

Occupation and Violation of International Legitimacy (An analytical Study dealing with the Israeli Invasion of Palestine and Russian Invasion of Ukraine)

الاحتلال وانتهاك الشرعية الدولية
(دراسة تحليلية تتناول الغزو الإسرائيلي لفلسطين و الغزو الروسي لأوكرانيا)

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Abstract:The importance of the research lies in shedding light on two similar issues, namely the Israeli occupation of Palestine and the Russian invasion of Ukraine, and then the research seeks to focus on the attempts of the colonizer to legitimize settlement and forced seizure of countries' lands. The problem is that the United Nations resolutions are contradictory in both conflicts and are subject to the whims and interests of the five major countries that control the Security Council resolutions. Hence, the research will be based on the descriptive-analytical approach, i will clarify the position of international law and the decisions of the International Court of Justice regarding the occupation, and the impossibility of legitimizing the presence of the Jewish entity in Palestine or the entity of the Russian state in Ukraine.

key words :International legitimacy, the Israeli occupation, the invasion of Ukraine

ملخص: تكمن أهمية البحث في انه يركز على قضيتين متشابهتين الأولى تخص الاحتلال الإسرائيلي لفلسطين والثانية تتناول الغزو الروسي لأوكرانيا، ومن ثم يسعى فإن موضوع البحث يسلط الضوء على محاولات المستعمر لإضفاء الشرعية على الاستيطان والاستيلاء ألقسري على أراضي الدول. والمشكلة هي أن قرارات الأمم المتحدة متناقضة في كلا النزاعين وتخضع لأهواء ومصالح الدول الخمس الكبرى التي تسيطر على قرارات مجلس الأمن. ومن هنا فإن البحث يعتمد على المنهج الوصفي التحليلي، والذي سيتم من خلاله إظهار موقف القانون الدولي وقرارات محكمة العدل الدولية بشأن الاحتلال، ولعل من أهم

النتائج التي يمكن التوصل إليها استحالة إضفاء الشرعية على وجود الكيان اليهودي في فلسطين وكذلك
الدولة الروسية في أوكرانيا.

الكلمات المفتاحية: الشرعية الدولية ، الاحتلال الإسرائيلي ، غزو أوكرانيا

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1- Introduction:

Some countries seek to use force as an attempt to annex territories belonging to other countries and then hold a popular referendum with the aim of legitimizing annexation decisions, but international law does not recognize these attempts or entail legal consequences. Therefore, the research seeks to focus on two models: the Russian model in the occupation of Ukraine and President Putin's recent issuance of a decision to annex four parts, and the Israeli model in Palestine, demolition and settlement work, and an attempt to legitimize the annexation of others' lands by force.

Research Importance:

The importance of the research lies in that it discusses the dangerous decisions recently issued by Russia, announcing the annexation of four parts of Ukraine, and those decisions had previously been issued by Israel in Palestine and sought to secure them through the construction of settlements, barriers and the separation wall.

And increases the importance of the research that it focuses on the international legal texts that criminalize occupation and settlement and refuse to arrange any legal effects on them and confirm the invalidity of all decisions of the occupier to annex the lands of others by force, whether in Palestine or in Ukraine recently.

Research problem:

The research problem also lies in the fact that Russia, on the one hand, and Ukraine and its allies, on the other, are unable to negotiate political solutions to end the war. Perhaps one of the most complex problems is that countries that can mediate and end the crisis, such as China and India, have only played the role of spectators. Hence, the negative attitude of these

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countries will lead Russia in the future to use nuclear weapons, perhaps on a limited scale.

The question: What is the position of the United States of America, France and NATO if Russia uses nuclear weapons in Ukraine?. What is the impact of a nuclear war on the world? .Will that war lead to a third world war?.

What is the legitimacy of the annexation and settlement attempts in Palestine? . What is the position of the International Court of Justice on the decisions of annexation and building a separation wall in the Palestinian state? . As well as Russia's recent attempts to give international legitimacy to the decisions to annex Donetsk, Lugansk, Zaporizhia and Kherson?.

Research Methodology:

The research is based on the descriptive analytical method, by clarifying the position of the occupation in Palestine and Ukraine, and analyzing the legal texts that criminalize settlement and occupation and invalidate annexation decisions

2- The concept of occupation and its goals:

2.1- Occupation concept:

Article 42 of the 1907 Hague Regulations states: "The territory of a State is considered occupied when it is under the effective authority of the enemy's army. Occupation includes only the territory in which this authority may be exercised after its establishment." (2)

Common Article 2 of the four Geneva Conventions of 1949 states that these conventions apply to any territory occupied during international hostilities. It also applies in cases where the occupation of a state's territory does not meet with any armed resistance.

Others defined occupation as "a state that invades the lands of another state, resides in it, and exercises its authority over it."(3).

Some believe that occupation is "that a fighting country breaks into all or some of the enemy's lands and actually controls them." (4)

Some see the occupation as "an armed attack by a state, combined with the control of its territory." (5)

2.2- The goals of the Israeli occupation:

2.2.1- The national goals of the Israeli occupation:

The supreme national goal of Israel is to establish the Greater Israel, with its pure Jewish identity, as a hegemonic regional power, in the Middle East. Annexing as many areas as it can from the areas it occupied in 1967, which fulfill their security requirements from a geostrategic point of view, and guarantee them access to additional water sources, and impose their legitimacy on those lands, while evacuating them from the Arab population in order to preserve the Jewish identity, provided that the military strategy works on achieve this through preemptive deterrence and massive retaliation.

2.2.2- The political goals of the occupation of Palestine:

After the Jews were subjected to oppression and persecution in Europe, they sought to find a national home that would bring them together after their displacement in the country. (6) . Hence, the goal of the Jewish occupation of Palestine was political and based on religious reasons , Hence the Zionist plan to establish a Jewish state that extends from the Nile to the Euphrates (7).The Jews were based on extremist religious and racist arguments and allegations that spread in Europe to justify their only goal of creating a national home for the Jews in Palestine (8).

Also the reason for the Zionists' keenness on Palestine that is due to their belief that it is the promised land to which the Jews will return and meet, according to what was stated in their books.

This is supported by the statements of the Jewish clergy, saying, "The Jews did not choose Palestine for its biblical meaning for them, nor because the water of the Dead Sea gives annually, due to evaporation, a value of three thousand billion dollars of minerals and semi-metals, and not also because Palestine's stock of petroleum is equivalent to twenty times its stock. The two Americas combined, but because Palestine is the real fulcrum for all the powers of the world, and because it is the strategic military center for world domination." (9).

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Since the fall of Sultan Abdul Hamid, Palestine opened its doors to Jewish immigration, and the scheme was on its way to its destination through (Herzl) and his allies.

Another English conspiracy took place, which was the first pillar of Israel, which granted the Jews the Balfour Declaration in 1917 AD, and which expelled three hundred thousand Jews between 1922 - 1939 AD.

In August of the year 1923 AD, the German Jews were displaced to the land of Palestine (the Promised Land), as they claim, and the German Jews are the most dangerous and most important Jews in the land.

Perhaps one of the most important goals of the Palestinian Jewish occupation is to benefit from the global international support for the Zionist entity , For example, the Mandate issued by the Covenant of the League of Nations obligated the Allied Powers to recognize the historical link between the Jewish people and Palestine⁽¹⁰⁾ . This is not the mandate contrary to the principles of US President Wilson regarding granting peoples the right to self-determination.

Therefore, when the King Crane Commission came to implement President Wilson's recommendations, that commission refused to recognize the establishment of a Jewish homeland in Palestine, because Muslims and Christians refuse to place the Holy Places under the auspices of the Jews. The committee suggested that the holy sites be placed under the administration of an international committee supervised by the League of Nations ⁽¹¹⁾.

In an effort by the Jews to facilitate the means to achieve their goal and establish a national homeland in Palestine, they allowed the legal and illegal immigration of the Jews to enter Palestine stealthily, It was through the borders with Egypt, Syria and Jordan⁽¹²⁾.

One of the most important goals of the Zionist occupation of Palestine was the division of the Ottoman Empire to achieve the ambitions of England,

France and Russia in exchange for fake promises to establish a united Arab state.

So the colonial countries concluded the Treaty of Petersburg, according to which some of the property of the Ottoman Empire became for the Arabs and Russia, and the rest of the property was taken by England and France⁽¹³⁾.

Hence, according to the views of many analysts and politicians, this occupation is the central issue in the Arab-Israeli conflict and the cause of the crisis and tension in the region. Although Palestine is a relatively small geographical area, the conflict receives great political attention due to the involvement of many international parties in it, and the great powers often engage in it because of its focus on a sensitive area of the world, and due to the conflict's relationship to the issues that constitute the peak of contemporary world crises. Such as the conflict between East and West, the relationship between Judaism, Christianity and Islam, the relationship of Arabs to the West, and the importance of Arab oil to Western countries.

2.2.3- The religious goals of the Israeli occupation:

The Jews believed that God promised Abraham that this land would be for his descendants. It is the "Land of Resurrection" to which the Jews will return under the leadership of the Messiah (Christ the Redeemer), that is, the land that will witness the end of history. The land of Israel is the center of the world because it is in the middle of the world, just as the Jews stand in the midst of the Gentiles, and their sacred history is the cornerstone of the world's history, and just as their deeds form the cornerstone of the world's salvation, this is of course according to their belief alone.

This was mentioned in several places in the Torah, and it should be noted here that the promise is made to Abraham and to his sons and grandchildren after him, and therefore the descendants of Abraham from his son Ishmael have the right to this inheritance just as the right of his grandchildren from Isaac and after him from Jacob and this is as stated in their current Torahs as they think.

It says in Genesis 12:1-5:

The Lord said to Abram, "Go from your land, and from your kindred, and from your father's house, to the land where I will show you. I will make

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you a great nation, and I will bless you, and I will exalt your name, and it will be a blessing”.

The Jews also say that it came in Genesis 12:14-15: The Lord says to Abraham” “Raise your eyes and look from the position that you are in it as a north, a south, a firm, and a west, 15 because all the lands that you see.”

The Zionist movement employed the biblical "Promised Land" concept in promoting the establishment of a Jewish homeland in Palestine. Palestine was not initially the chosen country for the project because of its high population density, but it was one of the three proposed places (Palestine, Argentina or Uganda), but Palestine was the most attractive for immigrants and financiers for the possibility of linking the project to a religious goal.

The Zionists’ effort to prove the biblical narrative archaeologically, and some recent genetic research is also trying to prove common genetic links between Jews all over the world that bring them together with the inhabitants of the “Middle East” region.⁽¹⁴⁾

On the other hand, archaeologists, some of them Israelis such as Zeev Herzog, question the theory of the Promised Land because it contradicts recent archaeological discoveries, and they demand the separation of scientific research from national narratives.

That is why the Jews claim that Palestine is the promised land that God promised to his prophet Israel and his sons after him.

2.3 - Russian occupation of Ukraine:

After the dissolution of the Soviet Union in 1991, Ukraine and Russia continued to maintain close relations. Ukraine agreed in 1994 to give up its nuclear arsenal and signed the Budapest Memorandum on Security Assurances on the condition that Russia, the United Kingdom, and the United States issue a guarantee against the use of force that threatens the territorial integrity or political independence of the Ukrainian state. Five years after the signing of the Budapest Memorandum, Russia was one of the signatories to the European Security Pact at the Istanbul Summit (1999)

where it “reaffirmed the inherent right of every state to be free to choose or change its security arrangements.”⁽¹⁵⁾

Although Ukraine is an independent and sovereign country, the Soviet Union still considers it a part of it, and it is feared that one day it will join NATO. On September 14, 2020, Ukraine began seeking membership in NATO .

NATO-Ukraine relations officially began after Ukraine became the first CIS country to enter the NATO Partnership for Peace in February 1994. On April 21, 2005, within the framework of an informal meeting of foreign ministers of NATO countries, a meeting of the Joint Committee between Ukraine and NATO was held, which opened the way for a new phase of Ukraine's relations with the Alliance, by conducting intensive dialogues that were intended to be the first step towards Ukraine's accession to NATO ⁽¹⁶⁾. In April 2021, Ukraine began serious steps to join NATO, which angered Russia and was a direct reason for the Russian attack on Ukraine.

2.3.1-The Political goals of the Russian occupation of Ukraine:

The geographical location of Ukraine has made it politically important for Russia, as Ukraine possesses a large area of land and shares its geographical borders with Russia and with Europe, and therefore Ukraine is the road that connects Russia with Europe. Ukraine is of great political and military importance to Russia, as the Russian attack on Ukraine was linked to Ukraine's serious move to join NATO.

The most important goals of the Russian occupation of Ukrainian lands are to try to prevent Ukraine from joining NATO, and in particular that Ukraine’s accession to NATO will pave the way for NATO to establish military bases in Ukraine on the Russian-Ukrainian border and thus threaten Russian national security.

Ukraine also links Russia with the Balkans, the Mediterranean and the Black Sea, which is the sea passage for the Russian merchant fleet.

2.3.2-The economic goals of the Russian occupation of Ukraine:

Ukraine is of great economic importance for Russia, because gas pipelines that go from Russia to Europe pass through Ukrainian territory. Also, Ukraine is Russia's first line of defense through which it can launch a ground attack on NATO if it infringes Russian interests.

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Russia is a semi-locked country and does not have sea ports, and therefore it seeks to occupy Ukraine, which overlooks the Black Sea, and thus Russia can control the Bosphorus Strait⁽¹⁷⁾.

Also, Ukraine represents a strong line of defense for Russia because Ukraine has the Carpathian Mountains in the west and the foot peninsula in the south⁽¹⁸⁾.

Perhaps one of the most important goals of the Russian invasion of Ukraine is to seize its wealth and resources, especially since Ukraine is the center for the distribution of Russian energy to the countries of the world, as Russian gas exports go to Europe through pipelines that pass through Ukrainian territory.

The Ukrainian city of Zaporizhia is of great importance to Russia because that city overlooks the Black Sea and is the largest nuclear power plant in Ukraine. Also, that city has a huge nuclear plant that was bombed during the war .

Russia also focused its efforts on capturing the city of Kherson, which is located on the borders of the formerly annexed vineyard, because that city has economic and political importance. This city also allows Russia to control the coasts of Zaporozhye, Donetsk and most of the Ukrainian territory.

In addition to the above, Russia is aware that Ukraine is the eighth largest arms exporter in the world according to the Stockholm International Peace Research Institute, and according to analysts cited by the Washington Post, about 70% of Ukraine's defense-related exports flowed to Russia before 2014, or about billion US dollars. Exports from Ukraine to Russia included 300-350 helicopter engines annually as well as various other aircraft engines, ICBMs, missile guidance systems from factories in Kharkiv, and 20% of Russian uranium. Consumption from the mines in Govti Vody, 60% of the gears are used in the planned Russian warships of the Mykolaiv manufacturers, and oil and gas from the Azov Sea. ⁽¹⁹⁾.

3.-The Israeli occupation and the violation of international legitimacy:

3.1- Some of Israel's violations of international legitimacy:

Article 2 of the United Nations Charter prohibits the use of force or war as a tool and means for settling international disputes.

Article 51 of this charter also stipulates that “Nothing in this charter will diminish or impair the natural right of states, individually or collectively, to defend themselves when a certain force has attacked any member state of the United Nations.”.

The international community considers the establishment of Israeli settlements in the Israeli-occupied territories illegal on one of two bases: that they are in violation of Article 49 of the Fourth Geneva Convention, or that they are in breach of international declarations. The United Nations Security Council, the United Nations General Assembly, the International Committee of the Red Cross, the International Court of Justice and the High Contracting Parties to the Convention have all affirmed that the Fourth Geneva Convention applies to the Israeli-occupied territories.

Numerous UN resolutions and prevailing international opinion hold that Israeli settlements in the West Bank, East Jerusalem and the Golan Heights are a violation of international law, including UN Security Council resolutions in 1979, 1980,⁽²⁰⁾ and 2016.

UN Security Council Resolution 446 refers to the Fourth Geneva Convention as the applicable international legal instrument, and calls upon Israel to desist from transferring its own population into the territories or changing their demographic makeup. 126 Representatives at the reconvened Conference of the High Contracting Parties to the Geneva Conventions in 2014 declared the settlements illegal[6] as has the primary judicial organ of the UN, the International Court of Justice[7] and the International Committee of the Red Cross.

Hence, according to the four Geneva Conventions, the occupation is a temporary and realistic situation that does not give the occupier the right to own the lands it occupied, just as the occupier is not allowed to annex the territory to the occupying state. The Nuremberg Tribunal for International War Crimes confirmed this principle in the advisory opinion on the apartheid wall on 9/6/2004, where the court issued a ruling that the

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construction of the separation wall on the occupied Palestinian lands was illegal. ⁽²¹⁾

Article 49 of the Fourth Geneva Convention states that “the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.”

According to this article, what Israel did decades ago, opening the door for legal and illegal immigration of Jews to enter Palestine, constitutes a violation of international law and does not have legal effects.

Article 53 of the same Fourth Convention states: "It is prohibited for the Occupying Power to destroy any private property, immovable or movable, relating to individuals or groups, the State or public authorities or social or cooperative organizations, unless such destruction is necessary for the operations of the army".

Hence, Israel violated that article and bulldozed large areas of Palestinian lands, demolished hundreds of homes, built Jewish settlements, and violated Article 53 of the Fourth Geneva Convention, and therefore the Israeli presence in those lands does not have legal effects for the occupying state, no matter how long it takes.

Article 55 of the 1907 Hague Convention states: “The occupying power is nothing but an administrator and usufructuary of the institutions, governmental buildings and agricultural lands owned by the hostile country and located in the occupying power, and it must maintain and manage these properties.”

Israel has violated the previous article and has extended its control over Palestinian institutions and looted wealth and property for the benefit of Jewish projects with the aim of owning and not managing them.

3.2-The Security Council resolutions on the illegality of the Israeli occupation:

3.2.1- The United Nations Security Council issued Resolution No. 252 on May 21, 1968, which considers that all administrative and legislative measures, and all actions taken by Israel, including the confiscation of land

and property that would lead to a change in the legal status of Jerusalem - are null and void. It cannot change the status of Jerusalem. Urgently calls upon Israel to rescind these measures, and to immediately refrain from taking any other action that might change the status of Jerusalem.

3.2.2- On March 20, 1979, the UN Security Council issued another Resolution No. 446 and decided that Israel's policy and practices in establishing settlements in the Palestinian and other Arab territories occupied since 1967 have no legal legitimacy and once again calls on Israel, as the "occupying power", to Strictly adhere to the Fourth Geneva Convention (1949), cancel its previous measures, and refrain from taking any action that would change the legal status and geographical character, or materially affect the demographic composition of the Arab territories occupied since 1967; In particular (Jerusalem), and not to transfer its civilian population, a committee consisting of three members of the Security Council defines, To be appointed by the council president after consulting with council members, to study the situation related to settlements in the Arab territories occupied since 1967, including Jerusalem.

3.2.3- On June 30, 1980, the Security Council issued Resolution No. 476, reaffirming the urgency of ending the prolonged occupation of the Arab territories occupied by Israel since 1967, including Jerusalem. Reaffirms that all legislative and administrative measures and actions taken by Israel (the occupying Power), which are intended to change the character and status of the Holy City of Jerusalem, have no legal validity; It constitutes a flagrant violation of the Fourth Geneva Convention. Reiterates that all such measures that have changed the geographical, demographic and historical character and status of the Holy City of Jerusalem are null and void and must be rescinded, in accordance with the relevant resolutions of the Security Council.

3.2.4- On December 23, 2016, the Security Council issued Resolution No. 2334 condemning the construction and expansion of settlements; land confiscation, house demolitions, and displacement of Palestinian civilians in the Palestinian territories occupied since 1967, including East Jerusalem.

3.3- United Nations General Assembly resolutions on the illegality of occupation

3.3.1- On December 19, 1968, the General Assembly issued its resolution 2443 (D_23), according to which a special committee was established to investigate Israeli practices that affect the human rights of the residents of the occupied territories. occupied, in a manner intended to exclude every possibility of returning these lands to their rightful owners ⁽²²⁾

On the basis of the subsequent reports of this committee, the General Assembly issued on December 20, 1971 its resolution (2851) in which it demanded that Israel cease establishing settlements in the occupied territories, and cease transferring the civilian population to these occupied territories, and strongly demanded that Israel immediately rescind all the measures it had taken and cease About all of the following policies and actions⁽²³⁾.

3.3.2- Subsequently, resolutions condemning the establishment of settlements in the occupied territories and the replacement of the indigenous population by settlers, in contravention of the rules of general international law and the principles of the United Nations, especially the inadmissibility of seizing the lands of others by force and threatening international peace and security⁽²⁴⁾.

4.- The Russian occupation and the violation of international legitimacy:

4.1-Some Russian violations of international legitimacy:

We have already pointed out that Article 2 (4) of the Charter of the United Nations states that all members of the United Nations “shall abstain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations.” ". Along the same

lines, Article 2(3) of the Charter requires all member states to “settle their international disputes by peaceful means in a manner that does not endanger international peace and security and justice.”

Many experts in international law and foreign affairs argue that Russia's invasion of Ukraine violated these principles, specifically Article 2(4)'s prohibition on the "use of force" against other states. They also generally rejected the Russian government's official legal justifications for invading Ukraine (25).

Russia has argued that its use of force against Ukraine is legal under Article 51 of the UN Charter, which preserves the rights of UN member states to defend themselves against "armed attack" and to engage in "collective self-defence". Specifically, Russia has claimed that it may use force against Ukraine in order to defend the Donetsk and Luhansk People's Republics, which Russia recognizes as independent states. International law and foreign policy experts have criticized this argument.

Russia cannot rely on justifications for self-defense because Ukraine has not threatened or attacked any other country. Russia could not invoke the collective self-defense provision under Article 51 because these areas are not recognized as separate states under international law.

On September 30, 2022, Russian President Putin announced that he had annexed to Great Russia "four new regions", namely Donetsk, Lugansk, Kherson and Zaporizhia, and urged Ukraine to stop military operations and return to the negotiating table.

Immediately after this announcement, Albania and the United States of America submitted to the Security Council a draft resolution condemning the annexation, and unfortunately the resolution was not issued because Russia used its veto.

Hence, according to the four Geneva Conventions, the occupation is a temporary and realistic situation that does not give the occupier the right to own the lands it occupied, just as the occupier is not allowed to annex the territory to the occupying state. The Nuremberg Tribunal for International War Crimes confirmed this principle in the advisory opinion on the apartheid wall on 9/6/2004, where the court issued a ruling that the construction of the separation wall on the occupied Palestinian lands was

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illegal. ⁽²⁶⁾ . Therefore, the ruling of the International Court of Justice issued on the illegality of building the separation wall in Palestine also applies to the decision issued by Russian President Putin on September 30, 2022 regarding the annexation of four Ukrainian cities to Russia , President Putin's decision to annex also violates the four Geneva Conventions, which criminalize occupation and annexation of the occupied country's territory by force.

As a result of the fact that the occupying power does not have the right to annex the territory of the occupying country, Article 49 of the Fourth Geneva Convention states that “the occupying power may not transfer part of its population to the territory it occupies.”⁽²⁷⁾

Although the Russian veto prevented the issuance of a Security Council resolution condemning the annexation, the alternative is what the foreign ministers of the G7 countries, Britain, Canada, France, Italy and Japan announced to the United States, saying: “We will never recognize the annexations carried out by Russia of the Ukrainian lands, We unanimously and resolutely condemn the aggressive Russian war against Ukraine and Russia's continued violation of Ukraine's sovereignty, territorial integrity and independence. ⁽²⁸⁾

4.2-Russia committed war crimes in Ukraine:

What Russia has done in Ukraine is a war crime of aggression in accordance with the United Nations Charter, which expressly prohibits the use of force .

Hence, Russia’s acts constitute a serious breach of the UN Charter, which states: All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.

There is no question Russia has breached the rules of international law. Ukraine has a right to territorial integrity and political independence. Russian “recognition” of the independence of Donetsk and Luhansk does not change this, nor do any historical claims to Ukrainian territory on the

part of Russia. Russia has also committed an act of aggression against Ukraine. Aggression is an old concept in international law, predating the creation of the UN . War has been outright illegal since the 1928 Kellogg-Briand pact. The charter establishing the International Military Tribunal at Nuremberg in 1945 also declared the “planning, preparation, initiation or waging of a war of aggression” to be crimes against peace ⁽²⁹⁾.

On March 7, 2022, Russian forces committed crimes against humanity by launching an air raid on the residential district of Sumy, Ukraine, which killed about 22 people, including 3 children. Under the procedural directive of the Sumy Prosecutor's Office, criminal proceedings were initiated to convict Russians of violating the laws and customs of war.⁽³⁰⁾

On March 9, 2022, the Russian Armed Forces bombed the Maternity and Children's Hospital in the city of Mariupol, destroying the hospital. British Prime Minister Boris Johnson described the bombing as "corrupt", while Dmytro Ivanovic Kuliba described the bombing as a "horrific war crime"⁽³¹⁾

The Prosecutor of the International Criminal Court, Karim Ahmed Khan, stated on 25 February 2022 that the ICC can "exercise its jurisdiction and investigate any act of genocide, crimes against humanity or war crimes committed within Ukraine", and Khan stated on 28 February , he said he would launch a full investigation before the International Criminal Court and had asked his team to "explore all opportunities to preserve evidence", and stated that it would be faster to formally open the investigation if an ICC member state referred the case for investigation, while Lithuanian Prime Minister Ingrida Simonet said in the same Today, Lithuania has requested the opening of an investigation by the International Criminal Court.

On February 27, 2022, Ukraine submitted a petition to the International Court of Justice, arguing that Russia had violated the Genocide Convention by using the baseless accusation that Kyiv had committed genocide against the Russians in order to justify its aggression against Ukraine. On March 1, the International Court of Justice formally called on Russia to “act in such a manner” that it would be possible to decide on “provisional measures” until they became effective. A hearing at the International Court of Justice to

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discuss the “Ukraine v. Russia case” was held on 7 and 8 March 2022, at the Peace Palace in The Hague via the Internet, with live broadcasts in English and French.⁽³²⁾

Russia also targeted civilians during the siege of Mariupol, where there were several attempts to establish a humanitarian evacuation corridor to evacuate civilians from the city, but they failed due to the targeting of the corridor by Russian forces. On March 5, 2022, a five-hour ceasefire was announced, but the evacuations were quickly halted after the bombing continued during the announced time. The next day, the International Committee of the Red Cross declared that a second attempt to establish a safe evacuation corridor had failed, and then the same Committee announced on March 7 that it had found that one of the routes listed for evacuations during the ceasefire had been cancelled. The following day, Human Rights Watch issued a statement saying that the attacks on the evacuation corridor indicated that “Russian forces have violated their obligations under international humanitarian law.”⁽³³⁾.

The International Committee of the Red Cross warned on 13 March 2022 that time was running out for those trapped by the Russian army's siege of Mariupol and that citizens there faced a "worst case scenario" unless the warring parties reached an agreement to guarantee their immediate safety and access to humanitarian aid. A “concrete, precise and enforceable agreement” is needed without delay so that civilians who want to leave can reach safety, and so that aid can reach those who need it.

Another spokesperson for the International Committee of the Red Cross declared on March 14, 2022 that “hundreds of thousands” of people in the city face acute or total shortages of basic necessities such as food, water and medicine. On the same day, more than 160 private cars left the city for Zaporozhye via the humanitarian corridor, after five previous attempts failed.⁽³⁴⁾.

On March 3, Russian forces attacked the Zaporozhye nuclear power plant, the largest in Europe. This caused many people around the world to worry

about a Chernobyl-like accident, but fortunately modern reactors had many safety measures in place to prevent Chernobyl-like accidents. The workers of the station, before the Russians targeted it, activated the control rods to avoid any possible breakdown. The Russian bombing targeted several buildings, including an electricity unit near the nuclear reactors, which caused a fire, but it was quickly put out. That night, the US embassy in Ukraine described the Russian bombing of the nuclear power plant as a “war crime” aimed at establishing what it called the “reign of terror.”⁽³⁵⁾

5.- Conclusion:

The most dangerous thing facing international law is the insistence of many countries on violating international legitimacy, occupying the lands of others by force, and committing the most heinous crimes against humanity. Hence , the results and recommendations of the research are summarized as follows

5.1- Results:

1- The roots of the Jewish occupation of Palestine began with the efforts of England, with the aim of dividing the Ottoman Empire among the great powers, and then opening the door for legal and illegal immigration of scattered Jews in all countries of the world to enter Palestine to be a national home for them

2- The Jews claim that God promised Abraham that this land would be for his descendants. and they believe It is the “Land of Resurrection” to which the Jews will return under the leadership of Christ the Savior, that is, the land that will witness the end of history. And The land of Palestine is the center of the world because it is located in the middle of the world, so whoever wants to talk about international law and human rights, let him speak as he wants, but in the end the Jews will not leave Palestine.

3- According to the United Nations Charter, all members are prohibited from threatening to use force against the territorial integrity or political independence of any state, in their international relations, or in any other manner inconsistent with the principles of the United Nations. This principle is now considered an important part of customary international law, and thus Israel's occupation of Palestine as well as Russia's occupation of Ukraine violate international law.

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4- Israel has established many Israeli settlements throughout the West Bank, including East Jerusalem, and has violated Article 51 of the Charter of the United Nations, and has extended its control over Palestinian institutions and looted Palestinian wealth and property. with the goal of owning it, not managing it. These violations are illegal under international law. In all of its resolutions, the UN Security Council affirmed the illegality of these Israeli violations and called on Israel to remove them because they constitute a "flagrant violation of international law."

5- The attack launched by the Russian forces on the territory of Ukraine violates the provisions of Article 2 and Article 51 of the Charter of the United Nations, which prohibit the use of force against member states, with the exception of only legitimate defense.

6- What Russia announced on 9/30/2022 to annex four Ukrainian regions to Great Russia is a flagrant violation of international law and a violation of the four Geneva Conventions, which do not recognize the occupation's right to annex the territory of the country it occupied . In addition, the law of occupation gives the occupying country only the right to administer the territory, provided that it extends control over it.

7- The massacres, demolition of homes and factories, the bulldozing of Palestinian agricultural lands, and mass murder committed by Israel throughout the occupation period, is a war crime that requires military leaders to be tried before the International Criminal Court.

8- killing of civilians by the Russian forces in Ukraine, the indiscriminate bombing of residential neighborhoods, hospitals, the nuclear reactor, and the bombing of the road designated for evacuating civilians is war crime that requires the submission of the Russian military leaders to the International Criminal Court

9- Russia claimed that it use force against Ukraine in order to defend the Donetsk and Luhansk People's Republics, which Russia recognizes as independent states. This argument has no basis because Ukraine did not

attack any country, in addition, these regions are not recognized as states under international law.

10- Supporters of the veto claim that it supports international stability, and I believe that this right is mentioned in the United Nations Charter to block sovereign Security Council decisions if they conflict with the interests of the Big Five. I believe that this right is a cancer in the body of the Security Council that should be eliminated.

11- Many parties concerned with human rights violations have moved to investigate Russian crimes in Ukraine. The United Nations Human Rights Council in Geneva voted during its meeting in the first week of March in favor of forming a three-member investigation committee to look into violations of human rights and international humanitarian law in Ukraine. The task of this committee is to investigate and identify "individuals and entities" who are responsible for committing these violations, and to ensure that forensic evidence is preserved in preparation for "future legal proceedings". The Human Rights Council is not a court, but it can help to benefit from due process.

5.2- Recommendations:

1- I recommend amending Article 27 of the United Nations Charter, which grants the five major powers the right of veto to block Security Council resolutions so that Security Council resolutions are issued by a majority of nine members, including four of the great powers. I know very well that this amendment will be very difficult, especially since amending the articles of the Charter in accordance with Article 108 of it requires the approval of two-thirds of the members, including the five great powers. But now this amendment may be especially desirable, after Russia has used its veto against the will of the world to block a resolution condemning it for the invasion of Ukraine.

2- I recommended that the Arab countries collectively demand that they have one vote in the Security Council equal to the vote of the five major countries to pass Security Council resolutions with the approval of nine members, including the vote of the Arab countries. In the event of the refusal of the great powers, the solution is a collective withdrawal from the United Nations.

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3- I recommend bringing together the scattering of Arab countries and achieving Arab political, economic, linguistic and religious unity that would bring together Arabs of different political affiliations, beliefs and sects. The idea is based on merging all of the Arab countries into a single political and economic union that removes the borders between the Arab countries and establishes a strong state economically, humanly and militarily, with the heads of Arab states remaining each in his position.

4- Concluding Arab agreements to invest Arab capital within the Arab world, in a manner that allows Arab investments to remain within the Arab world and to stop importing from countries supporting Israel.

5- I recommend the countries of the world to cooperate with the Palestinian people to document the war crimes committed by the leaders and soldiers of the Israeli army in Palestine in particular. Israel has repeatedly stated that it refuses to cooperate with the International Criminal Court on these crimes.

6- The actions of the Russian forces, including the invasion of Ukraine, the bombing of civilians, the demolition of hospitals, the bombing of the nuclear reactor, and the commission of other war crimes, deserve to be tried before the International Criminal Court. It is surprising that Ukraine has acted on that recommendation and not only resorted to the International Criminal Court, but also resorted to the International Court of Justice and the European Court of Human Rights. Therefore, I recommend that the International Criminal Court issue an arrest warrant for Putin as a war criminal

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