential to note that the most glaring example in the Russian-Ukrainian armed conflict was the attack on the Mariupol Maternity Hospital, which killed five, injured 17, and destroyed 90% of the hospital building¹⁵.

As noted earlier, humanitarian respondents are not armed and cannot defend or protect themselves from an air strike or artillery barrage once it has been launched. The game's rules have changed, and humanitarian respondents have become targets in some places.¹⁶ Soft target areas like hospitals, schools, and markets also came under attack in some situations.¹⁷ That being the case, it should be noted that Russian armed forces allegedly captured two United Kingdom humanitarian respondents, Paul Urey and Dy Lan Healy, who brought food, medical supplies, and evacuation support, according to their organisation active in Ukraine¹⁸. Similarly, Israel blocked relief material from being supplied to Hamas's hungry and deprived children, and vulnerable persons in the Israel-Hamas war. It took international community pressure before Israel allowed relief material to get to Hamas¹⁹. For Israel to bomb sites where relief and aid material are supplied and kill 29 persons is a clear violation of international humanitarian law²⁰.

2.2 Defining armed conflict

The notion of armed conflict has no clear definition in the relevant international humanitarian law treaties.²¹ This notwithstanding, the meaning of armed conflict is generally set out in the International Criminal Tribunal for the Former Yugoslavia (ICTY), where a general definition of international armed conflict was provided. However, in the Tadic Case, the Tribunal stated, "an armed conflict occurs where two States resort to

¹⁴ Aid Worker Security Database <<https://www.aidworkersecurity.org>> accessed 30 June 2025

¹⁵ <<https://www.cnn.com/interactive/2022/03/europe/mariupol-maternity-hospital-attack/index.html>> accessed 28 June 2025

¹⁶ Aid Worker Security Incident Report Summary <<https://www.aidworkersecurity.org/incidents/report/summary>> accessed 30 June 2025.

¹⁷ Ibid (n15)

¹⁸ Sky News, 'Two British aid workers Paul Urey and Dylan Healy reportedly captured by Russian forces in Ukraine' (29 April 2022) <<https://news.sky.com/story/two-british-aid-workers-paul-urey-and-dylan-healey-reportedly-captured-by-russian-forces-in-ukraine-12601624>> accessed 9 July 2025

¹⁹ Al Jazeera, 'Israel bombs Gaza aid sites, cafe and school, killing 95 Palestinians' (30 June 2025) <<https://www.aljazeera.com/news/2025/6/30/israel-kills-85-palestinians-bombing-across-gaza-amid-new-ceasefire-push>> accessed 12 July 2025.

²⁰ Ibid

²¹ Prosecutor v Dusko Tadic, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, IT-94-1-A (ICTY, 2 October 1995) para 70

military action."²² In this respect, other global organisations have adopted this definition universally. In addition, it has also been held that in a state of hostilities, according to the Geneva Conventions, Article 2 can always be assumed that the armed forces of the two States clashed with each other.²³ And this presupposes that the two states employed the use of arms, which brings the Conventions into effect.²⁴ However, the Geneva Convention can be applied where two states employ the use of arms against each other. Although a state under attack may resist the attacks, if the presence of wounded armed forces of a state, coupled with the takeover or control of a part of a state by its enemy opponent, is noticed, then they must comply with the relevant convention.²⁵

Indeed, it is noteworthy that armed conflict may be identified from the perspectives of global and non-global armed conflicts.²⁶ For example, in all contexts, there seemed to be efforts made to determine what amounts to a non-global armed conflict under international humanitarian law. Thus, in light of the provisions of Article 3 of the Geneva Conventions of 1949 and Article 1 of Additional Protocol 11, confirmed whether an armed conflict is non-global. Interestingly, in this same line of thought, it must be stated that judgments and decisions of the court have brought a significant interpretation on the understanding of an armed conflict, particularly concerning non-global armed conflicts within the meaning of Common Article 3, which is provided in the aforementioned conventions.

In light of the conventional and judicial definitions of armed conflict, it may be argued that the geographical spread or location of the conflict does not affect the classifications of the conflict. For instance, the Russian-Ukrainian armed conflict within the territory of Ukraine remains a global armed conflict. Similarly, the Israel-Hamas armed conflicts within the territory of Hamas are also a global armed conflict. While this may be undisputable, it must be emphasised that international humanitarian law applies only to armed conflict and does not contemplate similar conflicts that are below the threshold of armed conflict.²⁷ Generally speaking, an understanding of the consequences of armed conflicts and other emergencies on humanitarian respondents in the Russia-Ukraine, Israel-Hamas armed wars have shown that these concerns remain of timely relevance as insecurity and other violent acts against humanitarian respondents and

²² Ibid.

²³ D Schindler, 'The Different Types of Armed Conflicts According to the Geneva Conventions and Protocols' (1979) 163 *Recueil des Cours (RCADI)* 131.

²⁴ Ibid.

²⁵ HP Gasser, 'International Humanitarian Law: An Introduction' in H Haug (ed), *Humanity for All: The International Red Cross and Red Crescent Movement* (Paul Haupt Publishers, Berne 1993) 510–11

²⁶ E Okebukola, 'Call for Jus Ad Bellum for Non-International Use of Force' (2017) 2 *Cambridge Law Review* 109.

²⁷ C Ormhaug et al, 'Armed Conflict Deaths Disaggregated by Gender' (Peace Research Institute Oslo) <<https://www.prio.no>> accessed 30 May 2025.

citizens have largely contributed to an unreasonable denial of access to the wounded and sick²⁸ who deserves medical attention and relief materials?

The questions that agitate the minds of observers in light of the foregoing are whether humanitarian respondents may flee from Ukraine and Hamas due to the constant attacks against them, and what measures are put in place to protect them from frequent attacks by the Russian armed forces and Israeli air bombardments, respectively. However, since the beginning of the Ukraine armed conflict on 24 February 2022, more than 100 attacks on healthcare have been recorded by the World Health Organisation.²⁹ These attacks so far have claimed 73 lives and injured 51.³⁰ Similarly, since the beginning of the Israel-Hamas armed conflicts on October 7, 2023, over 80,000 people have died, and they were Palestinians as of July 2025³¹. Israel also suffered similar deaths of 1200 persons. 445 Israeli soldiers have also lost their lives in the conflicts.³² An Israeli air strike hit a café, schools, and aid sites and killed 95 persons, and they were Palestinians as of 30th June 2025.³³

Moreover, of the current 103 attacks, 89 have impacted health and 13 have affected health facilities, and 13 have impacted transport, including ambulances. According to Tedros Adhanom Ghebreyesus,³⁴ the attacks on health care have remained unabated and violate international humanitarian law in a protected place. Also, the report showed that 1000 health facilities are near conflict areas or in changed areas of control across Ukraine. Realistically, health workers throughout Ukraine have risked their lives to serve those in dire need of medical services, and they and their patients should not be the object of attack. ³⁵Specifically, there is an express prohibition on launching indiscriminate attacks that affect civilian populations, for which humanitarian respondents are part of knowledge that such attacks will cause excessive loss of life or injury to them.

²⁸ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art 8(a).

²⁹ World Health Organization, *Report on Attacks on Healthcare Personnel in Ukraine* (7 April 2022) <<https://www.who.int>> accessed 30 May 2025.

³⁰ Ibid

³¹ <<https://www.msn.com/en-us/news/world/gaza-what-is-the-actual-death-toll-and-how-can-we-be-sure/ar-AA1HVhmZ>> accessed 10 July 2025

³² <<https://dailypost.ng/2025/07/08/five-israeli-soldiers-killed-in-northern-gaza-military-confirms/>> accessed 10 July 2025

³³ Al Jazeera, 'Israel bombs Gaza aid sites, cafe and school, killing 95 Palestinians' (30 June 2025) <<https://www.aljazeera.com/news/2025/6/30/israel-kills-85-palestinians-bombing-across-gaza-amid-new-ceasefire-push>> accessed 10 July 2025.

³⁴ World Health Organization, 'Director-General Dr Tedros Adhanom Ghebreyesus' <<https://www.who.int>> accessed 30 May 2025.

³⁵ J Habicht, 'Remarks on Attacks on Humanitarian Aid Workers in Ukraine Armed Conflicts' (World Health Organization, 7 June 2025)

2.3 International instruments protecting humanitarian respondents in the Russian-Ukrainian Armed Conflict, Israel-Hamas armed conflicts

From the outset, it is essential to note that as the war in Ukraine, Hamas respectively continues, civilians, humanitarian responders, and critical infrastructures like hospitals and buildings have been destroyed. In this sense, international humanitarian law rules aim to regulate warfare conduct and ensure adequate protection of civilian populations in war. But it appears from the destruction so far recorded that international humanitarian law and even the United Nations Security Council are toothless bulldogs barking but cannot bite.

In situations of armed conflict, international humanitarian law (IHL) offers explicit safeguards for civilians, civilian objects, and medical assets such as hospitals and ambulances, whereas international human rights law (IHRL) does not expressly cover these medical functions. This distinction arises because, during hostilities, IHL serves as the *lex specialis* to IHRL, providing tailored protections for humanitarian actors and healthcare personnel. Despite this hierarchy, IHL and IHRL work in tandem to ensure the safety of medical staff and facilities amid warfare and other crises. The principle of *lex specialis*, affirmed by the International Court of Justice in its Nuclear Weapons and Separation Wall advisory opinions and recognized by the International Law Commission, underlies this complementary relationship.³⁶

If the warring parties to an armed conflict cannot adequately provide protection and assistance to civilian populations or individuals who are not parties to the conflict, then humanitarian respondents may offer to provide impartial services to those in dire need of assistance and protection. This is one of the fundamental rules of international humanitarian law.

The above reasons informed the call to increase humanitarian access and protection in Ukraine and Hamas.³⁷ It is also significant that, for a situation of occupation by a foreign State, relief actions must be authorised when civilian populations are without adequate supplies of relief materials. Importantly, concerning the attacks on humanitarian respondents and healthcare workers in Ukraine's armed conflict. In this instance, one notable thing about these two international law regimes is that they mutually reinforced each other to provide adequate protections for humanitarian respondents and provisions of healthcare services to the injured and sick or victims of

³⁶ F Pistill, 'Rethinking the Relationship between International Humanitarian Law and Human Rights Law in Protecting Medical Services' (2021) 17(1) *International Journal of Humanitarian Studies* 45–6.

³⁷ Ibid.

war.³⁸ The above aligns with the established rules of humanitarian law in protecting specific individuals based on their function or vulnerable nature.³⁹

Protection for all individuals residing within a State's jurisdiction, regardless of their status, is safeguarded by the core principle of non-discrimination. This principle obliges States to uphold and ensure the rights of every person under their authority, without exception or bias. Samantha Besson's analysis further explores how this principle applies universally, including to vulnerable groups like humanitarian workers⁴⁰. As such, humanitarian workers and healthcare professionals are accorded similar protection as any other individual within a State's territory. These protections include safeguards in all respects under Article 7 of the ICCPR.

It is important to clarify that the recent assaults on humanitarian aid workers and medical personnel in Ukraine and Hamas, respectively, and their protection under human rights frameworks, do not necessarily indicate that they are safeguarded specifically due to their humanitarian roles—rather, these protections are a function of broader international humanitarian law⁴¹. Nonetheless, human rights law offers safeguards to both active fighters and civilians during armed conflicts. In addition, humanitarian and human rights legal instruments uphold the right to life. Torture is forbidden under the European Convention on Human Rights and the African Charter on Human and Peoples' Rights. Specifically, Article 3 of the European Convention and Article 5 of the African Charter ban the use of violence and torture;⁴² therefore, it is wrong for warring parties to target the lives of the civil population and aid workers.

The unfolding conflict between Ukraine and Russia, Israel and Hamas represent an international armed confrontation, requiring adherence to international law, especially humanitarian law, governing warfare. In this context, non-combatant zones such as clinics, marketplaces, and educational institutions must be protected. This aligns with key legal texts such as the 1949 Geneva Conventions, its 1977 First Protocol, and the 1907 Hague Convention IV with its annexes on wartime conduct, along with principles of customary international humanitarian law⁴³. This raises the issue of whether human rights law provides supplementary value to humanitarian law in the realm of health services and relief efforts carried out by humanitarian actors. In such a framework,

³⁸ Justice and Accountability for Attacks Against Humanitarian Personnel: A Call for Legal Action and Accountability (Legal Action Worldwide, 10 July 2025) <<https://legalactionworldwide.org/accountability-rule-of-law/justice-and-accountability-for-attacks-against-humanitarian-personnel-a-call-for-legal-action-and-accountability/>> accessed 10 July 2025

³⁹ Article 3: Freedom from Torture and Inhuman or Degrading Treatment (Equality and Human Rights Commission) <<https://www.equalityhumanrights.com/human-rights-act/article-3-freedom-torture-and-inhuman-or-degrading-treatment>> accessed 10 July 2025

⁴⁰ African Charter on Human and Peoples' Rights (Banjul, adopted 27 June 1981, entered into force 21 October 1986) CAB/LEG/67/3 rev 5, art 5

⁴¹ United Nations Audiovisual Library of International Law, 'Preparatory Works of the Geneva Conventions: The "Pagc" Archive' <<https://legal.un.org/avl/ha/pagc/pagc.html>> accessed 11 July 2025.

⁴² Aljazeera (n33)

⁴³ Ibid

human rights law could enhance humanitarian law by addressing the indirect consequences of insecurity and violent acts directed at aid workers and medical staff. Further insights stem from foundational international texts and Article 12 of the Covenant on Economic, Social, and Cultural Rights.⁴⁴

Another question that emerges is, why do several human rights agreements allow State parties to temporarily suspend specific obligations under narrowly defined conditions? In emergencies that jeopardize national survival, countries bound by the covenant are permitted to derogate from certain responsibilities⁴⁵. However, such exemptions must align with other international legal requirements and must not promote discrimination based solely on ethnicity, gender, linguistic, religious, or social background.⁴⁶

Reflecting these legal allowances, on 1 March 2022, Ukraine informed the UN Secretary-General about its decision to suspend some human rights obligations pursuant to Article 4 of the International Covenant on Civil and Political Rights and Article 15 of the Convention on Human Rights and Fundamental Freedoms, tied to the martial law declared on 24 February 2022 (Decree No. 64/2022). Conversely, Russia, while framing its military action in Ukraine as a “special operation,” has made no formal notification of derogations from human rights treaties. Still, the scale of hostilities has resulted in extremely poor conditions for civilians, severely limiting their access to basic rights.⁴⁷ The same is true of Hamas, where Israel has cut the territory away from aid supplies, and children are worse hit by malnutrition and the absence of medical services. Israel destroyed houses and other basic infrastructures in Hamas⁴⁸, as already highlighted earlier. All these are gross human rights violations, of which derogation ought to be discouraged regardless of hostilities.

Just as humanitarian law governs the rules of warfare, all conflict parties are mandated to comply with it. Allegations have also surfaced suggesting Ukraine’s armed forces may have breached humanitarian norms, particularly in its Eastern regions.⁴⁹ Viewing derogations through a more progressive lens, one can argue that some human

⁴⁴ Justice and Accountability for Attacks Against Humanitarian Personnel: A Call for Legal Action and Accountability (Legal Action Worldwide, 10 July 2025) <<https://legalactionworldwide.org/accountability-rule-of-law/justice-and-accountability-for-attacks-against-humanitarian-personnel-a-call-for-legal-action-and-accountability/>> accessed 10 July 2025

⁴⁵ Article 3: Freedom from Torture and Inhuman or Degrading Treatment (Equality and Human Rights Commission) <<https://www.equalityhumanrights.com/human-rights/human-rights-act/article-3-freedom-torture-and-inhuman-or-degrading-treatment>> accessed 10 July 2025

⁴⁶ African Charter on Human and Peoples’ Rights (Banjul, adopted 27 June 1981, entered into force 21 October 1986) CAB/LEG/67/3 rev 5, art 5

⁴⁷ <<https://en.news.un.org/en/story/2023/05/1136657>> accessed 11 July 2025

⁴⁸ UN News, ‘Israeli actions in Palestinian territories constitute war crimes, Human Rights Council hears’ (17 June 2025) <<https://en.news.un.org/en/story/2025/06/1164496>> accessed 11 July 2025.

⁴⁹ <<https://legalactionworldwide.org/accountability-rule-of-law/justice-and-accountability-for-attacks-against-humanitarian-personnel-a-call-for-legal-action-and-accountability/>> accessed 11 July 2025

rights treaties anticipate temporary suspension of rights during serious national crises, though such flexibility is notably absent in the provisions of humanitarian law⁵⁰.

Furthermore, with particular reference to a derogation, a certain class of persons is indeed protected under the Geneva Convention⁵¹ such as the humanitarian aid workers and Red Cross officials are protected against attacks in armed conflicts situations; nevertheless, if these protected persons turn out to constitute a threat to a warring party in the conflict, this class of persons will lose their international legitimate protection under international humanitarian law⁵². Such vulnerable groups as the medical team, the wounded, and the sick must be protected, and on no account should they be discriminated against, and their properties must be safeguarded. This is an obligation of the state in global armed conflicts⁵³.

The armed conflict in Ukraine and Hamas has directly impacted humanitarian responders' ability to provide humanitarian services to persons in dire need. It is still based on humanitarianism that State parties must take appropriate measures to safeguard humanitarian respondents and medical personnel in their efforts to give treatment to the victims of armed conflict who were either wounded or sick. This was why the UN General Assembly in 2006 condemned the action of Israel during the Israel-Lebanon conflict, in which Israel tried to stop humanitarian workers from accessing those needing health and other assistance during the conflict.⁵⁴ Israel repeated such acts of blocking against humanitarian organizations from accessing Hamas, not until the international community intervened. The General Assembly reminded Israel of its obligation under the UN to respect international humanitarian law and human rights law, as both laws go *in pari materia*.⁵⁵

2.4 Strengthening of the legal framework applicable to insecurity and attacks on humanitarian responders

The Russian invasion of Ukraine flagrantly violated the statutory provisions, particularly protecting humanitarian responders, civilian populations, and medical personnel from attacks regulated in several laws and regulations. Moreover, regarding the *jus ad bellum regime*, this law underlines the conditions under which States may resort to war or use armed forces. The law seems to put more emphasis on the justification for resort to war. In this context of international humanitarian law, Russia's and Israel's actions constituted a breach of the relevant provisions of the United Nations Charter prohibiting the use of

⁵⁰ < <https://www.miragenews.com/un-experts-praise-landmark-climate-protection-1495082/> > accessed 11 July 2025

⁵¹ Geneva Convention I (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 31

⁵² Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War (12 August 1949) 75 UNTS 287, art 5

⁵³ Geneva Convention IV (12 August 1949) 75 UNTS 287, art 16; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 609, art 8

⁵⁴ Ibid

⁵⁵ S/RES/1888 (2009) paras 5–6; S/RES/1889 (2009) paras 5–6; S/RES/1833 (2008) para 13.

armed force.⁵⁶ Also, the Security Council and other relevant international organisations should come up with serious efforts to protect humanitarian respondents and civilian populations, meaning that "everyone" in every human rights instrument is a holder of rights and deserves adequate protection. Therefore, humanitarian respondents are also covered by the relevant instruments.

The Security Council must maintain a stiff stance against the use of lethal weapons such as explosive and nuclear weapons and other weapons of mass destruction⁵⁷ in soft areas of civilian presence and civilian infrastructures. Following this procedural development on the precautionary principle, the paper supports developing a political declaration on explosive weapons in populated areas. Also, full compliance with the provisions of international humanitarian law remains essential for protecting humanitarian respondents and civilian populations. It is also necessary to understand the various aspects that can help strengthen humanitarian respondents' protection from many violations of their rights in the ongoing Russian-Ukrainian armed conflict. This can be achieved by amending existing regulations and or strengthening current rules by implementing rules that discourage violation of extant laws of human rights. The Security Council and the European Union should support the initiative to punish the violators of human rights during armed conflicts. The Security Council has to gather information, analyse all data regarding human rights and humanitarian law violations, and take proactive steps to protect medical officers, Red Cross officials, and health infrastructures in similar war situations, such as the Russian-Ukrainian war and even the ongoing Israel-Iran wars. The time to act is now, as the wars are devastating the region.

3. CONCLUSION

The application and enforcement of humanitarian respondent rights and even the civil population in the ongoing Israeli-Hamas and Russian-Ukrainian armed conflicts are insufficient, despite the various statutory efforts that have been made regarding provisions of adequate protection from attacks. The Russian aggression against Ukraine and Israeli aggression against Hamas appear to be taking a genocide dimension and therefore eroding international human rights obligations to which state parties have acceded under the extant laws. The unprecedented civilian casualties and attacks on humanitarian responders and medical personnel strongly reveal the level of impunity with which laws of war are violated, and caution and customary international laws are

⁵⁶ UN Charter art 2(4).

⁵⁷ United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects (adopted 10 October 1980, 1342 UNTS 137 entered into force 2 December 1983).

thrown to the wind. Humanitarian respondents who are supposed to be protected now become the most endangered species in armed conflicts, which they did not subscribe to.

There is an urgent call for proactive reforms of the current international legal frameworks, so that humanitarian respondents would be adequately protected against indiscriminate attacks. Not just the humanitarian respondent, but the civil population who now appear as endangered targets during armed conflicts, especially the Israel-Hamas war. The wake-up call now is that all belligerent parties to the conflict should ensure respect for humanitarian responders by upholding the Geneva Convention in all respects, providing, most importantly, that the lives and well-being of the aid population are safeguarded throughout the conflict period and beyond.

It is therefore recommended that both Russia and Ukraine should take the pain in upholding the international humanitarian law; Israel and Iran are also included in this wake-up call for humanitarian concern globally. We recommend that the European community and the UN Security Council should directly intervene whenever a war breaks out by using their military might to call to order a party that takes advantage of the humanitarian responders in armed conflict situations. We further recommend that remedies, redress, and reparations for past violations should be paid to victims of human rights violations in Israel and Hamas, Ukraine, and Russia to avoid future recurrence. By implementing these recommendations, it would provide adequate protection for humanitarian respondents and prioritize their safety, and ensure unrestricted access of humanitarian respondents to civilian populations in need. The United Nations should regularly bring it to the fresh attention of the international community concerning the laws of war, placing emphasis on the humanitarian aid workers and the civilians in soft areas of concern.