

Blame Hamas for Israel Halting Aid to Gaza

written by Arsen Ostrovsky | 10.03.2025

On March 2, Israeli Prime Minister Benjamin Netanyahu announced that Israel would halt the entry of all goods and supplies to Gaza. This decision came after Hamas rejected a framework proposed by U.S. Special Envoy to the Middle East Steve Witkoff intended to continue the hostage-ceasefire talks—a framework Israel had already agreed to.

Of course, it was not long until the usual politicians, pundits and armchair quarterbacks playing lawyer started accusing Israel of the war crime of starvation. And, as usual, they did so with vague references to unspecified provisions of “international law.”

For the record, international law is *very* clear on this point: Israel is *not* obligated to provide aid that will be used by an enemy in a time of war, and anyone who argues differently is either illiterate or willfully ignorant.

British Prime Minister Winston Churchill and President Franklin D. Roosevelt certainly were not expected to provide aid to Nazi Germany during WWII, yet there is a systematic double standard and misapplication of the law against the Jewish state.

To begin, those who ignorantly claim that all blockades are automatically a war crime, are simply wrong. Blockades, which are a lawful military tactic in the course of war, are *regulated* by international humanitarian law, but are not *prohibited* by it, as long as it is not used to intentionally starve the local civilian population. To that end, siege law does have humanitarian aspects, namely the requirement of facilitating the passage of food and medicine by third parties, which is governed by Article 23 of the 4th Geneva Convention.

Article 23 is very explicit in outlining that a High Contracting Party, such as Israel, shall allow the free passage of humanitarian supplies, but that is if, and only if, there are no serious reasons to believe these supplies are being diverted from their destination or used for military purposes.

Nor are these points controversial; for example, both the U.S. Defense Department Law of War Manual and the UK Joint Service Manual of the Law of Armed Conflict reiterate and mirror Article 23 of 4th Geneva Convention. So where does that leave Israel?

There has been indisputable and overwhelming evidence that Hamas systematically steals the aid, and uses it to advance their military goals, including the ongoing captivity of hostages. Everyone from *The New York Times* to the Palestinian Authority and the United Nations has reported on this fact for years. And if that's not enough, even Hamas themselves has admitted it.

It is also imperative to dismiss the libelous charge that by halting the aid, Israel is committing the war crime of starving the civilian population of Gaza, which is patently untrue here.

Article 8(2)(b)(xxv) of the Rome Statute explicitly defines the crime of starvation as: "intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions."

Israel has made well-documented and extensive efforts to provide humanitarian aid to Gaza, even though it does not have to (as it is not legally occupying Gaza), and even under the extraordinary challenge of Hamas's systematic theft and weaponization of such supplies since they initiated the Oct. 7, 2023, massacre.

Since the commencement of Phase 1 of the hostage-ceasefire deal on Jan. 19, more than 25,000 trucks have entered Gaza (about 600 per day), carrying a total of 57,000 tons of food. This is at a greater level than pre-war aid deliveries. Meantime, water continues to be provided through Israeli pipelines as well. It is estimated that, based on current provisions, there is at least four to five months adequate supply of aid in Gaza.

There is apparently so much extra food, in fact, that Hamas can afford to have drones drop candy for the massive crowds that gathered to watch them parade innocent tortured Israeli civilian hostages and murdered Jewish babies in front of a jeering crowd before their release in a macabre celebration.

As President Joe Biden even clearly stated on Oct. 18, 2023, that, "If Hamas diverts or steals the assistance, they will have demonstrated once again that they

have no concern for the welfare of the Palestinian people and it will end. As a practical matter, it will — it will stop the international community from being able to provide this aid.”

Any accusation therefore that Israel’s objective here is to starve innocent civilians—rather than to compel the surrender of Hamas combatants—is not merely unfounded but a libelous distortion of truth.

In summary, Israel’s actions in halting aid are entirely just and legitimate under international law. Those who seek a resumption of further aid into Gaza, would be well advised to direct their outrage and pressure toward Hamas (and their sponsor Qatar) to accept the Witkoff framework for the continuation of a temporary ceasefire during the Ramadan and Passover period, and to demand the immediate and unequivocal release of all the remaining hostages being held captive in Gaza.

The article was written by Arsen Ostrovsky together with Mark Goldfeder, a law professor and CEO of the National Jewish Advocacy Center.

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