

**Arab American University
Faculty of Graduate Studies
Department of Legal Sciences
Master Program in International Law & Diplomacy**



The Legal Characterization of Urbicide: A Case Study of the Gaza Strip after October 7th, 2023.

Dania Shadi Mohammad Hawari

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**Supervision Committee:
Dr. Abdel Haleem Atiyeh
Dr. Murad Bader
Dr. Ahmad Abu Jafar**

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Diplomacy**

Palestine, February /2026

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Thesis Approval

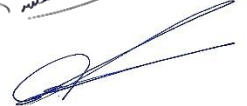
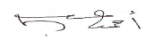
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Dania Shadi Mohammad Hawari

202316920

This thesis was defended successfully on 16.2.2026 and approved by:

Thesis Committee Members:

Name	Title	Signature
1. Dr. Abdelhalim Attiah	Main Supervisor	
2. Dr. Murad Bader	Member of Supervision Committee	
3. Dr. Ahmad Abu Jafar	Member of Supervision Committee	

Palestine, February /2026

Declaration

I declare that, except where explicit reference is made to the contribution of others, this thesis is substantially my own work and has not been submitted for any other degree at the Arab American University or any other institution.

Student Name: Dania Shadi Mohammad Hawari

Student ID: 202316920

Signature: *Dania*

Date of Submitting the Final Version of the Thesis : 5.3.2026

Dedication

In memory of the Palestinian martyrs of the Urbicidal war after 7th of October 2023 and in honour of my family in Gaza. To my people, who create opportunity out of immense suffering, and to the millions of souls—unseen and unheard—whose stories and sacrifices inspire this pursuit of justice.

Dania Shadi Mohammad Hawari

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First and foremost, I praise and thank Almighty God for His countless blessings and for granting me the strength and perseverance to complete this thesis successfully.

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Lastly, I solemnly dedicate this thesis to the soul of my beloved Grandfather in the Gaza Strip, Mohammad Abu Daff, whose memory is a source of strength. I also dedicate this work to the soul of the martyr of national duty, my dear brother and friend, Hassan Abdallah. May their souls rest in eternal peace.

Special thanks to my supervisor, Dr. Abdel Haleem for his support and guidance.

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Student Name: Dania Shadi Mohammad Hawari

Supervision Committee:

Dr. Abdel Haleem Atiyeh

Dr. Murad Bader

Dr. Ahmad Abu Jafar

Abstract

The concept of urbicide, which originated in the 1960s in the U.S., gained traction in academic circles in the 1990s when it was used to describe the Bosnian war and other armed struggles in the post-Cold War era.¹

Urbicide is generally defined as a peculiar form of purposive violence where urbanity is the strategic object of violence. Scholars have offered varied interpretations of urbicide, with Martin Coward proposing that it is the destruction of buildings as a condition for the possibility of heterogeneous existence. This approach looks beyond the phase of military confrontation and extends to periods of peace, viewing the destructive phase of war as part of an overall organization of urban spatiality that continues after the war through surgical demolitions and strategic reconstructions. The ultimate goal of urbicide is the replacement of heterogeneity with homogeneity, reflecting its genealogical connections to scholarship on contested cities and ethno-nationalistic conflict².

In Gaza, the Israeli occupation views the territory as a wild and dangerous space, with the objective of population subjugation rather than conquest or homogenization. Their approach to the Strip aligns with a neo-colonial understanding of urbicide, which involves strategies of destroying specific social and physical aspects of urban settlement to maximize the capacity of occupying forces to survey, surround, and control occupied lands and populations³. In Gaza, the spatial reconfiguration by the victors translates into permanent spatial disabling through repeated

¹ Fregonese, S. (2020). *War and the city: Urban geopolitics in Lebanon*. I.B. Tauris, Bloomsbury.

² Coward, M. (2009). *Urbicide is the politics of urban destruction*. New York: Routledge.

³ Mbembe, A. (2008). *Necropolitics*. In S. Morton, & S. Bygrave (Eds.), *Foucault in an Age of terror. Essays on Biopolitics and the Defence of Society* (pp. 152–182). London: Palgrave Macmillan.

maiming, enacted between periods of active conflict and the denial of physical rehabilitation⁴. This peculiarity of Gaza's urbicide is based on the structural relationship between its two constitutive moments: siege and destructive attack. In other cases, destruction has been followed by reconstruction, and a military attack without a state of siege does not necessarily turn into necropolitical space annihilation.

The researcher argues that the systematic destruction of the Gaza Strip goes beyond what is usually described as collateral damage and should instead be understood as a deliberate policy of urbicide that materially prepares the ground for genocide. By targeting key supports of Palestinian society, including infrastructure, cultural heritage, and healthcare, this destruction undermines the right to remain and contributes to forced displacement by making daily life unlivable.

Although urbicide is not defined as a separate offence in formal international legal instruments, this study argues that the acts commonly described by that term can be prosecuted under the Rome Statute as war crimes, crimes against humanity, and acts of genocide. Even under current geopolitical limits, triggering International Criminal Court (ICC) jurisdiction and applying Universal Jurisdiction remain necessary steps to ensure that individuals can be held criminally accountable. The researcher argues that treating the deliberate destruction of the urban fabric as a *sui generis* crime is necessary to strengthen international criminal law and to safeguard universal humanitarian standards.

Keywords: Urbicidal war; systematic Destruction; Independent Crime, Urban Destruction.

⁴ Kipfer, S., & Goonewardena, K. (2007). Colonization and the new imperialism: On the meaning of urbicide today. *Theory & Event*, 10(2).

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List of Definitions of Abbreviations

AP I	Additional Protocol I to the Geneva Conventions (1977)
AP II	Additional Protocol II to the Geneva Conventions (1977)
CAH	Crimes Against Humanity
EUD	Extensive Urban Destruction (A specific analytical term used in this field)
GC	Geneva Conventions (1949)
GC I–IV	Geneva Conventions I–IV (1949)
HR	Human Rights
HRC	Human Rights Council (UN)
HRL	Human Rights Law
IAC	International Armed Conflict
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights (1966)
ICESCR	International Covenant on Economic, Social, and Cultural Rights (1966)
ICJ	International Court of Justice

ICL	International Criminal Law
ICRC	International Committee of the Red Cross
IHL	International Humanitarian Law
IHRL	International Human Rights Law
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights (UN)
RS	Rome Statute of the International Criminal Court (1998)
UNGA	United Nations General Assembly
UNSC	United Nations Security Council
UJ	Universal Jurisdiction

Introduction

The concept of Urbicide⁵ was defined as the deliberate and systematic destruction of the built environment—has gained significant analytical prominence in academic discourse since the 1990s, particularly in characterizing post-Cold War conflicts. This phenomenon transcends conventional military necessity, as it specifically targets civilian objects and urban property to erode collective memory and eliminate the physical conditions essential for human habitation. By dismantling the critical infrastructure that sustains communal identity and social reproduction, urbicide functions as a coercive mechanism that nullifies the possibility of survival, thereby rendering forced displacement and seeking asylum the only viable alternatives for the targeted population. Historically rooted in practices of conquest, this systematic destruction serves as a fundamental catalyst for cycles of political elimination and broader genocidal processes.

The civilians of the Gaza Strip have endured multiple historical instances resembling Urbicide, specifically during the events of 1948 and 1967. Following these periods, inhabitants were forced into internal displacement, becoming refugees within the besieged Strip, unable to return to their original towns and villages which were either demolished or appropriated. The contemporary approach toward the Gaza Strip aligns with a neo-colonial understanding of Urbicide.

This methodology prioritizes population subjugation over traditional conquest, utilizing strategies of destroying specific social and physical aspects of urban settlement to maximize the occupying force's capacity to survey, surround, and permanently control the territory. This spatial reconfiguration results in a permanent physical disabling of the urban landscape through repeated destruction, enacted even between periods of active conflict, alongside the denial of physical rehabilitation.

⁵ The concept of Urbicide, which originated in the 1960s in the U.S., gained traction in academic circles in the 1990s when it was used to describe the Bosnian war and other armed struggles in the post-Cold War era, is the act of destroying the houses and property of an attacked tribe, often leading to the property of the powerful tribe. This barbaric behavior has deep roots in human history and has led to various ideas of revenge, genocide, and killing. It eliminates the hope of survival by destroying collective memory and leaving no living space, making escape and asylum the only alternative to survival. (Dorota Golańska, *Ibid*, *Slow Urbicide: A New Materialist Account of Political Violence in Palestine* (London: Routledge India, 2023), P.2-3).

During the last twenty years, the Gaza Strip has experienced repeated rounds of armed conflict, including in 2008, 2012, 2014, 2021, and 2023. Over time, these events have damaged infrastructure and contributed to lasting social and psychological harm. The current escalation marks a qualitative change in strategy, as it seems aimed at the basic structures of community life rather than at conventional military targets.

This form of attritional warfare is increasingly defined by an aim to make the territory unfit for civilian life. Through a policy of spatial fragmentation, the occupying forces have divided the area into isolated enclaves, turning a densely populated urban space into one where residents face acute vulnerability. In these fragmented areas, the line between combatant and civilian often disappears, leaving groups that should be protected, including older people, women, and children, exposed to widespread and indiscriminate violence

Since October 7, 2023, the Gaza Strip has been subjected to a massive military offensive targeting a densely populated area. Israeli military operations have systematically targeted civilian zones, including high-rise buildings and entire residential neighbourhoods across cities, towns, and refugee camps. This extensive destruction in the highly populated Gaza Strip has led to the internal displacement of over 1.7 million people, marking one of the heaviest conventional bombing campaigns in modern warfare history. These attacks should be understood as part of a longer pattern shaped by more than 75 years of structural violence, land appropriation, and institutional discrimination directed at Palestinians.

This crisis has created serious legal and humanitarian challenges for the international community. International bodies such as the UN General Assembly and the Security Council have called for an immediate ceasefire and for all parties to comply with international humanitarian law. The International Court of Justice (ICJ) issued provisional measures that noted the worsening humanitarian situation and later ordered Israel to stop its military operations in Rafah.

The Human Rights Council has expressed concern that the level of civilian deaths and the destruction of civilian property may be disproportionate to any expected military gain, and it has noted that targeting practices may have been unlawfully broadened in ways that allow widespread damage. In this context, this master's thesis assesses whether international criminal law can support prosecutions for the Urbicide reported in Gaza, with attention to existing accountability rules and to whether Urbicide could be treated as a crime under international law.

Research Problem

The central research problem investigates the perceived inefficacy of International Criminal Law (ICL) in securing accountability for the systematic devastation of the Gaza Strip post-October 7, 2023—a phenomenon conceptualized as 'Urbicide.' This challenge emerges from a critical dualism: first, the normative lacuna within the Rome Statute, which lacks an explicit codification of urbicide, thereby necessitating recourse to broader charges of war crimes or crimes against humanity. Such a substitution risks diluting the specific *dolus specialis* (special intent) inherent in the erasure of urban identity and collective memory.

Second, the research addresses the evidentiary and procedural hurdles in establishing individual criminal responsibility and *mens rea* within the labyrinthine context of urban warfare. This is particularly salient where 'military necessity' is invoked as a justificatory defence to obscure the strategic intent behind widespread destruction.

Moving beyond the mere cataloguing of violations, this thesis interrogates the viability of existing legal pathways for accountability. By deconstructing the evidentiary complexities of the urban theatre—specifically the erosion of the principle of distinction and the difficulty of attributing cumulative policy decisions to individual actors—this thesis evaluates whether the international legal architecture maintains the requisite 'teeth' to prosecute violence aimed at territorial erasure. Ultimately, the research asserts that overcoming the tactical obfuscation inherent in modern siege warfare requires a robust evolution of legal definitions and evidentiary standards to affirm that the systematic annihilation of urban life constitutes a prosecutable international crime.

This thesis fundamentally addresses the question: What is the potential role of international criminal law in prosecuting Israeli perpetrators of Urbicide in Gaza since 7th of Oct 2023? This question will branch out into several sub-questions that the researcher will attempt to answer throughout the study.

Research Questions

The main research question emphasizes: What is the potential role of international criminal law in prosecuting Israeli perpetrators of urbicide in Gaza since 7th of Oct 2023? This will be addressed by answering the following sub-questions:

- What is the historical origins of the concept “urbicide” in international legal jurisprudence?
- Is there a legal basis for criminalizing urbicide in international law?
- To what extent do the elements of international crimes apply to the systematic destruction (urbicide) in Gaza strip after 7th of oct 2023?
- Can acts that constitute the crime of urbicide be considered a separate crime in themselves?
- What are the possible international judicial mechanisms for prosecuting perpetrators of the crime of “urbicide”?

Importance of the Study

This thesis is among the first academic studies to examine whether International Criminal Law (ICL) can address urbicide in the ongoing war in Gaza that began on October 7, 2023. The researcher focuses on a gap in international criminal law. Offences such as War Crimes and Genocide are clearly defined, but Urbicide, understood here as the deliberate and systematic destruction of urban infrastructure needed for basic life, has no formal legal status.

This absence of recognition makes it difficult to bring legal cases against those responsible for large-scale destruction of cities. This thesis contends that, as presently structured, ICL may not provide an adequate basis for prosecuting Israeli perpetrators for urbicide, which makes it necessary to rely on established categories such as war crimes or crimes against humanity. The analysis argues that establishing the required mental element and assigning individual responsibility in urban warfare is difficult both legally and in practice. It aims to inform ongoing academic debate on urban destruction and to provide a framework for assessing how well international criminal law tools address acts of territorial erasure.

Scope of the Research

Subject Borders: Assessing how International Criminal Law (ICL) could be applied to prosecute urbicide. This work focuses on three points: the legal challenges involved, the absence of clear criminal laws that cover the conduct in question, and the procedural problems in proving intent and assigning responsibility for large-scale destruction in urban areas.

Human Borders examines the Israeli occupation as a set of practices carried out against Palestinians in the Gaza Strip, including civilians and displaced people, where attacks on the urban environment also seek to damage collective memory through acts of urbicide.

Temporal scope: From October 7, 2023, through the date of thesis submission, with attention to the large-scale military offensive and the systematic destruction that followed.

Spatial Borders: This term refers to the Gaza Strip as a defined area of analysis, including its cities, towns, residential neighborhoods, and refugee camps, as well as the built environment and infrastructure that form the focus of study.

Research Methodology

The researcher used a descriptive and analytical legal approach to examine how Urbicide is defined and how it is prosecuted. The researcher proceeds in two analytical stages. In the first stage, it builds a theoretical framework by tracing the historical and legal development of urbicide, reviewing current protections for urban environments under International Humanitarian Law (IHL), and drawing on comparative analyses of armed conflict.

The second stage applies an applied legal method to classify the urban destruction in the Gaza Strip and to examine whether it can be treated as a criminal act under International Criminal Law (ICL). It assesses whether the conduct fits as a War Crime, with attention to the required mens rea for widespread destruction, or whether it is better understood as an Independent Crime. This legal submission includes an empirical section that brings together verified field data and human rights records to show that the destruction is systematic and large in scale. It then provides a jurisdictional review of possible routes for accountability and identifies the bodies that may have authority to act.

However, as for the finalizing part of the thesis, which is practical, the researcher will focus on three interviews approximately with three experts and academic researcher within urban geography, forensics, environmental studies, urban planning, and geography and lecturers in international law; and interviews with researchers whose research interests are on the politics of space and the social history of the cities of Palestine. Thus, academic researchers have expertise and experience working on human rights crises and documenting laws of war violations during situations of armed conflict.

Previous Studies

This literature review will systematically explore key scholarly contributions that analyze Urbicide across three interconnected domains: conceptual definition and historical trajectory, the legal debate surrounding its criminalization, and its specific manifestation and legal implications within the current context of the Gaza war. Scholars have debated how international law should classify this conduct. The central question is whether the deliberate destruction of urban infrastructure, and the related aim of removing a territory in practice, can be prosecuted under existing categories such as War Crime or Crime Against Humanity. A related concern is whether the scale and intent of the conduct fall outside what these categories were designed to cover, which has led some to argue for recognition of a separate international crime so that accountability can be pursued in a clearer and more consistent way. This review identifies the main gaps in existing law and the areas where scholars agree, which support the thesis claim that current ICL frameworks do not address Urbicide well.

Ahmad, Khalilia, (2024): Urbicide the City of Gaza, Department of Architecture, Faculty of Engineering, Arab American University, Palestine (Article)

The paper methodology emphasized the concept of Urbicide in the Gaza Strip since the 7th of Oct 2023, which involves understanding and comparing the phenomena with similar cases. The study reveals the extent of the interrelation between Urbicide and genocide, as the city was destroyed, the population dispersed, and the infrastructure disappeared. however, the study highlights the need for international cooperation in addressing the ongoing conflict in Gaza.

Dr. Khalilia, concludes his paper The city of Gaza devastated by bombings, destroying buildings, parks, and playgrounds. Residents are not given additional time or distinction between residential and non-residential areas, and every inch of Gaza is under threat. “Despite these threats, residents continue to less dangerous areas, often moving 12 times in six months for shelter. When bombed, families, relatives, and neighbours are injured, leading to fear and fear” As Dr. Khalilia said.

Yves Winter, "The Siege of Gaza: Spatial Violence, Humanitarian Strategies, and the Biopolitics of Punishment," *Constellations* 23, no. 2 (2016), (Article).

Winter's article explores the Israeli blockade of Gaza as a form of collective punishment, restricting movement to control the Palestinian population. The article examines how humanitarian aid may reduce human suffering during the Gaza siege.

Although aid is intended to meet basic needs, it may also unintentionally sustain the conditions produced by the blockade. Winter draws on biopolitics to explain the siege as a form of punishment that regulates access to basic resources and shapes the living conditions of people in Gaza. This form of control goes beyond physical coercion. Winter's article offers a critical analysis of how spatial strategies shaped humanitarian interventions during the Gaza blockade, focusing on the dynamics of power, control, and resistance.

Karolina Wojtasik, "Urbicide - when the city becomes a target," in *Urbanism as a Way of Life: Trying to Rediscover*, ed. M. S. Szczepański, G. Gawron, and B. Lewicka (Katowice: Wydawnictwo Uniwersytetu Śląskiego,(2015), (Article)

In her 2015 essay, Urbicide—When the City Becomes a Target, Karolina Wojtasik examines how urban areas are deliberately attacked and destroyed during armed conflict, and what this means for the city as a social and political space. Wojtasik argues that cities, as hubs of cultural, economic, and social life, often become strategic targets in war because they matter both symbolically and in practical terms.

The Deliberate destruction can fracture social ties and weaken shared identity and cultural heritage. The article examines urbicide in both historical and present contexts, focusing on its motives and on the deep effects it has on the people and communities targeted. It argues that these acts are not limited to physical damage; they also harm the cultural and social fabric of urban

communities. The statement stresses protecting cities as a way to maintain human civilization and shared community identity.

Dorota Golańska, *Slow Urbicide: A New Materialist Account of Political Violence in Palestine* (London: Routledge, 2023), (Book).

Golańska's work on political violence, collective memory, and where memory, art, and activism intersect is useful for researchers in political science, international relations, cultural studies, and urban studies. Her 2023 book *Slow Urbicide*, published by Routledge, examines political violence in the present day through the framework of new materialism. It includes an introduction to the politics of destruction, chapters on new materialism, mapping urbicidal violence, and geographical warfare in Palestine.

Golańska's emphasized the deliberate destruction of urban environments during the Israel-Palestine conflict, examining the politics of spatial containment and regulation, and highlighting the complex material and semiotic aspects of urban spaces.

The book explores urban warfare and state-sponsored violence through concepts like ethno-territoriality and "the right to the city," incorporating recent scholarship on slow violence and urbicidal policies, discussing various dimensions of violence against urban spaces.

Andy Moulin and Bernard, "URBICIDE in Syria: An Updated Study on the Politics of Urban Destruction in Damascus" (Mediterranean and Middle East Metropolis Conference, Paris, 2018), (Article).

The article adds four new aspects to Coward's concept of urbicide can take the form of occupation or destruction, resulting in strategic and sectorial reconstruction or emptiness, and the desired homogeneity seeks a demographic aligned with political interests. The complexity of urban spaces and interpretation has become an important factor in politics contemplating urbicide as an option to transform spaces into soft and flat spaces.

Despite resistance and subversions to urbicide in Syria, the logic revealed by urbicide should be seen as a real and imminent threat, as the political patterns revealed show a new norm taking place that risks becoming the new guidelines for modern warfare. An updated case study on the Damascus area, Syria, illustrates each of these new aspects.

Andy argues that urbicide should not be seen as a static category in post-Cold War conflicts or abstract urbanity ideas. Instead, it can be used as a methodological and theoretical instrument to study the political reasoning behind new trends in urban warfare. As mentioned in the article, in the Syrian context, the Syrian regime used this approach during the civil war to depopulate urban areas and destroy their infrastructure to reshape the demographic composition in line with its political interests.

Shraddha Dubey, "Urbicide in Gaza: Destruction of Dreams, Memory and the Wreckage of City Life," Human Rights Here (blog), May 22, 2024.

Shraddha Dubey argues that Israel's military offensive in the Gaza Strip, which began on October 7, 2023, amounts to urbicide, understood as the planned and deliberate destruction of urban life. The author presents Gaza as an ancient city with a long-standing urban identity and cultural memory, then traces how this has deteriorated since the Nakba and later Israeli occupation, leaving Gaza densely populated and widely described as an open-air prison.

Examples include the destruction of essential civilian infrastructure and damage to historic and cultural sites, such as places of worship, museums, and archives. The damage extended to major sites such as the Great Omari Mosque and the Church of Saint Porphyrius, but it was most severe in residential areas, where entire neighborhoods were hit and more than 60% of housing units were destroyed. This destruction, sometimes called Domicide, involves more than physical loss. It erases memories, identity, and cultural life, and it can drive large-scale forced displacement. In that sense, it may meet the criteria for a crime against humanity.

Dubey argues that Israel's military strategies, such as widespread attacks on urban infrastructure and the potentially catastrophic plan to flood tunnels, fit the concept of urbicide. In this view, the violence is planned and directed at destroying the city's-built environment and the systems people rely on to live, which leads to an ongoing denial of the Right to the City for the Palestinian population.

Trinidad Deiros Bronte, "Destruction of Millennia-Old Gaza City Robs Inhabitants of the Landscape of Memory," *El País*, November 9, 2025.

The extensive rubble in Gaza City points not only to the ruin of buildings but also to the removal of what scholars call a Palestinian landscape of memory and to the deliberate damaging of basic conditions for life, a process Eyal Weizman has described as an indirect way to kill. For Gaza residents such as Doaa Ulyan, the military offensive has erased parts of their personal past and everyday social and cultural life. Neighbourhoods such as Al Rimal, once active and central to city life, have been reduced to ash, and Gaza's tallest building has been destroyed by explosives.

Bronte argues that this "slow death" is produced by destroying the basic "shells" that support human life, including housing, hospitals, and public infrastructure. In this account, survival becomes impossible both in biological terms and in cultural terms, which is reflected in the uncounted "invisible victims," such as the reported 40% of dialysis patients who died when hospitals could not operate. This deliberate destruction removes the physical places, like the beloved childhood seawall "Al Baqa," that preserved the community's collective history.

Also, in the article she represents the destruction of Gaza City represents more than physical damage; it is the calculated erasure of the "landscape of memory" and the functional "shells" of human existence, according to architects and analysts. The systematic demolition of dynamic areas like Al Rimal and the accompanying collapse of essential infrastructure, such as hospitals leading to high rates of "invisible victims" like dialysis patients, constitutes an "indirect way to kill." This act is intended to destroy the population's cultural setting and make sustained life biologically impossible, confirming the deliberate removal of the urban environment's capacity to host its inhabitants and preserve its history.

Harika Uçar and Ahmet Tarık Torun, "Spatial Analysis of the Israel-Palestine Conflict: Urbicide in Gaza," *OPUS Journal of Society Research* 22, no. 5 (2025): 915.

The article, "Spatial Analysis of the Israel-Palestine Conflict: Urbicide in Gaza," by Uçar and Torun, evaluates whether the systematic destruction in Gaza following the October 2023 attacks constitutes Urbicide, which is defined here as the spatial manifestation of genocide.

Because the scale of damage goes beyond what is typically seen in wartime, this study uses remote sensing and GIS methods, along with UNOSAT data, to produce scientific evidence that

can support its legal characterization. The spatial analysis for the period from October 15, 2023, to February 25, 2025, recorded the total destruction of 68,154 general buildings, 207 places of worship, 225 educational institutions, and 58 hospitals. Given the extent of the destruction, the authors examine in detail whether Israel's policies in Gaza fit widely accepted criteria for urbicide.

Andreou, Georgia M., M. Fradley, L. Blue, and C. Breen. 2022. "Establishing a Baseline for the Study of Maritime Cultural Heritage in the Gaza Strip." *Palestine Exploration Quarterly* 156 (1): 4–42. doi:10.1080/00310328.2022.2037923.

This paper responds to the lack of basic archaeological data for the Gaza Strip, a place that matters for wider regional research because of its geographic position, varied cultural history, and long historical development. Current research on Gaza often focuses on present-day conflict narratives, which can leave the area's fragile cultural heritage underexamined.

This research addresses the challenges created by conflict and restricted access to field sites by focusing on maritime cultural heritage (MCH), which is under combined pressure from physical damage, violence, and environmental and climate-related stressors.

Serra Deniz Araz, "'Urbicide': Erasing Palestinian Memory Beyond Gaza's Ruins," *TRT World*, April 17, 2024, <https://www.trtworld.com/article/17809785>.

The TRT World article titled "'Urbicide': Erasing Palestinian memory beyond Gaza's ruins" argues that the large-scale destruction in Gaza should be understood as urbicide, meaning the planned elimination of a city's built environment along with its cultural and social life, with the aim of removing Palestinian identity and collective memory. Since October 7, 2023, reporting indicates that Israeli military operations have damaged or destroyed more than 35% of Gaza's urban built environment.

The reported losses include older residential areas, sites of cultural and religious value such as the Al Omari Mosque and the Saint Porphyrius Church, schools and universities, and core public systems needed for daily life. Some scholars argue that this destruction should not be treated as incidental damage. They describe it as a deliberate effort to erase Gaza as a place with a continuous Palestinian history and to remake it as a space defined by property and redevelopment. In this view, the aim is to block Palestinian return and to reshape the territory so that what has been

described as the world's largest open-air prison becomes, in practice, a mass refugee camp. Despite the extensive destruction, accounts suggest that residents maintained a persistent commitment to rebuilding their community and restoring a shared sense of identity.

Nadiah N. Ahmad, "Gaza: A Case Study of Urban Destruction Through Military Involvement" (master's thesis, Temple University, 2011).

This master's thesis was written by Nadiah N. Ahmad (2011) uses the Gaza Strip as a case study to examine urbicide, understood as the planned and forceful destruction of the built environment in wartime, and to assess how this process contributes to the instability of urban space and to changes in Palestinian community identity. Building on Adams, Goonewardene, and Kipfer's arguments that the destruction of buildings can undermine morale and erase shared identity, this study frames urbicide as political violence and exclusion that produces an urban environment marked by ongoing threat and physical impermanence.

The study examines how repeated military actions, including bombardment, precision strikes, and incursions, reshape Gaza's buildings and the functioning of its urban areas. The main finding is that repeated cycles of destruction and rebuilding reshape the physical landscape. Ongoing violence changes daily life and makes buildings appear temporary, yet residents continue to rebuild when materials are available. This repeated reconstruction shows an ongoing refusal to accept efforts to remove them permanently.

Francesco Chiodelli, "Urbicide, Neo-colonial Subjugation and the Gaza Strip," *Political Geography* 94 (April 2022): <https://doi.org/10.1016/J.POLGEO.2021.102534>

The article contends that violence in the Gaza Strip should be read as urbicide, meaning the deliberate destruction of urban life and the conditions that make a city function. It points to the 11-day Israeli bombardment in May 2021, which destroyed or damaged thousands of housing units and key civilian facilities, as evidence for this interpretation.

This case calls for a broader concept of urbicide than the usual focus on destruction during war. It is better understood as a neo-colonial approach aimed at lasting spatial

disablement, produced through the structural link between two parts: immediate military assaults and a prolonged siege that blocks repair and recovery.

This form of warfare, which began with the 2007 blockade, restricts the entry of basic building materials such as cement and steel. As a result, each bombing campaign creates more rubble that cannot be cleared through rebuilding, turning the city into a necropolitical space shaped by ongoing destruction. Using the term urbicide is politically necessary because it treats the destruction not as incidental harm but as an intended aim. It names this violence as a single, long-term policy of socio-spatial control carried out through collective punishment, and it frames it as a sustained neo-colonial war.

Commentary on Previous Studies

This thesis builds on earlier scholarship that has described and tested the concept of urbicide, and that has examined the political and legal dynamics of the Gaza conflict. Most existing studies used descriptive analysis to define the concept, examine how it appears in practice, and assess whether current international law addresses it adequately.

- Khalilia, Ahmad (2024): In "Urbicide the City of Gaza," this research established the contemporary link between Urbicide and genocide following the October 7, 2023, escalation, documenting the interrelation between urban destruction and population dispersal.
- Winter, Yves (2016): The article, "The Siege of Gaza," analyzed the Israeli blockade as a form of collective punishment and spatial violence, exploring the biopolitics of punishment and the role of humanitarian aid in inadvertently perpetuating control mechanisms over the population.
- Wojtasik, Karolina (2015): The essay, "Urbicide - when the city becomes a target," provided a foundational analysis of Urbicide, arguing that the intentional devastation of cities is a strategic act of warfare designed to disrupt the societal fabric and erase collective identity due to the city's symbolic and practical significance.
- Golańska, Dorota (2023): The book, "Slow Urbicide," introduced a critical theoretical lens by examining political violence through new materialism, specifically mapping "slow urbicidal violence" and the politics of spatial containment and regulation in Palestine.

- Moulin, Andy and Bernard (2018): In "URBICIDE in Syria," the authors advanced Coward's concept of Urbicide, arguing for its use as a methodological instrument to study new trends in urban warfare, highlighting that Urbicide can result in strategic reconstruction or engineered emptiness aimed at demographic transformation.
- Dubey, Shraddha (2024): The blog post "Urbicide in Gaza: Destruction of Dreams, Memory and the Wreckage of City Life," applied the Urbicide concept to the post-October 7, 2023, offensive, defining the large-scale targeting of civilian infrastructure and historical sites as a systematic and deliberate destruction constituting a potential crime against humanity.
- Bronte, Trinidad Deiros (2025): The article "Destruction of Millennia-Old Gaza City," characterized the outcome as the erasure of the "landscape of memory" and the functional "shells of human existence," arguing that the collapse of essential infrastructure constitutes an "indirect way to kill."
- Uçar, Harika and Ahmet Tarık Torun (2025): Their "Spatial Analysis of the Israel-Palestine Conflict" provided scientific evidence using remote sensing and GIS to quantify the scale of destruction after October 2023, concluding that the policies align with the characteristics of Urbicide.
- Andreou, Georgia M. et al. (2022): The paper "Establishing a Baseline for the Study of Maritime Cultural Heritage," highlighted the broad scope of destruction by focusing on the marginalization of vulnerable cultural heritage, including maritime archaeology, due to conflict and other pressures.

This study differs from earlier research in its objective: rather than focusing on conceptual mapping of urbicide, it examines how urbicide may be classified under international law and what forms of legal accountability may follow. Earlier research has shown that urbicide has occurred in Gaza. This study addresses a related question: what role, if any, can international criminal law play in prosecuting Israeli actors for urbicide in Gaza in the period since October 7, 2023?

This issue will be examined through a structured assessment of whether international criminal law frameworks can be applied to the deliberate destruction of the Gaza Strip. This study examines urbicide in international legal jurisprudence. It asks whether current international law

provides a clear legal basis to treat urbicide as a crime, or whether that basis is missing. It then considers how acts of urban destruction fit within the legal elements of existing international crimes. On that basis, the study evaluates whether urbicide should be recognized as a separate international crime. It also reviews which international courts or other judicial avenues could be used to bring cases against those responsible.

Research Limitations

The thesis is limited by the legal framework and the geographic area it covers. The analysis is limited to the urban areas of the Gaza Strip and covers the period from October 7, 2023, through the present. It focuses on damage to civilian infrastructure.

From a legal standpoint, the thesis's main limitation is that Urbicide is not defined as a formal criminal offense. This requires the researcher to work within the limits set by International Humanitarian Law and international criminal law, including rules on war crimes and crimes against humanity, to judge whether prosecution is realistic. A central difficulty is showing the required specific criminal intent under the current legal framework.

Chapter one: The Theoretical and Legal Framework of Urbicide

The first section sets out the main theoretical and legal foundations for defining urbicide and explains its relevance to international law. This analysis begins by examining the term's history in law and public debate, showing how it shifted from a sociopolitical idea to a topic that now receives sustained attention in recent legal research. The discussion then turns to the International Humanitarian Law (IHL) rules that govern the protection of urban areas during hostilities.

The second section sets out the conceptual and legal basis for classifying urbicide within International Criminal Law (ICL). This chapter reviews basic principles, treaty duties under the Geneva Conventions, and relevant case law on protecting civilian infrastructure and cultural property to set out an approach for assessing urban destruction as a separate violation under international criminal law. It draws on earlier armed conflicts in which the systematic destruction of urban areas was judged or understood under existing legal frameworks, and it sets up the next chapter's focused legal analysis of urban destruction in the Gaza Strip.

1.1 Defining Urbicide: Conceptual Framework and Historical Trajectory

This section examines the conceptual and historical roots of urbicide, treating it as a socio-political construct and as a developing legal concept. This point relates to the main research question, which examines the idea of urbicide in international legal jurisprudence and traces its historical origins.

The analysis begins by tracing where the term came from, including why it was introduced to describe the intentional and organized destruction of cities. It then considers how the term's meaning has been narrowed and clarified over time through historical events and academic debate.

1.1.1 Urbicide: History of Concept's Development

1.1.1.1 A Brief History of "Urbicide": Roots and Language

The term "urbicide" became widely used during the 1992–95 Bosnian War to describe the broad, intentional destruction of cities and other built urban spaces. The term, first introduced by American scholars in urban development, was meant to capture an emerging view that the planned

destruction of buildings and infrastructure can be understood as a distinct form of violence. In this account, the target is the city itself as an intertwined social and material system, rather than damage treated as incidental to other aims.⁶

A systematic academic study of urbicide should begin with an etymological analysis of the term. Urbicide is a compound noun formed by combining the element urban with the Latin-derived suffix -cide. Taken literally, the term refers to the killing or destruction of what is covered by the idea of the urban. The main analytical problem in defining urbicide is to state clearly what counts as the urban in ontological terms. This requires specifying which material and non-material features are treated as urban, and which of those are singled out for destruction.⁷

Bogdan Bogdanović developed this idea through his analysis of the destruction of Vukovar. He argued that the damage should be understood as urbicide because it involved a deliberate attack on the urban environment by what he called city haters. This reading became widely used in the literature, describing the violence in Bosnia, Croatia, and Kosovo as a reactionary attack. Analysts often described the systematic destruction as a conflict between armed, often poorly educated rural fighters shaped by local tradition and the cities' more cosmopolitan life and related state institutions.⁸

An early and well-known use of this term appears in the writing of Ada Louise Huxtable, the Pulitzer Prize-winning architectural critic. In her 1972 collection titled *Will They Ever Finish Bruckner Boulevard?* In *A Primer on Urbicide*, Huxtable used the term in her subtitle to describe urban planning and development projects in New York City. She argued that these processes amounted to a prolonged attack on the city and produced a clear decline in the quality of everyday urban life. This early use of the term framed urbicide as a useful concept for studying intentional practices that damage, or destroy, the basic features of urban life through infrastructure or development decisions.⁹

In research on violence aimed at cities, urbicide is often used to describe the intentional destruction of urban space and urban life; in the Palestinian case, Nurhan Abujidi argues that this condition continues even when it is not explicitly named. Abujidi defines urbicide as a discourse that involves

⁶ Martin Coward, *Urbicide Is the Politics of Urban Destruction* (New York: Routledge, 2009), P.1-2.

⁷ The Oxford English Dictionary, 2nd ed. (Oxford: Clarendon Press, 1989), Vol. III, 213–214.

⁸ Martin Coward, (2009), *ibid*, P.37.

⁹ Ada Louise Huxtable, *Will They Ever Finish Bruckner Boulevard? A Primer on Urbicide* (New York: Collier Books, 1972).

the deliberate destruction of the urban environment as a whole, including its buildings, infrastructure, landscape, and spatial network. In this account, urbicide is presented as an intentional attack that exceeds what could be considered allowable collateral damage.¹⁰ Given the long history of the destruction of Palestinian settlements and refugee camps, the concept of urbicide is increasingly employed as the primary theoretical framework to interpret and theorize the systemic violence directed against the Palestinian built environment, highlighting the targeting of urban existence itself.

1.1.1.2 Urbicide in the Modern Era: Significance in Modern Warfare

As the researcher mentioned above, Scholars, including Scholars such as Marshal Berman, Martin Shaw, and Stephen Graham argue that urbicide is not only unintended harm during conflict. They describe it as the deliberate targeting of cities because of their symbolic meaning as places of cosmopolitan life and tolerance.

This form of destruction covers a city's material assets, such as buildings, infrastructure, and institutions, as well as its symbolic meaning. It can occur through organized warfare and through administrative decisions, including bureaucratic actions and urban planning policies. From this perspective, urbicide refers to the deliberate destruction of cities that are plural, multi-ethnic, or key economic centers when they are judged undesirable, with the aim of imposing a preferred urban form and social order, or even removing the city over time.

This pattern is not limited to periods of war. Berman (1996) argued that urbicide can be built into urban development practices, as seen in the large-scale demolitions carried out in many U.S. cities during the 1960s. The removal of Black neighborhoods for highway construction can be understood as an early move that protected capitalist elites and shows how racism is tied to economic and political power.

In military settings, cities may be targeted not only for strategic reasons but also because of what they represent culturally. The destruction of Bosnian cities such as Mostar has been discussed in this way, since the city was seen as a symbol of shared multicultural life. Graham notes a similar

¹⁰ Nurhan Abujidi, *Urbicide in Palestine: Spaces of Oppression and Resilience*, 1st ed. (New York: Routledge, 2014), 39, doi:10.4324/9781315819099.

pattern in Israeli policy and argues that it involves a systematic and highly violent campaign directed at Palestinian towns and cities as such, shaped by an Orientalist view of the built environment.¹¹

Planning policies and military actions carried out under the Israeli occupation in the OPT (Occupied Palestinian Territories) can be understood as a continuing form of urbicide. These practices are directed at controlling Palestinian space by reshaping or damaging the built environment and the physical structures that support everyday life. This outcome comes from careful coordination of design by construction and design by destruction. The ongoing building of Israeli settlements, bypass roads, and the Separation Wall can be read as urbicide through construction, since these projects are planned in ways that enclose Palestinian areas and restrict Palestinian urban growth and population development. In contrast, military actions that level entire Palestinian neighborhoods are an instance of urbicide through destruction, reshaping the built environment to meet stated military and security aims.¹²

In armed conflict, cities are sometimes destroyed in their own right, meaning they are targeted because of their social makeup and the symbolic meaning they hold. A clear historical case is the destruction of Bosnian cities such as Mostar, which were targeted because they stood for a lived model of shared multicultural and multiethnic life. Building on this idea, scholars argue that this destruction is a deliberate political strategy.

Graham identifies a similar pattern of urbicide and place annihilation in Israeli military and planning actions, which he suggests are rooted in an "Orientalist" approach that views the Palestinian built environment as something to be systematically attacked. Graham states the "Israeli state is now waging a systematic and extremely violent war against Palestinian towns and cities per se", ¹³This systematic destruction, which targets the city's structure and identity.

The researcher's opinion, Historical readings and a review, particularly drawn from the Bosnian and Palestinian experiences of urbicide, suggests this phenomenon follows a predictable, three-stage developmental logic: Politics, Action, and Effect. The process begins with the Politics stage, where a preliminary framework is established, characterized by the denial of the Other and

¹¹ Martin Shaw, "New Wars of the City: Relationships of 'Urbicide' and 'Genocide,'" in *Cities, War, and Terrorism* (Hoboken, NJ: John Wiley & Sons, 2020), pp. 141–153. Available at: <https://doi.org/10.1002/9780470753033.ch8>.

¹² Nurhan Abujidi and Han Verschure, "Military Occupation as Urbicide by 'Construction and Destruction': The Case of Nablus, Palestine," *The Arab World Geographer/Le Géographe du monde arabe* 9, no. 2 (2006), P.148.

¹³ Nurhan Abujidi and Han Verschure, *Ibid*, P.127.

the implementation of mechanisms of colonial subjugation and control. This framework enables the Action stage, which is manifested through military operations specifically targeting and destroying key aspects of the city's urbanity.

1.1.2 The Jurisprudential Development of the Concept "Urbicide"

1.1.2.1 Jurisprudential interpretations of the concept of Urbicide

The term urbicide began to appear in academic writing in 1992, shaped by the large-scale destruction observed during the Bosnian War. *Mostar '92 – Urbicid*, written by architects from Mostar, argued that the large-scale destruction of the city's-built environment was a core and intentional part of the conflict, not just incidental damage.¹⁴

This work presented evidence in both written and visual form showing that the destruction was not limited to isolated sites but extended in a systematic way to key civilian and cultural infrastructure, such as bridges, mosques and churches, housing blocks, commercial buildings, and public areas.

Mostar '92 – Urbicid was written to press for formal recognition of urbicide and to argue that the extent and character of the damage went beyond what International Humanitarian Law (IHL) allows as acceptable collateral damage. This publication was the first to argue that the destruction of the built environment should be studied as its own concept and, possibly, as a separate legal category. In doing so, it opened the legal debate on urbicide.¹⁵

Also, K.Mežantsev argues for the formal recognition of urbicide in international law and states that it is relevant to legal and policy work in both the European Union and the United Nations. He maintains that prosecution and compensation for damage linked to urbicide depend on two legal steps: revising domestic criminal law to define urbicide as a crime and assign criminal

¹⁴ Ribarevic-Nikolic and Z. Juric, eds., *Mostar '92 – Urbicid* (Mostar: Hrvatsko vijeće obrane općine Mostar, (1992).

¹⁵ Ribarevic-Nikolic and Z. Juric, *ibid*, 1992.

liability, and establishing an international prohibition on the use of artillery and missiles in civilian areas.¹⁶

Under international humanitarian law, intentionally destroying or damaging civilian areas in a way that makes a city uninhabitable may amount to a war crime. This is consistent with the Rome Statute of the International Criminal Court. Article 5 sets out the Court's jurisdiction over the core crimes, and Article 8 lists the specific acts that qualify as war crimes. These acts include widespread destruction and unlawful seizure of property without military need, intentional attacks on civilian sites, and harm to civilians or the environment that is excessive when weighed against the expected military advantage. Article 8 states clearly that attacks on civilian targets, including cities, residential areas, and places with cultural or humanitarian value, can be prosecuted as war crimes.

In academic discussions, Martin Shaw argues that urbicide is part of genocide, because the destruction is aimed not only at residents and the built environment, but also at what the city stands for. Under this perspective, the destruction of cultural symbols, including mosques, is considered alongside attacks on civilians, for example through displacement, injury, and killing. The argument is that these actions operate together to erase a group's public presence and reduce its capacity to continue as a community. Item Bosnian Muslims and the way they remember these events can be treated as one linked process: a war that targeted both the city as a social and physical form and the people who lived in it.¹⁷

Since the Cold War, urbicide has served as a key concept for analyzing the social and political effects of destroying cities, rather than treating such destruction only as a matter of military necessity or incidental harm. As I mentioned above, Scholars like Coward view urbicide as a unique form of political violence that intentionally targets "shared spatiality," which is crucial for political engagement. This strategy forces communities into fragmented social and spatial units, suppressing political subjectivity.

Theorists such as Stephen Graham describe "ruthless modernization" as a strategy in which critical infrastructure is intentionally targeted to weaken an opponent's political capacity, limit access to state power, and reduce political agency. Taken together, these perspectives treat urbicide

¹⁶ Olena Mykhailova, "Prospects for the Qualification of the Crime of Urbicide in International Humanitarian Law," *Naukovi Pratsi Mizhrehionalnoi Akademii Upravlinnia Personalom. Yurydychni Nauky* 2, no. 62 (2022): P.93.

¹⁷ Martin Shaw, *War and Genocide: Organized Killing in Modern Society* (Cambridge: Polity Press, 2003): P.155

as a geopolitical strategy that seeks to reshape and control cities through hybrid forms of conflict, militarized approaches to urban planning, and security operations. This approach ultimately threatens the diversity of socio-cultural identities by merging formal warfare with everyday security practices.¹⁸

Also, Gregory & Pred argue the contemporary occurrence of urbicide in the Global South must be analysed not as a series of isolated incidents, but as phenomena deeply embedded within enduring historical continuities of colonial power and control. This necessitates framing urbicide within Derek Gregory's "colonial present," as postcolonial spaces are continually subjected to multi-scalar governmental interventions and specific security logics manifest in actions like the American "War on Terror" or Russian authoritarian interventions that are fundamentally designed to negate the possibilities for political agency and to inscribe relations of domination onto the social and physical urban fabric. Therefore, a comprehensive conceptualization of urbicide requires attentiveness to these histories of violence, acknowledging their persistence as material fact, lived experience, and resonant memory within the affected populations.¹⁹

Related to the current literature review is increasingly focused on the conceptual relationship between urbicide, genocide, and ecocide, often arguing that both urbicide and genocide necessitate a predefined goal and a plan for its execution. A significant scholarly perspective posits that urbicide can constitute a component of the crime of genocide, given that the destruction of a population's housing effectively contributes to the erasure of their way of life, aspirations, history, and future.²⁰

1.1.2.2 The Legal Debate on the Recognition of Urbicide as an Independent Crime

More broadly, a clear position in legal scholarship suggests that the general concept of urbicide establishes certain prerequisites for crimes like cultural destruction or genocide. This is based on the logic that when an entire population's habitat, infrastructure, and corresponding

¹⁸Gemma Garroum Pla, "Urbicide," Virtual Encyclopaedia – Rewriting Peace and Conflict, last modified March 10, 2025, <https://rewritingpeaceandconflict.net/urbicide>

¹⁹ Derek Gregory and Allan Pred, eds., *Violent Geographies: Fear, Terror, and Political Violence* (New York: Routledge, 2007), P.2.

²⁰ Viktoriia Yavorska, "Definition and Confirmation Concept of Urbicide," *Visegrad Journal on Human Rights* 6 (2024): p.116 , <https://doi.org/10.61345/1339-7915.2024.6.21>.

culture are systematically obliterated, the conditions for committing genocide are either met, or the act itself transitions into genocide, depending on the resulting consequences.

For example, Dmytro Lubinets, the Commissioner for Human Rights of the Verkhovna Rada, in his 2022 report on human rights observance in Ukraine, he was formally characterized urbicide as a distinct manifestation of mass violence. This form of violence is specifically defined by the deliberate annihilation of critical civilian infrastructure. Functionally, urbicide is executed using a strategy of collective punishment, involving sustained bombardment and the systematic destruction of urban resources to inflict a detrimental impact on the city's structure. Therefore, the consistent devastation and ultimate obliteration of the urban environment constitute urbicide—the murder of the city.

The researcher argues that the debate on treating urbicide as an individual crime is shaped by a broader gap in how scholars interpret the intentional destruction of urban spaces during conflict. In this view, the problem comes from weak cooperation across academic fields, which limits shared concepts and makes it harder to explain why cities and their built environments are targeted on purpose. Scholars of political violence, including historians and political scientists, often treat the city as a passive setting or a practical complication, and they do not examine closely why the city itself becomes the target.

In contrast, scholars of urban space, such as those in architecture and urban planning, often reduce the problem by treating the destruction of cities as a basic aim of war. This assumption can lead them to overlook the political and strategic choices that shape why particular attacks occur.

In their article *Introduction to Urbicide: The Killing of Cities*, Campbell and Graham argue that the discussion of modern conflicts argues that older terms such as collateral damage do not capture the full complexity of warfare, especially in urban settings where civilian spaces and military objectives are often closely interwoven. The rise of terms such as ethnic cleansing and the renewed use of urbicide shows a need for more precise analytical tools to study these problems. Urbicide refers to deliberate violence directed at the city itself, treated as a distinct practice rather than a general label for fighting that happens in urban areas.²¹

²¹ David Campbell, Stephen Graham, and Daniel B. Monk, "Introduction to Urbicide: The Killing of Cities?," *Theory & Event* 10, no. 2 (2007), p.11.

In relation to urbicide, one key dynamic is war that affects cities indirectly: armed conflict can reshape urban space through damage and displacement even when the city itself is not the main target. Second, urban warfare is becoming more common, with armed conflict occurring inside city boundaries and making the city the main site of operations. Third, urbicide can be understood as purposive violence: a planned strategy in which the city's urban character is the direct object of attack, so the city is targeted by design rather than harmed as an unintended side effect.

These categories exhibit inevitable overlaps, suggesting that "city," "urbanity," and "war" should be seen as fluid processes rather than fixed entities. This understanding reinforces the complexity surrounding urbicide and emphasizes the necessity of examining these concepts in their historical context and evolving nature.²²

In an interview, Professor Margo Okazawa-Rey defines urbicide as a legal concept that goes beyond the destruction of buildings and other physical property. She argues that the law should treat urbicide as a socio-biological attack on the shared conditions that make collective life possible. She describes the city as a container for everyday life, arguing that although buildings and other constructed spaces are not living, they provide the basic setting and support needed to secure human rights and maintain social continuity.

Under this framework, the systematic destruction of Gaza's urban centers is not treated as simple damage to buildings. It is described as a deliberate effort to remove the physical space and material resources needed for a protected group to continue living. Professor Okazawa-Rey places the current conflict in a settler-colonial legal frame and argues that this form of urbicide serves a clear political aim: permanent territorial and social displacement. In her view, the deliberate destruction of urban space and civic life functions as a strategy to remove the population and pursue its erasure.²³

From a research perspective, urbicide can be understood as systemic political necro-planning. It refers to a deliberate, staged form of violence grounded in exclusionary politics, aimed at breaking down the material and social conditions that make urban life possible. This concept goes beyond standard accounts of warfare by defining urbicide as a strategic attempt to reshape a

²² David Campbell, Stephen Graham, and Daniel B. Monk, (2007), *ibid*, P.11.

²³ Margo Okazawa-Rey (Professor Emerita, San Francisco State University), interview by Dania Hawari, November 24, 2025.

city's socio-material order, meaning its built structures and social relations, through coordinated acts of destruction alongside acts of construction. This includes targeted demolitions and the construction of new infrastructure, such as walls or Israeli settlements. The core strategic aim is to strip a particular population of political agency and to eliminate its capacity to maintain a self-determined way of life.

In legal and political terms, this process places the city in an ongoing state of exception. It creates a managed form of disorder that, over time, supports continued control over residents and the land they live on. This framework sets out clear standards for systematic action and intent, which are needed to support the claim that urbicide should be treated as a separate crime under international law.

1.2 The Legal Protection of Urban Areas in armed conflict

1.2.1. The Level of Protection under International Humanitarian Law (IHL)

This section critically examines how international humanitarian law protects urban areas during armed conflict, with attention to the practical difficulties created by current patterns of warfare. This analysis begins by examining the level of protection that IHL currently requires. It then assesses how well key principles, including distinction and proportionality, limit the deliberate destruction of civilian objects and harm to civilian populations.

Urban warfare poses a serious risk to civilian safety and to the protection of civilian areas during armed conflict, which makes it a difficult setting for applying international humanitarian law in practice. Urban areas are built for civilian life and daily community needs rather than armed conflict. In fighting that takes place in cities, civilians are especially exposed to harm and may be caught in the middle of hostilities without choosing to be there.

This risk increases when belligerents take advantage of the urban setting and its civilian character for tactical gain, such as by mixing with residents, sheltering in civilian structures, or relying on vital infrastructure to move supplies and personnel. These challenges are most acute in occupied territories, where militant groups often operate in cities when launching attacks on occupying forces. Although IHL does not expressly ban fighting in cities and accepts that parties may seek tactical cover in built-up areas, applying these rules in practice raises specific problems

in dissemination, training, and operational planning. Poor planning in urban operations increases the risk of deadly harm to civilians and combatants, and it can turn otherwise lawful military action into a large-scale humanitarian disaster. For this reason, putting IHL obligations into practice through clear methods in urban areas is necessary to protect civilians and to support their safety in these settings.

1.2.1.1 The Geneva Conventions and their Additional Protocols

The Fourth Geneva Convention (1949) developed post-World War II to address civilian rights in warfare, and its subsequent Protocol I (1977), establish the foundation for ethical conduct during conflict. These documents, which serve as a common rule book for signatory states, aim to create a "more civilised type of war." Although they do not explicitly use the term "urbicide", the Convention's articles directly prohibit the actions that fall under this definition, particularly concerning the destruction of civilian life and property. Protocol I was crucial in amending perceived loopholes and ambiguities in the original Convention, with Articles 50-59 detailing and outlawing the various facets of urbicide. Notably, this clarification redefined Article 147 by removing the phrase "military necessity," significantly tightening the legal constraints against extensive, unwarranted destruction.²⁴

Under international humanitarian law, safeguarding urban areas rests on the principles of distinction, proportionality, and precaution. Taken together, these rules ban deliberate attacks on civilians and civilian objects, and they require parties to a conflict to limit harm to civilian life and property when conducting military operations. Even so, the complexity and high density of urban areas make these rules hard to apply in practice, since it is often difficult to tell lawful combatants from civilians who are protected. IHL requires parties to a conflict to take all feasible precautions during military operations to avoid and reduce incidental harm to civilians and to limit damage to essential infrastructure.²⁵

²⁴ Nadiyah N. Ahmad, "Gaza: A Case Study of Urban Destruction Through Military Involvement" (master's thesis, Temple University, 2011), P.16.

²⁵ International Committee of the Red Cross (ICRC), "Urban Warfare and Violence," last modified January 2, 2024, <https://www.icrc.org/en/law-and-policy/urban-warfare-and-violence>.

For instance, a central rule of international humanitarian law is distinction: parties may direct force only at military targets, which is meant to protect civilians from being attacked. This principle is set out in provisions such as Article 51 of Additional Protocol I, which is widely treated as part of customary international law and provides civilians with general protection from military operations²⁶. However, applying this principle in urban settings is complex due to the intermingling of civilians, buildings, infrastructure, and military assets. Importantly, the presence of military operations within cities

The Principle of Distinction mandates that civilian objects encompassing infrastructure, buildings, equipment, and supplies—must be protected from attack. As defined by Article 52 of Additional Protocol I,²⁷ civilian objects are simply "all objects which are not military objectives." This definition then strictly limits legitimate military objectives to only those objects which, by virtue of their nature, location, purpose, or use, make an effective contribution to military action, and whose destruction or neutralization would, in the circumstances ruling at the time, offer a definite military advantage.

Civilian infrastructure such as bridges, roads, and other facilities may be treated as military objectives only when it meets the strict conditions in Article 52, meaning it is being used in a way that makes a concrete contribution to military action. An adversary's failure to comply with international humanitarian law does not release armed forces or resistance groups from their own IHL duties.

In urban fighting, all parties must apply at least the same level of caution as in non-urban settings, and often more, regardless of whether the opponent follows these rules. The principle of proportionality is central to International Humanitarian Law. It requires that the force used in an attack be limited to what is necessary to meet a military aim and that expected incidental harm to civilians and civilian objects not be excessive in relation to the concrete military advantage

²⁶ Article 51 - Protection of the civilian population

1. The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations. To give effect to this protection, the following rules, which are additional to other applicable rules of international law, shall be observed in all circumstances.

²⁷ Article 52 – General protection of civilian objects: 1. Civilian objects shall not be the object of attack or of reprisals. Civilian objects are all objects which are not military objectives as defined in paragraph 2.

anticipated. This rule is stated in Article 51 of Additional Protocol I, which bars attacks when the expected civilian losses would be disproportionate to the military gain.²⁸

This means that even against a legitimate military target, the attack may be illegal if the collateral damage is projected to be too great. To enforce this, Article 57 of Additional Protocol I mandate strict precautionary measures: those planning attacks must do everything feasible to verify that targets are military objectives, take all feasible steps to avoid or minimize civilian harm through the choice of means and methods, and refrain from launching any attack if the expected civilian damage is deemed excessive relative to the military gain.

Also, the profound vulnerability of civilians in urban warfare necessitates that all combatants apply heightened diligence to International Humanitarian Law (IHL) obligations. This duty includes, most notably during an occupation, the prohibition under Article 53 of the Fourth Geneva Convention against the destruction of private or public property unless "absolutely necessary by military operations."²⁹

Furthermore, specific IHL rules impose numerous non-derogable obligations for protecting key civilian objects: parties must safeguard medical units (Art. 12, API)³⁰ and their personnel (Art. 15, API),³¹ protect cultural sites (Art. 53, API),³² ensure the safety of objects indispensable to survival like water and foodstuffs (Art. 54, API),³³ and preserve both the natural environment (Art. 55, API)³⁴ and installations containing dangerous forces (Art. 56, API).³⁵

²⁸ HPCR (Harvard Program on Humanitarian Policy and Conflict Research), *Rules of IHL Applicable to the Conduct of Military Operations in Urban Areas* (2004), P.3-4, https://www.hamoked.org/items/3554_eng.pdf

²⁹ HPCR, (2004), *ibid*.

³⁰ The obligation under Article 12 of Additional Protocol I to protect medical units.

³¹ The obligation under Article 15 of Additional Protocol I to protect civilian medical and religious personnel.

³² The obligation under Article 53 of Additional Protocol I to protect cultural objects and places of worship.

³³ Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), adopted June 8, 1977, the obligation under Article 54 of Additional Protocol I to protect objects indispensable to the survival of the civilian population such as foodstuffs and drinking water installations (and to not make such the object of reprisals).

³⁴ The obligation under Article 55 of Additional Protocol I to protect the natural environment.

³⁵ The obligation under Article 56 of Additional Protocol I to protect works and installations containing dangerous forces.

1.2.1.2 Core Principles of International Humanitarian Law: Distinction, Proportionality, and Military Necessity

Additionally, the legal protection of urban areas during armed conflict is strictly enforced through three fundamental principles of International Humanitarian Law (IHL): the Principle of Distinction mandates that parties must differentiate between combatants and civilians, and between military targets and protected civilian objects, thus granting civilians general immunity from direct attack. Secondly, the Principle of Proportionality prohibits any military strike where the expected civilian harm including loss of life, injury, or damage would be excessive in relation to the concrete and direct military advantage anticipated. Finally, the Principle of Precaution requires all parties to take every feasible measure during the planning and execution of operations to actively avoid or minimize incidental harm to civilians and mitigate damage to civilian objects.³⁶

The urban environments pose significant obstacles to the effective application of IHL: the inherent density of cities means military objectives are near civilian populations and infrastructure, fundamentally complicating the required distinction between combatants and protected persons. In urban settings, essential services such as water supply and electricity are linked, so damage to one system can lead to failures in others, which can harm public health and welfare and increase risks to civilians requires that military operations, including sieges, are not used to force permanent civilian displacement. If civilians are displaced, the parties involved must provide prompt and adequate shelter, food, and medical care.³⁷

1.2.2 Urbicide in Past Conflicts and Warfare

1.2.2.1 Case Studies of Systematic Urban Destruction in Past Conflicts (Bosnia, Syria, and Ukraine)

As the researcher mentioned above, the term urbicide first referred to deep, non-violent changes in urban space. After the Cold War, it became widely used to describe the deliberate, large-scale destruction of cities during armed conflict. After the violence in the Balkans, especially

³⁶ Nicholas Durhin, "Protecting Civilians in Urban Areas: A Military Perspective on the Application of International Humanitarian Law," *International Review of the Red Cross* 98, no. 901 (2016) doi:10.1017/s1816383117000029.

³⁷ Ibid

the sieges of Sarajevo and Mostar, scholars such as Coward revised how the concept was defined. This interpretation treats urbicide as more than collateral damage or a routine military tactic. It frames it as a distinct form of violence aimed at the city itself, targeting the built environment and the social and symbolic value tied to urban space. Coward argued that the selection of these targets reflected an underlying aim to break down the city's basic structure, meaning the material conditions that support diversity and multi-ethnic coexistence.

During the Bosnian War (1992–1995), urbicide operated as a clear form of political and ethnic violence, aimed at destroying urban spaces as part of the wider campaign against targeted groups. It consisted of a planned destruction of the city that went well beyond what military aims required, including the deliberate demolition of civilian buildings, places of worship, and key cultural institutions. These planned demolitions aimed to remove the public presence of mixed communities, eliminate shared civic spaces, and break the historical and cultural memory that supported the plural character of Bosnian cities. This process aimed to cause long-term psychological and cultural harm in order to support mass ethnic cleansing and advance ethno-nationalist political aims.³⁸ This process was designed to inflict lasting psychological and cultural damage, thereby enabling large-scale ethnic cleansing and achieving ethno-nationalist political goals.

The Historical evidence indicates that intermarriage and mixed communities were common in Bosnia, which conflicted with the ethnonationalist demand for ethnic separation (Hayden). The violence took the form of urbicide, where urban and cultural spaces were deliberately destroyed to erase pluralism in both physical and symbolic terms.

The destruction of homes, public buildings, cultural institutions, and religious sites functioned as an intentional tactic to weaken the basis of a mixed society. By removing shared spaces and symbols, it supported claims to exclusive ethnic identity and sought to impose territorial purity by rejecting the possibility of coexistence. This destruction served as a direct physical act that framed heterogeneity as an existential threat to the national identity the state sought to impose.

The Russian invasion of Ukraine has produced the largest level of destruction in Europe since the Second World War, and its human toll has surpassed that of the Balkan conflicts. Russia's

³⁸ Martin Coward, *ibid* (2009), chapter 8, pp.36-37.

military strategy echoed earlier sieges in Grozny and Aleppo, focusing on sustained bombardment and the planned destruction of cities, industrial sites, and key energy infrastructure.³⁹

This approach assumes that if a quick victory is not achieved, force will be applied in stages to wear the opponent down over time. It reflects a move toward war that targets the enemy state's civilian population and physical infrastructure as part of its capacity to sustain resistance. The destruction of Mariupol serves as a central example of this campaign and can be read as a key case of urbicide shaped by strategic geopolitical aims. In 2022, taking the city was necessary to secure a continuous land corridor between Russia and occupied Crimea.

The violence took two main forms: direct military attacks and deliberate efforts to erase cultural sites and records, which together destroyed about ninety percent of the city. Some scholars, including Aaron Clements-Hunt, describe the destruction in Mariupol as performative violence. In this view, the damage was carried out on purpose to send a coercive warning that Russia could later point to as leverage in negotiations with Ukraine and Western states.⁴⁰

In addition, Russia's military intervention in the Syrian Civil War (starting September 2015) served as a brutal, devastating demonstration of the urbicide tactics now evident in Ukraine, often carried out by the same personnel and strategists. Russia orchestrated a systematic and ultimately successful campaign of urbicidal siege warfare that was crucial for the survival of the Bashar al-Assad regime.

Russian planners relied on intensive air and artillery strikes, coordinated with Iranian-backed ground units, to bring about the gradual fall of encircled urban enclaves. During this period, the estimate was 2. About 5 million Syrians, or roughly 10% of the country's pre-war population, lived under long-term siege conditions. Using overwhelming airpower and artillery, in parallel with Iranian-backed ground forces,⁴¹ lived under long-term sieges.

The siege of Douma lasted almost five years and ended with the intense violence of Operation Damascus Steel, carried out between February and April 2018. Over the two-month offensive, the

³⁹ Kostiantyn Mezentsev and Olena Mezentsev, "War and the City: Lessons from Urbicide in Ukraine," *Czasopismo Geograficzne* 93, no. 3 (2022): 9, <https://doi.org/10.12657/czageo-93-20>.

⁴⁰ Andrew Clements-Hunt, "Russia's Campaign of Urbicide in Ukraine" (New Lines Institute, 2022), <https://newlinesinstitute.org/rules-based-international-order/russias-campaign-of-urbicide-in-ukraine/>.

⁴¹ Andrew Clements-Hunt, (2022), *ibid*.

enclave was subjected to about 16,934 strikes, and Russian forces were responsible for 45% of the attacks with the highest reported fatalities.⁴²

During this phase, forces repeatedly used cluster and incendiary munitions that are banned under international rules in heavily populated civilian areas, apparently to spread fear and disrupt daily life. On March 23, 2018, a Russian incendiary strike in Douma's Saraya district caused at least 45 civilian deaths and left hundreds of people with severe burn injuries. The intentional use of highly destructive weapons against civilians reflects the logic of urbicide: imposing extreme suffering to force control over the population. This campaign ended with Douma's surrender in April 2018, shortly after a chemical weapons attack.⁴³

The researcher found that the recent conflicts showcase the use of modern urbicide tactics as a calculated component of state-sponsored military strategy, particularly by the Russian Federation in Syria (post-2015) and Ukraine (post-2022). These campaigns are characterized by indiscriminate bombardment frequently involving unguided munitions and internationally prohibited weapons and the intentional targeting of civilian infrastructure.

The sieges of Aleppo and Douma in Syria, where an estimated 2.5 million civilians were subjected to protracted sieges, and the near-total destruction of Mariupol in Ukraine where 90% of the urban area was reportedly obliterated illustrate the dual purpose of this violence: achieving critical strategic geopolitical objectives such as the land bridge to Crimea and employing the scale of destruction as "performative violence" to exert coercive diplomatic pressure.⁴⁴ acts provide substantial material evidence for potential prosecution under ICL for widespread and systematic attacks against civilian populations.

1.2.2.2 Similarities and Differences with the Case of Gaza

The current IOF operations in the Gaza Strip since October 7, 2023, demonstrate a clear and alarming alignment with the analytical framework of urbicide, particularly sharing core characteristics with previous cases like Sarajevo and Aleppo.

⁴² Oleh Kachmar, "Russia's Campaign of Urbicide in Ukraine" (New Lines Institute, last modified June 7, 2022), <https://newlinesinstitute.org/rules-based-international-order/russias-campaign-of-urbicide-in-ukraine/>.

⁴³ Oleh Kachmar, "Russia's Campaign of Urbicide in Ukraine" (New Lines Institute, last modified June 7, 2022), <https://newlinesinstitute.org/rules-based-international-order/russias-campaign-of-urbicide-in-ukraine/>.

⁴⁴ Oleh Kachmar, (2022), *ibid*.

This alignment rooted in the systematic obliteration of the urban fabric, Just as the shelling of the National Library in Sarajevo and the bombing of hospitals in Aleppo constituted attacks on the city's intrinsic value, the campaign in Gaza involves the deliberate and widespread neutralization of protected civilian objects, including hospitals, universities, cultural heritage sites, and a significant proportion of residential housing stock.⁴⁵

This pattern of destruction is argued to dismantle the foundational material conditions required for sustainable civilian life, thereby fulfilling the definition of urbicide, an assault on the city's capacity to support communal existence and raising serious concerns regarding violations of the IHL principles of distinction and proportionality⁴⁶(Protocol I, Article 51(5)(b) API,1977). This means Attacks are legally prohibited under IHL if the anticipated incidental harm to civilians, civilian infrastructure, or both termed collateral damage is projected to be excessive when measured against the concrete and direct military advantage expected to be gained from the operation.

For example, the Israeli military operations after 7th of October observed in the Gaza Strip frequently suggest a violation of the prohibition against disproportionate attacks, even when a legitimate military advantage is not clearly asserted. In cases where the military objective remains undisclosed, such as the strikes on the Jabaliya market (9 October) and Taj3 Tower (25 October), the predictable scale of civilian harm resulting in at least 42 and 105 fatalities, respectively, including a high percentage of women and children renders the attacks presumptively illegal under IHL. Without an articulated military goal, there is no concrete and direct military advantage against which the overwhelming civilian loss can be legally weighed.⁴⁷

Moreover, where the Israeli occupation Air Force has claimed specific military targets, the evidence suggests a persistent failure in the proportionality test. For instance, attacks on the Al Buraq School (10 November) and Ash Shujai'yeh (2 December) reportedly killed as many as 60 civilians to neutralize a single Al Qassam commander.⁴⁸ From an IHL perspective, the incidental

⁴⁵ Martin Coward, (2009), *ibid*.

⁴⁶ Article 51(5)(b) of Protocol I Additional to the Geneva Conventions (1977) is the prohibition of disproportionate attacks: "(b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."

⁴⁷ OHCHR (Office of the United Nations High Commissioner for Human Rights), *Thematic Report: Indiscriminate and Disproportionate Attacks during the Conflict in Gaza* (June 19, 2024), p.6-7 <https://www.ohchr.org/sites/default/files/documents/countries/opt/20240619-ohchr-thematic-report-indiscrim-disprop-attacks-gaza-oct-dec2023.pdf>.

⁴⁸ OHCHR (June 19, 2024), *ibid*, p12-13.

harm to non-combatants and infrastructure appears to be manifestly excessive in relation to the localized advantage of eliminating one high-value.

This suggests that the Israeli occupation Air Force's long record of operations in the densely populated Gaza Strip supports an inference that the institution is aware that certain aerial strikes are likely to cause catastrophic and disproportionate civilian harm. This precedent weakens any defence that rests on claims that the intelligence was flawed or that the risk was misjudged during the targeting process.

At the end of chapter one, the researcher found that the concept of urbicide, galvanized by the destruction in the Bosnian War (1992) and initially articulated by architects, has transitioned from an analytical necessity to a crucial jurisprudential challenge. It is now widely understood as a purposive formation of mass violence that strategically targets the built environment and cultural infrastructure to enact collective punishment and suppress political agency, moving decisively beyond the inadequate framework of collateral damage. Scholars, like Mezantsev and Shaw argue that urbicide can be a core part of genocide and that it calls for specific legal measures, including stricter national legislation and a prohibition on using missiles in civilian areas, so that accountability can be pursued under the Rome Statute's war crimes provisions in Article 8.

Legal protection for urban areas during armed conflict is based on International Humanitarian Law (IHL), particularly the principles of distinction, proportionality, and precaution. Under these principles, parties must not direct attacks at civilians or civilian objects. Urban warfare is difficult because cities are dense and fighters often blend in with civilian populations. International humanitarian law requires stronger due diligence and practical precautions to reduce the risk of incidental harm. It limits lawful military objectives to targets that provide a specific military contribution and bars attacks when the expected civilian harm is excessive compared with the anticipated military advantage.

Moreover, the concept of urbicide has shifted from an academic critique of urban restructuring to a clear account of a deliberate state military strategy that aims to destroy a city's ability to sustain communal life, a line of analysis developed by scholars such as Coward. This strategic shift was clear during the Bosnian War (1992–1995), when forces repeatedly attacked cultural sites and residential areas as part of a planned effort to remove visible signs of multi-ethnic life and advance ethno-nationalist aims.

This approach to urban destruction has since been adopted and intensified, especially by the Russian Federation in Syria after 2015 and in Ukraine after 2022. The sieges of Douma and Aleppo, and the near-total destruction of Mariupol (about 90%), point to two linked aims: securing key geopolitical gains and using large-scale destruction as performative violence to apply coercive pressure in diplomatic negotiations.

Crucially, The Israeli military operations in the Gaza Strip since October 7, 2023, are a troubling recent continuation of this pattern. The deliberate destruction of the urban environment, including protected civilian sites such as hospitals, universities, and housing, aligns with established definitions of urbicide.

The repeated and excessive nature of these attacks raises legal concerns about ongoing breaches of IHL, especially the ban on disproportionate attacks set out in Article 51(5)(b) of Protocol I. This established pattern provides clear material evidence that may support prosecution under ICL for widespread and systematic attacks against a civilian population.

Chapter 2: The Legal Characterization of Urban Destruction in the Gaza Strip

In this chapter the researcher explores the understanding of the concept of Urbicide as being a side effect of war, but as a calculated and planned destruction of urbanized space, something which often has its foundation on armed conflict, ethnic cleansing or ideological violence. This is not just the act of equalizing physical structures, utilities, and communal squares but the eradication of civilian people and their collective memory. Although the concept of Urbicide is not that time a codified crime in the international law, it stands at the border between crimes against humanity, war crimes, and genocide, according to such tools as the Rome Statute of the International Criminal Court.

Based on this conceptual framework, the researcher believes that the killing of a city is punishable by the currently established architecture of the International Criminal Law (ICL). Appealing to the main requirements of the Geneva Conventions and the Rome Statute, the subsequent analysis will prove how the constituent components of urbicide, including, but not limited to, the destruction of civilian property or the making of territories inhabitable, comply with the legal standards necessary to prosecute by legal court the most serious offenses against international order.

2.1 The Criminalization of Urbicide under International Criminal Law (ICL)

In the next sections, the Researcher will emphasize the criminalization of Urbicide under international criminal law, specifically war crimes, genocide and crime against humanity, as defined by the Rome Statute of the International Criminal Court (ICC), involve grave breaches of the Geneva Conventions, such as targeting civilian populations or causing widespread urban destruction.

2.1.1 Urbicide as a War Crime

2.1.1.1 The Destruction of Civilian Property as a violation in IHL

The contemporary Israeli military occupation escalation in Gaza following October 7th represents a historical recurrence of the dispossession initiated three generations ago. The Israeli occupation strategic objective appears cantered on the forced displacement of the population from their ancestral lands and urban centres. This is facilitated through the systematic eradication of civilian infrastructure and residential zones, effectively rendering the territory uninhabitable to compel Mass displacement.⁴⁹

Thus, Since the identity is connected directly to the features of the city, the disappearance of identity in the places that are destroyed causes a disappearance of belonging and unwillingness to go back. The video shot in the Gaza Strip indicates that the region does not have a paved road or street through which vehicles can travel and the only available paths are sand and soil which people cannot walk on. Even foot walking on these roads is a complex and difficult one, as it limits the movement of the wheel, which was found at the beginning of history. This is where the need to preserve and preserve the distinct identity of these places is brought out.⁵⁰

Thus. Equivalent to losing another academic year since 7th of October 2023, an estimated 600,000 Palestinian students in Gaza are victims of genocide in Israel. at least 10,490 students and 16,700 others were injured during the military operation of Israel in Gaza. More than 500 teachers in schools and at universities have also been killed. The shuttle of all schools, universities as well as training centres in Gaza has rendered 625,000 children uneducated. The Israeli military has been targeting and destroying hundreds of school buildings and the rest has been transformed into shelters to house internally displaced persons. The continued genocide has created a generation of Palestinian people who are not able to get education.⁵¹

⁴⁹ Azzouz, A. (2024). Erased city. *City*, 28(1–2), 1–6. <https://doi.org/10.1080/13604813.2024.2323388>

⁵⁰ Sultany, N. (2024). A Threshold Crossed: On Genocidal Intent and the Duty to Prevent Genocide in Palestine. *Journal of Genocide Research*, 1–26. <https://doi.org/10.1080/14623528.2024.2351261>

⁵¹ The Palestinian Ministry of Education and Higher Education(2024): summary of the [#IsraeliOccupation](#) violations against [#education](#) in [#Palestine](#), October 2023 - 27 August 2024. The link: <https://x.com/PalestineMoE/status/1828356845863383403?mx=2>

The policy of total erasure and destruction by the Israeli occupation army has been recorded by the Euro-Med monitor field team since its third ground attack on the northern Gaza Strip on 5 October 2024. The demolition involves robot demolition, air bombing, planting of explosives and bulldozing with Israeli military and civilian equipment. A lot of aerial shots testify to the extent of the destruction, and Jabalia camp is in ruins. The fire has gone beyond 73 days and has been attacking houses, infrastructure, as well as civil and economic structures. This tendency of destruction proves that it is not militarily crucial and has a purposely created aim of destroying the Palestinian material and cultural presence, which is a serious violation of the international law. The devastation has made otherwise prosperous communities to become inhabitable.⁵²

The Urbicide policy adopted by Israel is directed to Palestinian people, their property and cultural life and is based on destruction of any history of Palestinians connected to their land. The Israeli government ministers, Knesset members, and settler organizations have promoted this policy as part of the efforts to displace the indigenous Palestinian population with settlers. This goes against the international law and requires urgent action, responsibility and justice to the victims. It destroys houses, roads, infrastructure, and basic civil, economic and cultural facilities making these places inhabitable and systematically denying the Palestinians a chance to return. Reports received at the initial stages of Rafah in the south of Gaza strip show that much of the region has been wiped out.

The ongoing crime of **Urbicide and** culturicide⁵³, initiated on 7 October 2023, involves Israel deliberately targeting Palestinian archaeological and cultural landmarks to erase their cultural heritage. Euro-Med Monitor has documented numerous cases of Israeli military attacks on mosques, churches, historical buildings, museums, cultural centres, and universities, all integral to Gaza's cultural identity. This assault represents near-total obliteration of Gaza's rich architectural heritage, which belongs to all of humanity.

Israeli army started the process of preparing, in a systematic manner, the shift to a buffer zone to be established around the Gaza Strip since the very initial days of the war. They set all houses on fire on the Strip, targeting highly populated and residential quarters along the Israeli

⁵² Human, E.-M. (2024). *Israel expands urbicide as a tool of genocide in Gaza*. Euro-Med Human Rights Monitor. <https://euromedmonitor.org/en/article/6569/Israel-expands-urbicide-as-a-tool-of-genocide-in-Gaza>

⁵³ The definition of 'cultural genocide' from the debates of the 1948 Genocide Convention to the 2007 U.N. Declaration on the Rights of Indigenous Peoples. It presents how Raphael Lemkin originally envisioned this notion. It discusses examples of culturecidal practices and possible developments of this concept in the future.

border. It was to establish a buffer zone to ensure that the Palestinian fighters were kept off the borders and to make settlers to go back without any fear that Palestinians would view their houses. Houses and civilian places of Gazan opposite Jewish settlements were all brought down to ensure that they will be afraid and they will not remember what happened on October 7.⁵⁴

Therefore, Israel has been resettling the city and people of Gaza to manage the number of people and resistance during the war. This includes to reconstrue the urban and spatial space of the Strip, construction of safe and unsafe space as well as sending messages to the resident to evacuate. The third phase led to the Israeli troop's subdivision of the Gaza Strip into 623 blocks and numbers that look like basins, which made residents face hindrances and intimidation. They have no access to the internet, and no idea of what zone they are in, causing them to feel like being stalked.

They require knowledgeable experts on plans, zoning and maps in order to get in and out of areas under threat. The role of planners and architects in the Gaza Strip in the process of the Urbicide has never existed, however, they are actively involved in the process. They have instead embarked on transforming the city and its population to enable them to contain with minimal effort and military and field expenditures.⁵⁵

Moreover, based on a comprehensive satellite imagery assessment conducted by UNOSAT on 22–23 September 2025, approximately 83% of all structures in Gaza City have sustained damage. This analysis, which compared current data against 8 July 2025 baselines, reveals a 7% increase in total affected structures and a significant 36% surge in total destruction. Of the 41,221 affected structures identified, 17,734 are classified as destroyed. This systemic degradation of the built environment has impacted an estimated 81,159 housing units, resulting in the displacement of approximately 467,523 individuals as of October 2025. Notably, the neighbourhoods of Az Zaitoun and At Turukman - Ijdeedeh recorded the most acute escalations in damage during this period.⁵⁶

Nevertheless, as The Road as a Tool of Urbicide, e.g., two major roads linking the north and south of Gaza have been severed, limiting the inhabitants of the area but leaving the area vulnerable

⁵⁴ Diamond, Jeremy, Muhammad Darwish, and Gianluca Mezzofiore. 2025. "Israeli Soldiers Reveal Systematic Destruction of Palestinian Property to Create Gaza Buffer Zone." CNN. April 7, 2025
<https://edition.cnn.com/2025/04/07/middleeast/israel-gaza-buffer-zone-troops-intl>.

⁵⁵ Ibid

⁵⁶ "UNOSAT." 2025. Unosat.org. 2025. <https://unosat.org/products/4205>.

to pressure and control. These roads have claimed numerous lives and numerous people have suffered injuries and the remaining streets and roads in the city have turned into traps for the people. The Israeli army focuses on all the objects that pass by these roads and, thus, these are the riskiest locations of the population during the war and bombardments. On the safe routes which had been announced by the Israeli army, there were heaps of human corpses by the roads, children, women, men, as well as the elderly. The road tracks have not been left unchanged; the occupation army goes out of its way to destroy infrastructure in Gaza to bring it to the Stone Age.⁵⁷

The Israeli military occupation apparatus appears to engage in a policy of collective erasure, targeting the physical and social structures that constitute the communal memory of Gaza. By systematically dismantling residential environments and kinship networks, the occupying power renders the territory 'meaningless,' a process described by Ibrahim Abdel Karim (2024) as the severance of the population from their geographic identity. Such actions stand in direct violation of Article 33 of the Fourth Geneva Convention⁵⁸, which strictly prohibits collective penalties and all measures of intimidation or terrorism against protected persons.

Furthermore, the rationale offered by Israeli military commanders—treating civilians as targets based on alleged family ties to combatants—has no basis in international humanitarian law. Under Article 51(2) of Additional Protocol, I⁵⁹, the civilian population as such, as well as individual civilians, shall not be the object of attack. The systematic destruction of the 'built environment' to facilitate a post-war reconstruction plan led by foreign forces suggests a strategy of domicile and 'controlled social genocide.' This intentional rendering of urban centers as uninhabitable violates Article 53 of the Fourth Geneva Convention⁶⁰, which prohibits the destruction of real or personal property except where such destruction is rendered absolutely necessary by Israeli military operations. Devoid of accountability, these practices are shifted to

⁵⁷ Forensic Architecture, 2024, "Humanitarian Violence: Israel's Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip", (forensic-architecture.org)

⁵⁸ Fourth Geneva Convention, Art. 33, Individual responsibility, collective penalties, pillage, reprisals:

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited, Pillage is prohibited, Reprisals against protected persons and their property are prohibited.

⁵⁹ Fourth Geneva Convention, Article 51(2) of Additional Protocol, I: "The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited".

⁶⁰ Article 53 of the Fourth Geneva Convention: "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations."

military necessity to a pre-conceptive attempt to transform the demographic and social makeup of the land.

Also, the cost to the truth has been unprecedented. Palestinian journalists are being killed at a rate higher than in any conflict documented in the last two centuries, with the death toll now exceeding that of World War II. This targeting of media professionals appears as a clear attempt to silence those documenting the serious bodily and mental harm being dealt to civilians.⁶¹

Since October 2023, the scale of human loss has been staggering, with large-scale killings and the infliction of conditions designed to bring about the physical destruction of the Palestinian people. Central to this strategy is the deliberate imposition of telecommunications blackouts and severe restrictions on access, which not only isolate the population but also veil the extent of the atrocities from the world.

The Destruction of Houses and Civilian Objects it contains the following:

The Destruction of education system

After two years of relentless bombing, the very idea of "going to school" has been almost entirely wiped out for children in Gaza. It's hard to truly grasp what that means until you look at the landscape: 97 percent of schools have been hit, and nearly every single educational building—92 percent of them—is now just a shell that would need to be rebuilt from the ground up. For over 650,000 children, the classroom is no longer a place of safety or growth; it's a distant memory from a life they lived two long years ago.⁶²

⁶¹ Al-Jazeera report, 2025: "Israel's War on Gaza Deadliest Conflict Ever for Journalists, Says Report." Al Jazeera website. April 2, 2025. <https://www.aljazeera.com/news/2025/4/2/gaza-war-deadliest-ever-for-journalists-says-report>.

⁶² "After Two Years of War: Gaza's Education System on the Brink of Collapse." 2025. Unicef.org. 2025. <https://www.unicef.org/sop/stories/after-two-years-war-gazas-education-system-brink-collapse>.



Smoke billows following Israeli strikes on the Islamic University of Gaza (IUG), on October 11, 2023 [Saleh Salem/Reuters]

The Destruction of religious places

Over the past two years, the physical and spiritual landscape of Gaza has been irrevocably altered. According to reports submitted by the Government Media Office, the Israeli military campaign has resulted in the wholesale destruction of at least 611 mosques, with an additional 214 religious structures sustaining significant damage. Under the framework of International Humanitarian Law (IHL), specifically Article 27 of the Hague Regulations⁶³ and Article 53 of Additional Protocol I⁶⁴, such institutions are afforded protected status as civilian objects. The scale

⁶³ Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907, Regulations: Art. 27:” In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes. It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.”

⁶⁴ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 53 - Protection of cultural objects and of places of worship:” Without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited:

- (a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples;
- (b) to use such objects in support of the military effort;
- (c) to make such objects the object of reprisals.

of this devastation made a systematic assault on cultural and spiritual heritage that exceeds the bounds of military necessity.⁶⁵



Palestinians inspect the site of the Greek Orthodox Church, badly damaged following Israeli air strikes on Gaza City, on October 19, 2023 [Abed Khaled/AP]

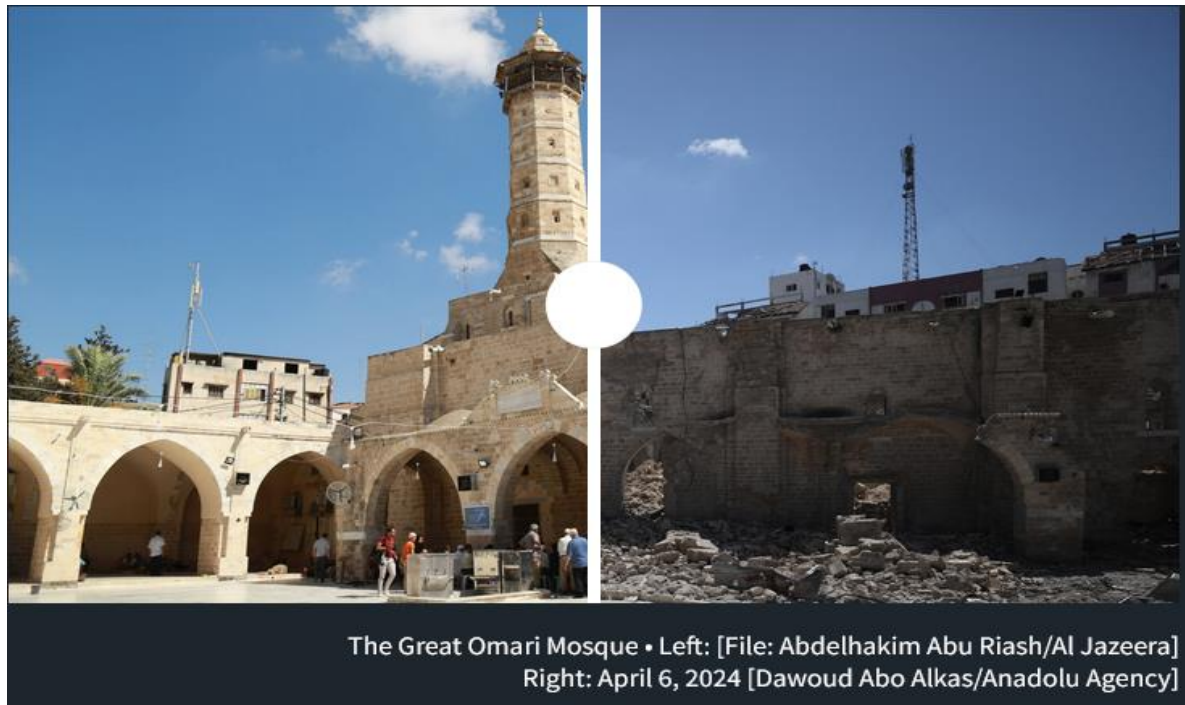
The heart of Gaza’s Old City, a place where history has breathed for over fifteen centuries, is being systematically erased. These aren't just buildings; they are the anchors of a community's soul. To walk through these streets used to mean walking past 5th-century⁶⁶ ruins and landmarks that have survived countless empires. Now, that heritage is being turned to dust.

The heavy bombed of the Great Omari Mosque, When an Israeli air strike tore through its walls in December, it didn’t just destroy a place of prayer; it incinerated a 747-year-old library. Rare manuscripts and ancient copies of the Quran—treasures that connected generations of

⁶⁵ Haddad, Mohammed. 2024. “Israel’s War on Gaza: How Israel Destroyed the Gaza Strip.” Aljazeera.com. Al Jazeera. October 7, 2024. <https://interactive.aljazeera.com/aje/2024/gaza-before-after-satellite-images/>.

⁶⁶ - Bal’āni, Burhān. “The City of Gaza: A Study of Its General Conditions from Antiquity to the Mamluk Period.” *Journal of the College of Education for Girls for Humanities*, no. 35, 18th year (2024): 331–356.

Palestinians to their ancestors—are now gone forever. The same violence has reached the doorsteps of the Church of Saint Porphyrius and St. Philip the Evangelist Chapel, showing that no sanctuary is sacred in this campaign.⁶⁷



For the people of Gaza, these aren't just statistics; they are the loss of the places where they married, where they mourned, and where they sought a moment of peace. By destroying these centers of faith and history, the military is stripping away the cultural identity of a people, leaving a landscape that is unrecognizable to those who have called it home for a lifetime.⁶⁸

The Destruction of Hospitals and Healthcare system

By the end of May 2025, the World Health Organization issued a warning that confirmed our worst fears: Gaza's healthcare system hasn't just buckled; it has reached a total breaking point. In just one week, intensified military operations and a wave of new evacuation orders forced four

⁶⁷ Erden, Bora, Graham Bowley, and Tala Safie. 2024. "Gaza's Historic Heart, Now in Ruins." *The New York Times*, May 28, 2024, sec. Arts. <https://www.nytimes.com/interactive/2024/05/28/arts/gaza-omari-mosque.html>.

⁶⁸ Ibid

of the region's major hospitals—Kamal Adwan, Indonesia, Hamad, and the European Gaza Hospital—to shut their doors. It is staggering to think that since October 2023, 94% of all hospitals in the Gaza Strip have been damaged or destroyed. Of the 36 hospitals that were operating at the outset, only 19 remain functional to any extent. Most of these facilities are close to collapse and can offer little beyond basic emergency care, as supplies of medicines, fuel, and qualified staff continue to dwindle.⁶⁹

In North Gaza has been largely left without access to medical services. Al-Awda Hospital is at risk of closing after strikes damaged its upper floors and a warehouse fire destroyed its medical supplies. At the same time, the Indonesian Hospital has become a ghost zone, blocked off by a constant military presence that has prevented even the WHO from delivering food and water to the patients trapped inside. In the south, the pressure is moving to places like Nasser Medical Complex, which is being swallowed by a tidal wave of trauma cases. The loss of the European Gaza Hospital is a massive blow, as it was the only place left where someone could get specialized care for cancer or heart disease.⁷⁰

A report published by Al-Haq in the systematic destruction of Gaza Healthcare system, argues that the targeting of hospitals, the denial of lifesaving supplies, and the abduction and killing of medical staff are not incidental to the war, but are deliberate acts intended to bring about the physical destruction of the Palestinian people. By rendering healthcare non-functional and preventing access to critical care, these actions are presented as a direct breach of the Genocide Convention, designed to make survival impossible for the 2.3 million residents of the Gaza Strip.⁷¹

⁶⁹ World Health Organization. 2025. “Health System at Breaking Point as Hostilities Further Intensify in Gaza, WHO Warns.” Who.int. World Health Organization: WHO. May 22, 2025. <https://www.who.int/news/item/22-05-2025-health-system-at-breaking-point-as-hostilities-further-intensify--who-warns>.

⁷⁰ “Al-‘Awda Hospital Bombed: Israeli Occupation Forces Bomb Last Functioning Hospital in Northern Gaza, Denying Hundreds of Thousands Access to Healthcare.” 2019. Pchrgaza.org. 2019. <https://pchrgaza.org/al-awda-hospital-bombed-israeli-occupation-forces-bomb-last-functioning-hospital-in-northern-gaza-denying-hundreds-of-thousands-access-to-healthcare/>.

⁷¹ Al-Haq, 2025. “Al-Haq Publishes New Report: ‘the Systematic Destruction of Gaza’s Healthcare System: A Pattern of Genocide.’” Al-Haq | Defending Human Rights in Palestine since 1979. 2025. https://www.alhaq.org/cached_uploads/download/2025/02/22/destruction-of-gaza-healthcare-system-one-page-view-2-1740217809.pdf



Palestinians inspect the damage at al-Shifa Hospital following a two-week Israeli offensive, on April 1, 2024 [Dawoud Abu Alkas/Reuters] ⁷²

The destruction of the healthcare sector with supported by the rhetoric of Israeli officials who have characterized hospitals and ambulances as "terrorist infrastructure." Despite the protected status of medical facilities under international humanitarian law, high-level justifications including public statements by military spokespeople and influential religious leaders—have institutionalized the bombing of sites like Al-Shifa Hospital. This systematic campaign of deprivation, intimidation, and direct invasion has left the population with no safe refuge, leading Al-Haq to issue an urgent plea for international intervention to halt what they describe as a state-led effort to collapse the very systems meant to sustain human life.⁷³

⁷² Available Photo: <https://interactive.aljazeera.com/aje/2024/gaza-before-after-satellite-images/>

⁷³Ibid

The Destruction of Water Supply Systems

The Palestinian Centre for Human Rights (PCHR) has issued a haunting warning: for the 2.3 million people in Gaza, survival is being stripped away drop by drop. This isn't just a shortage; it is a "slow death" by systematic thirst. On World Water Day, a day usually meant to celebrate water as a human right, the reality in Gaza is that water has been turned into a weapon of war. By destroying desalination plants, wells, and water pipes—and then cutting off the fuel needed to run what's left—a basic necessity for life has been transformed into a tool of destruction.⁷⁴



Accumulated sewage is contaminating Gaza's water supply - Rafah, 24 April 2024 ⁷⁵

More than 85% of the water and sanitation systems are gone. According to reports from Oxfam, they are looking at nearly 1,700 kilometers of pipes torn up, 85 desalination plants broken, and hundreds of wells rendered useless. Even the natural water under the ground is now 97% unfit to drink—salty, polluted, and cut off from natural replenishment.⁷⁶ For families on the ground, this

⁷⁴ The Palestinian Centre for Human Rights (PCHR), 2025. "Water as Warfare: Israel's Policy to Make Gaza Unlivable and Eradicate Palestinian Existence." 2019. [pchr.org. 2019. https://pchr.org/2019/12/10/water-as-warfare-israel-s-policy-to-make-gaza-unlivable-and-eradicate-palestinian-existence/](https://pchr.org/2019/12/10/water-as-warfare-israel-s-policy-to-make-gaza-unlivable-and-eradicate-palestinian-existence/).

⁷⁵ From: <https://www.bbc.com/news/world-middle-east-68969239>

⁷⁶ Oxfam, 2025. "Less than Seven Percent of Pre-Conflict Water Levels Available to Rafah and North Gaza, Worsening a Health Catastrophe | Oxfam International." 2025. Oxfam International. February 28, 2025. <https://www.oxfam.org/en/press-releases/less-seven-percent-pre-conflict-water-levels-available-rafah-and-north-gaza>.

means choosing between the agony of thirst or the danger of drinking contaminated water that they know will make their children sick.

Destruction of Infrastructure

In international law, this is often referred to as the destruction of objects indispensable to the survival of the civilian population (OISCP), which is a violation of the Geneva Conventions. The systematic destruction of Gaza's infrastructure specially on transport, water and power sector this led to effectively damaged the decimation of water, sanitation, Hygiene and widespread public health crisis.

Moreover, the concurrent collapse of the power grid has neutralized the functionality of the healthcare sector, transforming critical medical technology into redundant equipment. Such widespread destruction of infrastructure indispensable to human life constitutes a prima facie violation of International Humanitarian Law, specifically regarding the prohibition of methods of warfare intended to cause superfluous suffering or the collapse of civil life.⁷⁷

The destruction has been estimated, according to a joint report of the World Bank and the UN at an astronomical price of \$18.5 billion. To put that in perspective, that figure represents 97% of the entire annual economy (GDP) for both the West Bank and Gaza combined. It is as if an entire year's worth of labor, growth, and survival for millions of people was wiped out in an instant.⁷⁸

This is about much more than just repairing buildings; it is about the fact that the cost of fixing what has been broken nearly equals everything the Palestinian people own and produce. By targeting the essential systems that allow a society to function, this campaign hasn't just disrupted

⁷⁷ "Gaza: Destroying Civilian Housing and Infrastructure Is an International Crime, Warns UN Expert." 2023. OHCHR. 2023. <https://www.ohchr.org/en/press-releases/2023/11/gaza-destroying-civilian-housing-and-infrastructure-international-crime>.

⁷⁸ World Bank Group. 2024. "Joint World Bank, UN Report Assesses Damage to Gaza's Infrastructure." World Bank. April 2, 2024. <https://www.worldbank.org/en/news/press-release/2024/04/02/joint-world-bank-un-report-assesses-damage-to-gaza-s-infrastructure>.

the present—it has effectively stolen the future. It leaves behind a landscape of rubble and a debt of loss that will take generations to even begin to set right.⁷⁹

Utter destruction

In August 2025, the historic al-Zaytoun neighborhood, which had been home to about 110,000 residents⁸⁰, Several days after residents were instructed to forced displacement, they reported watching a large ground assault enter the area, involving armored units and remotely operated devices carrying explosives. The assault was not limited to military sites; it also destroyed core community institutions, including schools, the Ali Mosque, and hundreds of family homes.

The systematic destruction of Gaza’s critical infrastructure, including major road networks and water systems, has produced severe constraints on movement and access across the territory. This damage has also intentionally impeded the delivery of humanitarian assistance and the provision of urgent medical care. The systematic removal of the built environment has occurred alongside a catastrophic loss of life, as shown by mass casualty events in places where people sought safety in their homes and by persistent aerial surveillance that interferes with search and rescue work. In areas such as Al-Zaytoun, blocking safe passage and dismantling civilian infrastructure amounts to a coordinated attack on the basic means of survival, turning a military operation into a systematic effort to destroy the community’s social foundations.⁸¹

The IOF heavy Attacks on Schools and Civilian Shelters

The systematic targeting of UNRWA-funded facilities and on areas designated as safe shelters breach the principle of distinction and may support an inference of genocidal conduct. These institutions are protected under International Humanitarian Law (IHL) and the 1946 Convention on the Privileges and Immunities of the United Nations. They were created to protect vulnerable people, especially women and children. A direct attack on these protected sites, which are meant

⁷⁹ World Bank Group, 2025. “GAZA and WEST BANK INTERIM RAPID DAMAGE and NEEDS ASSESSMENT.” 2025 <https://thedocs.worldbank.org/en/doc/133c3304e29086819c1119fe8e85366b-0280012025/original/Gaza-RDNA-final-med.pdf>.

⁸⁰ PCHR, 18 April 2025. “Israel Continues Total Destruction of Al-Zaytoun Neighborhood as Prelude to Occupying Gaza City and Forcibly Displacing Its Residents.” 2025. [pchrgaza.org](https://pchrgaza.org/israel-continues-total-destruction-of-al-zaytoun-neighborhood-as-prelude-to-occupying-gaza-city-and-forcibly-displacing-its-residents/). 2025. <https://pchrgaza.org/israel-continues-total-destruction-of-al-zaytoun-neighborhood-as-prelude-to-occupying-gaza-city-and-forcibly-displacing-its-residents/>

⁸¹ Ibid

to be immune from attack, shifts the act from ordinary military operations to a clear breach of international norms.⁸²



The Al-Zeitoun C school in Gaza City following an Israeli airstrike on September 21, 2024. The strike killed at least 34 displaced Palestinians, 21 of whom were children. Photo by Dawoud Abo Alkas/Anadolu via Getty Images.

For example, in early 2023, the bombardment of a UNRWA facility within the Jabalia refugee camp highlighted a grave failure to observe the principle of distinction. The researcher found that the destruction documented here points toward a strategic campaign of urbicide: the calculated annihilation of Gaza’s infrastructure and social identity. Under Article 8(2)(b) of the Rome Statute, the evidence supports a finding of war crimes based on the sustained targeting of protected civilian and educational facilities.⁸³

⁸² BADIL Resource Center for Palestinian Residency and Refugee Rights, 2024. “Defunding UNRWA Contributes to the Ongoing Israeli Genocide in the Gaza Strip, in Contradiction to the ICJ’s Provisional Measures.” BADIL Resource Center for Palestinian Residency and Refugee Rights. 2024. <https://badil.org/press-releases/14472.html>.

⁸³ Law for Palestine | Joint Communication on Gaza Genocide Joint Communication to the Office of the Prosecutor of the International Criminal Court Regarding the Perpetration of the Crime of Genocide by Members of the Israeli War Cabinet the Independent Commission for Human Rights (Palestine) and the Arab Network for National Human Rights Institutions Endorsed by a Broad International Coalition, 2024. <https://law4palestine.org/wp-content/uploads/2024/04/Joint-Communication-to-the-Office-of-the-Prosecutor-of-the-International-Criminal-Court-Regarding-the-Perpetration-of-the-Crime-of-Genocide-by-Members-of-the-Israeli-War-Cabinet-Law-for-Palestine.pdf>

That means the synthesizing historical dispossession with contemporary UNOSAT geospatial data, it is evident that this 'killing of the city' serves as a strategic precursor to the erasure of its inhabitants. Such systematic demolition constitutes a grave breach of Article 53 of the Fourth Geneva Convention, necessitating a legal recharacterization of the conflict from conventional urban hostilities to a premeditated campaign of territorial and social liquidation subject to International Criminal Law.

2.1.1.2 The Substantive Elements and Intent in Criminalizing Widespread Destruction

The civilian infrastructure, which includes residential houses, healthcare centers, schools, and other basic facilities, enjoys the privilege of protection under the provisions of the International Humanitarian Law (IHL) through the principle of distinction. This customary rule requires parties to a conflict to distinguish at all times between combatants and civilians and to limit attacks and other operations to lawful military objectives. The methodical attack on these facilities in Gaza is not only a violation of humanitarian laws but it is a crime of War Crime spelled out in Article 8 of the Rome Statute, specifically:

- **Article 8(2)(b)(ii):** Prohibits intentionally directing attacks against civilian objects, which are objectives that are not military targets.
- **Article 8(2)(b)(ix):** Explicitly forbids intentional attacks against buildings dedicated to religion, education, art, science, or charitable purposes, and hospitals, provided they are not being used for military purposes.
- **Article 8(2)(b)(v):** Prohibits the attack or bombardment, by whatever means, of towns, villages, dwellings or buildings which are undefended and which are not military objectives.

Furthermore, when such destruction is widespread or systematic, it may be elevated to a **Crime Against Humanity** under **Article 7(1)(k)**⁸⁴(other inhumane acts intentionally causing great suffering) or serve as evidence of **Genocide** under **Article 6(c)**.⁸⁵This article criminalizes

⁸⁴ UN General Assembly, *Rome Statute of the International Criminal Court (last amended 2010)*, 17 July 1998, ISBN No. 92-9227-227-6, art. 6(c), 7(1)(k), 8(2)(b).

⁸⁵ Rome Statute of the International Criminal Court, 17 July 1998-Article 8: For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

the 'deliberate infliction on the group of conditions of life calculated to bring about its physical destruction in whole or in part,' a threshold met by the systematic dismantling of the infrastructure required for human survival."

The South African Application and the Jurisprudential Framework

South Africa's December 2023 filing with the ICJ marks a critical transition in the legal characterization of the Gaza conflict. Utilizing Article IX of the Genocide Convention, South Africa argued that the ongoing military campaign has moved beyond conventional warfare into the realm of prohibited acts under international law. The application centres on *dolus specialis*, the specific intent needed to establish genocide. It argues that the repeated destruction of life and civilian infrastructure in Gaza is planned in a way meant to bring about the group's physical destruction.⁸⁶

Since the inception of the proceedings, the Court has issued a series of legally binding Provisional Measures under Article 41 of the ICJ Statute, designed to mitigate the risk of irreparable prejudice to the rights of Palestinians in Gaza *pendente lite*.⁸⁷ These orders have evolved in response to the deteriorating humanitarian situation on the ground:

- Order of 26 January 2024: The Court found a 'plausible'⁸⁸ risk of genocide and directed Israel to take all measures within its power to prevent the commission of acts falling under

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group.

⁸⁶ International Court of Justice. 2023. "South Africa Institutes Proceedings against Israel and Requests the International Court of Justice to Indicate Provisional Measures - ICJ Press Release." Question of Palestine. December 29, 2023. <https://www.un.org/unispal/document/icj-southafrica-israel-genocide-29dec2023/>

⁸⁷ ICJ, STATUTE OF THE INTERNATIONAL COURT OF JUSTICE, 1945, Article 41:

1. The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party.
2. Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and to the Security Council.
Available: <https://www.icj-cij.org/statute>

⁸⁸ By examining the rare instances where the Court has declined to indicate measures on these grounds, a two-fold test emerges: first, an abstract legal inquiry into whether the underlying treaty can reasonably be interpreted to encompass the rights claimed; and second, a factual inquiry into whether the applicant has provided sufficient evidence to suggest those rights are under imminent threat. Consequently, the 'plausibility' standard does not necessitate definitive proof of violations—a matter reserved for the merits phase—but rather a demonstration that the claims are grounded in both a viable legal theory and a credible factual reality.

To read more about this concept at: <https://www.ejiltalk.org/implausible-confusion-the-meaning-of-plausibility-in-the-icjs-provisional-measures/>

Article II of the Genocide Convention, including the prevention and punishment of direct incitement to genocide.

- Order of 28 March 2024: In light of the 'spread of famine and starvation,' the Court modified its measures to mandate the unhindered provision of basic services and humanitarian assistance, including food, water, and medical supplies, emphasizing that the previous measures no longer fully addressed the worsening conditions.⁸⁹
- Order of 24 May 2024: Citing the 'exceptionally grave' situation in the Rafah Governorate, the Court ordered Israel to immediately halt its military offensive in Rafah and to ensure unimpeded access for fact-finding missions and investigative bodies to preserve evidence of alleged genocidal acts.⁹⁰

In conclusion of this section, the researcher posits that the current legal dependence on fragmented provisions within the Rome Statute and the Geneva Conventions is insufficient to address the holistic and irreversible annihilation of the urban ecosystem. Given the proliferation of high-yield munitions and the catastrophic lethality of contemporary military technologies which facilitate the total erasure of metropolitan centres with unprecedented efficiency there exists a compelling necessity for the formal codification of Urbicide as autonomous, *sui generis* crime⁹¹ under international law.

2.1.2 Urbicide as an Independent Crime

2.1.2.1 The Legal Conditions of Urbicide as a Crime

As the researcher mentioned above on chapter one, After the Bosnian War, a new word entered our language: "**urbicide**." It literally means the murder of a city. When we look at Gaza war after 7th of October 2023, we aren't just seeing the "collateral damage" of a normal war; we are seeing the deliberate killing of a way of life. By systematically targeting marketplaces,

⁸⁹ Ibid

⁹⁰ Ibid

⁹¹ In international law, the term **sui generis** is a Latin phrase meaning "**of its own kind**" or "**unique**."

neighborhood squares, mosques, and even the oldest refugee camps, the goal seems to be the erasure of the Palestinian social fabric and collective memory.

Although urbicide is not formally defined in statutory law, the concept can still serve as a clear analytic tool for examining how large-scale destruction of property relates to the wider crime of genocide. From this viewpoint, the destruction of Gaza's buildings should not be treated as accidental collateral damage. It can be understood as an intentional attack on a people's shared right to live, in which removing the city becomes a central means of destroying the group.

Thus, in legal studies, urbicide refers to the intentional destruction of cities or urban areas, most often as a tactic during armed conflict. It originated from the Latin words *urbs* (city) and *-cide* (killing), it includes systematic targeting of infrastructure, cultural landmarks, and social fabric essential for urban life.⁹²

While Urbicide has yet to be formally codified as an autonomous, *sui generis* offense within contemporary international criminal frameworks, its constituent acts are heavily proscribed through the overlapping spheres of War Crimes and Crimes Against Humanity. Under the current architecture of International Humanitarian Law (IHL), the systematic destruction of the urban environment is predominantly adjudicated through the Geneva Conventions and their Additional Protocols, which establish a peremptory prohibition against the intentional targeting of civilian infrastructure and cultural patrimony for example:

A. Geneva Conventions and Protocols:

The Geneva Conventions and their Additional Protocols protect civilian objects, including urban infrastructure and cultural property. Article 53 prohibits the destruction of private property, except in military operations,

Article 53 - Prohibited destruction

“Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or

⁹² COWARD, MARTIN (2006): *Against Anthropocentrism: The Destruction of the Built Environment as a Distinct Form of Political Violence*, *Review of International Studies* 32(03).

cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”⁹³

Also, Article 147 defines extensive destruction and appropriation of property not justified by military necessity as a grave breach (war crime).

Article 147 - Penal sanctions II. Grave breaches

“Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power,...unlawfully and wantonly”.

The Additional Protocol I (1977) outline the distinction between civilian objects and military objectives, prohibiting indiscriminate attacks. It also prohibits attacks expected to cause excessive civilian damage. Civilian objects should not be the target of attack or reprisals, only if they contribute effectively to military action and their destruction offers a military advantage.

For example, Article 48 of the UN Convention on the Rights of the Child outlines the principle of distinction between civilian objects and military objectives, prohibiting indiscriminate attacks.⁹⁴ It also prohibits attacks that could cause excessive civilian damage. Article 52 protects civilian objects from being targeted unless they contribute effectively to military action or their destruction offers a military advantage⁹⁵. Article 53 protects cultural property, while Article 54 safeguards essential civilian survival items like food, water, and medical supplies from being attacked or destroyed⁹⁶.

⁹³ Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Article 53.

⁹⁴ Article 48 of the 1977 Additional Protocol I provides: “In order to ensure respect for and protection of the civilian population and civilian objects, the Parties to the conflict shall at all times distinguish between ... civilian objects and military objectives”.

⁹⁵ Under Article 52, military objectives are limited to “those objects which by their nature, location, purpose, or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.”

⁹⁶ Article 53 of AP II — Protection of cultural objects and of places of worship without prejudice to the provisions of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 14 May 1954, and of other relevant international instruments, it is prohibited: a) to commit any acts of hostility directed against the historic monuments, works of art or places of worship which constitute the cultural or spiritual heritage of peoples; b) to use such objects in support of the military effort; c) to make such objects the object of reprisals; Article 4(2) of the Hague Convention, ‘The obligations mentioned in paragraph 1 of the present Article may be waived only in cases where military necessity imperatively requires such a waiver’.

B. Rome Statute of the International Criminal Court (ICC) 1998.

War crimes include the destruction of cities and urban areas, particularly if civilian populations are the primary target, and crimes against humanity involve widespread or systematic destruction as part of an attack on civilian populations.

Article 8- Rome Statute (War Crimes)

Article 8(2)(b)(ii): Prohibits intentionally directing attacks on civilian objects, including urban infrastructure. **Article 8(2)(b)(iv):** Prohibits attacks if anticipated civilian damage is excessive compared to direct military advantage.

Article 8(2)(b)(ix): Prohibits intentional destruction of cultural property unless military necessity demands it. **Article 8(2)(a)(iv):** Prohibits extensive destruction and appropriation of property not justified by military necessity.

Article 8(2)(b)(ii): Prohibits intentionally directing attacks on civilian objects, including urban infrastructure.

Article 8(2)(b)(iv): Prohibits attacks if anticipated civilian damage is excessive compared to direct military advantage.

Article 8(2)(b)(ix): Prohibits intentional destruction of cultural property unless military necessity demands it.

Article 8(2)(a)(iv): Prohibits extensive destruction and appropriation of property not justified by military necessity.⁹⁷

C. Crimes Against Humanity (Article 7 of the Rome Statute)

Article 7(1)(d): Prohibits the forced displacement of civilian populations.

Article 7(1)(h): Prohibits persecution against any identifiable group, including through the destruction of urban centers.

⁹⁷ Article 8 - War crimes, Rome Statute of the International Criminal Court, 17 July 1998, The link: <https://ihl-databases.icrc.org/en/ihl-treaties/icc-statute-1998/article-8>

Article 7(1)(k): Prohibits "other inhumane acts" causing great suffering or serious injury, which could include widespread urban destruction.⁹⁸

D. Genocide (Article 6 of Convention on the Prevention and Punishment of the Crime of Genocide 1948)

Urbicide, while potentially linked to genocide, can be considered genocide under **Article II** of the **Genocide Convention** if the destruction targets a group's existence, especially if it targets urban centers central to cultural identity, as per the Rome Statute. And Genocide Convention, including Articles I, III, IV, V, and VI, in conjunction with Article II.

Article II: For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”⁹⁹

However, The Main Principle related to Urbicide, **the principle of distinction** dictates that parties in a conflict must differentiate between civilians and combatants, ensuring clear distinctions between the two groups:

⁹⁸ Article 7 - Crimes against humanity, Rome Statute of the International Criminal Court, 17 July 1998, T

The links: <https://ihl-databases.icrc.org/pt/ihl-treaties/icc-statute-1998/article-7?activeTab=default>

⁹⁹ Article II-Convention on the Prevention and Punishment of the Crime of Genocide Approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948, Entry into force: 12 January 1951, The link:

https://www.un.org/en/genocideprevention/documents/atrocitycrimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

The Principle of Distinction between Civilians and Combatants, Rule 1.” The parties to the conflict must always distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians.”¹⁰⁰

Also, according to The Principle of Proportionality, the Attacks must not cause excessive harm to civilians or civilian infrastructure relative to the military advantage gained. According to **Additional Protocol I (1977) (Article 51(5) (b) API)**. “The principle of proportionality prohibits attacks against military objectives which are “expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated”.¹⁰¹

This means, states that even if there is a clear military target it is not possible to attack it if the expected harm to civilians, or civilian property, is excessive concerning the expected military advantage.

Also, the **principle of Military Necessity**¹⁰², as mentioned in Additional Protocol I (1977) outlines those military objectives are limited to objects that contribute effectively to military action and whose destruction offers a military advantage. It also mandates the cancellation or suspension of an attack if the target is not a military objective or would cause excessive civilian damage.

The Principle of Military Necessity is a fundamental principle in International Humanitarian Law (IHL) that balances military objectives with civilian protection, ensuring destruction is limited to what is necessary for achieving a legitimate military goal and prohibits excessive harm to civilian life or infrastructure.

According to interview with Dr. Ashraf Abualrob, a professor and researcher in International Criminal Law (ICL), as he said: “the International Criminal Court (ICC) remains the primary institutional venue for adjudicating the systematic destruction of civilian infrastructure”,

¹⁰⁰ Customary International Humanitarian Law (IHL), The Principle of Distinction between Civilians and Combatants, Rule 1. The link: <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule1>

¹⁰¹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, ([Article 51\(5\) \(b\) API](#)).

¹⁰² Ibid, Protocol I, Article 52 - General protection of civilian objects.

Dr. Abualrob argues that the deliberate targeting of educational, religious, and medical institutions constitutes a grave breach of International Humanitarian Law (IHL).

Although the concept “Urbicid” “defined as the systematic destruction of a civilization’s cultural and social foundations—is not yet formally codified as a standalone crime in the Rome Statute, it finds a robust legal basis through the intersection of existing articles. Specifically, such acts can be prosecuted as Genocide under Article 6, where the destruction of infrastructure represents the “deliberate infliction of conditions of life” intended to bring about a group’s physical or structural destruction. Furthermore, these acts fall under Crimes Against Humanity (Article 7) through the systematic persecution of identifiable groups, and War Crimes (Article 8), which explicitly prohibits attacks on buildings dedicated to religion, education, and science. Dr. Abualrob posits that the analytical framework of Civicide provides essential circumstantial evidence to establish *dolus specialis* (specific intent), as the erasure of civilizational markers serves as a proxy for the intent to eliminate a group’s social and cultural viability.¹⁰³

The researcher argues for a specific legal framework to address urbicide, either by adding it to the Rome Statute or by drafting a new International Protocol. The proposal is not only a technical revision; it treats the right to the city as a legally protected interest. At present, war crimes prosecutions are too fragmented to respond to the full scope of the destruction of urban life.

Treating urbicide as its own criminal offense in international law would allow the international community to hold perpetrators accountable for the deliberate and systematic destruction of the physical and social settings that allow communities to function and endure. The city should be treated not only as a site of conflict, but as a protected space that is necessary for human survival. To link theoretical recognition with legal accountability, this study proposes legal elements for the crime of urbicide, applied to the Gaza case in relation to the alleged urbicidal war after 7 October 2023:

I. Material Element (Actus Reus)

¹⁰³ An academic interview with Dr. Ashraf Abualrob by the researcher Dania Hawari, online by zoom application was held on December 4, 2025.

The actus reus of urbicide in the Gaza Strip is evidenced by a scale of destruction that fundamentally transcends the doctrine of proportional collateral damage. This manifests as the deliberate incapacitation of the critical urban fabric; by targeting high-density residential zones in tandem with hydraulic and electrical lifelines, these actions constitute a direct assault on 'objects indispensable to the survival of the civilian population' (per Art. 54, AP I). Within this legal framework, the built environment is conceptualized not merely as a collection of tangible assets, but as the existential infrastructure requisite for the sustenance of human life and the socio-cultural continuity of the urban collective.

II. Mental Element (Mens Rea)

The prosecution of urbicide necessitates the establishment of *dolus specialis*—a specific intent directed toward the systematic "unmaking" of the urban environment. The evidentiary threshold must focus on the premeditated objective to permanently sever a population's nexus with their territory or to systematically liquidate their collective social identity. This intentionality elevates the destruction from a quantitative assessment of property damage to a qualitative assault on the foundations of communal existence, shifting the legal focus from the destruction of "things" to the destruction of "living spaces."

III. Contextual Circumstances

For the crime of urbicide to achieve normative coherence within the Rome Statute, the conduct must be anchored to the existence of an armed conflict or a widespread and systematic attack against a civilian population. This jurisdictional nexus is imperative for legal certainty (*nullum crimen sine lege*). By situating the offense within the established hierarchy of *jus cogens* crimes, the prosecution of urban destruction is shielded from claims of legal exceptionalism, ensuring that the adjudication of such acts aligns with extant international standards rather than operating in a normative vacuum.

IV. Protected Legal Interest

The proposed framework identifies the built environment as a functional prerequisite for the realization of fundamental human rights and the preservation of communal identity. It defines the protected legal interest as the "right to the city" or, more specifically, the right to stable and functional habitation. This paradigm shift addresses the current evidentiary lacunae where urban

devastation is often litigated under restrictive war crime definitions. By formalizing urbicide as a *sui generis* crime, the international legal architecture moves beyond viewing the city as a casualty of war, instead recognizing its destruction as a primary instrument for the systematic erasure of collective identity.

2.1.2.2 Evaluating the Specific Intent in Urban Environmental Destruction

The formalization of "urbicide" as an international crime would do more than change terminology; it would set out a clear legal basis for holding individuals responsible when they intentionally destroy the conditions that allow a city to remain livable.

For the framework to qualify as an independent offense, it must be grounded in specific intent (*dolus specialis*). In international criminal law, intent is the central element that changes the legal meaning of urban destruction from collateral damage to an atrocity aimed at destroying a group's existence. It requires judges to look past the visible destruction and examine the aim of the attack: was it directed at lawful military objectives, or was it intended to make the city unlivable for civilians?

This distinction matters when separating General Intent, which is simply knowing that an attack will affect civilian objects, from the higher level of proof needed to establish urbicide. General intent may be adequate for traditional war crimes, yet it does not capture the planned and systematic aim of erasing a city. Urbicide requires evidence that the destruction of infrastructure was carried out deliberately to break the social, economic, and cultural systems that sustain a community, with the aim of preventing residents from surviving there or returning later.

Because intent is rarely recorded in direct terms, international tribunals often infer a perpetrator's strategic aims from patterns of conduct and other judicial indicators. By examining conduct over time, such as the repeated destruction of residential areas instead of attacks aimed at specific military objectives, courts can assess whether a city is no longer treated as a location where fighting occurs and has instead become the object of attack.

The repeated destruction of life-sustaining infrastructure, including water treatment plants, power networks, hospitals, and universities, suggests an approach intended to bring about the

breakdown of a city's basic systems. Viewed this way, the law can address the systematic removal of place as an attack on collective human security.

The Application of the Urbicide Framework: The Gaza Case Study

The unprecedented devastation in the Gaza Strip serves as a definitive contemporary case study for the imperative codification of a standalone urbicide framework. This phenomenon exceeds a mere quantitative tally of structural ruin; it represents the purposeful eradication of the "built environment" as the foundational locus of Palestinian social and political existence.

I. *Actus Reus*: The Neutralization of the Urban Ecosystem

The *actus reus* of urbicide in the Gaza context is substantiated by the systematic transformation of habitable urban space into a permanent, non-functional wasteland. Transcending the doctrine of "collateral damage," the destruction manifests as a calculated dismantling of life-sustaining infrastructure. The comprehensive leveling of all higher-education institutions, the targeted incapacitation of the healthcare sector, and the permanent disruption of hydraulic and electrical grids signify the ontological death of the city as a living organism. The material element of the crime is satisfied not through discrete, isolated strikes, but through the total neutralization of the urban ecosystem, rendering it incapable of supporting human life.

II. *Mens Rea*: The Severance of Territorial Connection

The requisite *dolus specialis* (specific intent) is inferable through consistent, non-random patterns of ruin. When the annihilation of entire municipal districts is analyzed in conjunction with official rhetoric concerning the establishment of "buffer zones" or the "thinning" of the population, the teleological objective becomes evident: the permanent severance of the population's physical and historical nexus with their territory. The ultimate target is collective identity—ensuring that even in the event of biological survival, the group's "place" within the global spatial order is irrevocably erased.

III. Context: A Strategic Campaign of Spatial Erasure

The widespread and systematic nature of this violence indicates a transition from tactical military necessity to a strategic pursuit of unlivability. The persistence of high-intensity kinetic operations—even following the provisional measures indicated by the International Court of Justice (ICJ)—signals a shift from a mere awareness of deleterious consequences to a deliberate

strategy of spatial erasure. Within this context, the destruction of the city is not an incidental byproduct of war but a primary objective of the campaign.

IV. Legal Interest: The Collapse of Social Continuity

Ultimately, this destruction constitutes a direct assault on the "right to the city" as a protected legal interest. By targeting archives, libraries, and sites of familial and cultural heritage, these operations strike at the core of human dignity and historical memory. This analysis concludes that the erasure of "place" functions as a primary vehicle for the erasure of a "people." Inasmuch as a city's landmarks represent the physical architecture of a society's history, their destruction triggers the catastrophic collapse of social continuity, making urbicide a precursor to the total destruction of the protected group.

2.2 International Mechanisms of Accountability for Urbicide in Gaza

The Current Jurisdictional Landscape for Urban Destruction, it is critical to clarify that the absence of a standalone "urbicide" statute does not create a vacuum of impunity for the destruction of urban environments. Rather, the current international legal order offers established avenues for prosecution by categorizing such acts under existing frameworks of criminality. At present, accountability is primarily pursued through two jurisdictional mechanisms:

The International Criminal Court (ICC): Under the Rome Statute, the ICC maintains the jurisdiction to prosecute the systematic destruction of cities by classifying these acts as either War Crimes (under Article 8) or Crimes Against Humanity (under Article 7). This allows for the prosecution of attacks against civilian infrastructure, provided they meet the requisite thresholds of being widespread or part of a concerted military policy.

Universal Jurisdiction: This principle empowers national judiciaries to prosecute individuals for grave international crimes regardless of where the offenses were committed or the nationality of the parties involved. By invoking universal jurisdiction, domestic courts can address urban annihilation as a violation of *jus cogens* norms, ensuring that perpetrators find no legal sanctuary in any sovereign territory.

2.2.1 International Accountability for Urbicide in Gaza

2.2.1.1 The International Criminal Court (ICC)

International criminal accountability in this matter begins on 1 January 2015, when the Government of Palestine submitted a declaration under Article 12(3) of the Rome Statute. In that declaration, the Palestinian authorities accepted the International Criminal Court's jurisdiction over alleged crimes committed in Palestinian territory from 13 June 2014 onward. This declaration went beyond a routine filing. It was a formal appeal to the international community to recognize the victims' suffering as a legal issue that requires action under the rule of law.

By acceding to the Rome Statute on 2 January 2015, Palestine became a State Party, which means the Court may examine alleged crimes without giving immunity based on a person's position, rank, or affiliation. By accepting the Court's jurisdiction under Article 12(3), the state agreed to cooperate with the Court without conditions, which placed Palestinian territory under international judicial review for the matters covered by that acceptance.¹⁰⁴

After several years of preliminary examination under Article 53(1) of the Rome Statute, the ICC Prosecutor opened a formal investigation on 3 March 2021. This step relied on the jurisdictional clarity set out by Pre-Trial Chamber I, which confirmed that the Court has territorial jurisdiction over the Gaza Strip and the West Bank, including East Jerusalem. This investigation meets the reasonable basis standard by considering jurisdiction, admissibility, and the interests of justice, and it is intended to determine the facts. It turns decades of recorded harm into a court process, so victims of serious violations can be heard through the law and the push for accountability stays at the center of international justice.¹⁰⁵

- Since 7 October 2023, this war has led to a clear change in the ICC's work, shifting from a preliminary review to active steps aimed at holding senior individuals personally responsible. As an impartial court, it has acted on serious alleged violations by relying on its existing territorial jurisdiction over the Gaza Strip and the West Bank. This process ended with a 2025 Appeals Chamber ruling that found the current violence is part of an

¹⁰⁴ICC. 2024. "State of Palestine." Wwww.icc-cpi.int. International Criminal Court. 2024. <https://www.icc-cpi.int/palestine>.

¹⁰⁵ Ibid

ongoing armed conflict. On that basis, the ruling confirmed the Court's power to prosecute people responsible for the loss of life and the destruction of homes and living areas.

- The arrest warrants issued for Benjamin Netanyahu and Yoav Gallant reflect an official finding that there is a credible basis to pursue allegations of war crimes and crimes against humanity. The allegations focus on the use of starvation as a method of warfare and on acts aimed at dismantling the basic systems civilians rely on to survive, which can amount to the deliberate removal of the conditions needed for civilian life.
- Continuous jurisdiction was upheld. By dismissing procedural objections under Article 18(1), the Appeals Chamber found that the 2021 notification is still in force, which clears the way to move forward with prosecutions for alleged systematic crimes linked to the escalation after October 2023.¹⁰⁶

The researcher found, in January 2024, the International Court of Justice said there is a plausible risk of genocide in Gaza, and that finding is being cited as triggering the erga omnes duty of all 152 States Parties under the Genocide Convention to act to prevent genocide. In the ICC Prosecutor's current arrest warrant applications, genocide is not included among the alleged crimes. In legal terms, leaving this out shows that proving specific intent (*dolus specialis*) takes a different and higher level of proof before a person can be prosecuted. The ICJ mainly looks at State responsibility and whether there is a risk of irreparable prejudice, while the ICC must be satisfied that an identified person meant to destroy a protected group, in whole or in part.

Consequently, while the ICJ's findings put the international community on formal notice to employ all diplomatic and economic means to prevent genocide, the ICC currently limits its criminal pursuit to the high-threshold charges of war crimes and crimes against humanity, specifically targeting the use of starvation and intentional attacks on civilians.¹⁰⁷

Although urbicide is not currently codified as a standalone offense in the Rome Statute, the unprecedented scale of structural destruction in Gaza provides a compelling evidentiary basis for charges of domicide (the mass destruction of homes) under the existing framework of Article

¹⁰⁶ Al-Haq, 15 Dec 2025. "Explainer: International Criminal Court Appeal Chamber's Comprehensive Rejection of Israel's Article 18(1) Notification Challenge." Al-Haq | Defending Human Rights in Palestine since 1979. 2025. <https://www.alhaq.org/advocacy/27187.html>.

¹⁰⁷ Matthews, Heidi, and Heidi Matthews. 2024. "How Israel's War in Gaza Is Testing the ICJ and the ICC." DAWN. June 26, 2024. <https://dawnmena.org/how-israels-war-in-gaza-is-testing-the-icj-and-the-icc/>

7(1)(k) (Inhumane Acts) or Article 8(2)(b)(ii) (Attacks against Civilian Objects). By synthesizing the ICJ's 2024 findings on the "plausible risk of genocide" with the ICC's mandate for individual criminal responsibility, legal scholars argue that the deliberate rendering of an urban territory as "uninhabitable" constitutes a clear violation of the Genocide Convention's prohibition against inflicting conditions of life calculated to bring about a group's physical destruction.¹⁰⁸

2.2. 2.2 Universal Jurisdiction

On 3 March 2021, the International Criminal Court (ICC) opened a formal investigation into the Situation in Palestine, marking a move toward holding people responsible for alleged serious international crimes and reducing the risk that such conduct goes unpunished. The Rome Statute sets out jurisdictional rules, but its current scope does not fully cover the deliberate and systematic destruction of buildings and other parts of the built environment, which leaves a gap in legal protection. The Statute identifies four core crimes only: genocide, crimes against humanity, war crimes, and the crime of aggression. So, when an attack is aimed at wiping out a city's water, power, hospitals, and other basic systems, that kind of destruction often ends up treated as a side issue rather than a central focus.¹⁰⁹

To deal with this issue, the researcher argues that urbicide should be formally recognized as a fifth core crime under international law. This would necessitate the introduction of Article 9 of the Rome Statute, a dedicated provision criminalizing the "deliberate and systematic erasure of urban habitats and infrastructure" intended to render a territory uninhabitable or to destroy the social and cultural identity of a protected group.

While the ICC operates under strict temporal and gravity thresholds, the principle of Universal Jurisdiction (UJ)¹¹⁰ provides a vital, parallel accountability mechanism. Grounded in the

¹⁰⁸ Gaza: Destroying civilian housing and infrastructure is an international crime, warns UN expert (2023) OHCHR. Available at: <https://www.ohchr.org/en/press-releases/2023/11/gaza-destroying-civilian-housing-and-infrastructure-international-crime>.

¹⁰⁹ "LPHR Briefing on Universal Jurisdiction - Lawyers for Palestinian Human Rights." 2023. Lawyers for Palestinian Human Rights. October 31, 2023. <https://lphr.org.uk/latest-news/lphr-briefing-on-universal-jurisdiction/>.

¹¹⁰ The principle of UJ allows (and indeed often obliges) States to prosecute crimes that have been allegedly committed in another territory, through their own national criminal jurisdictions. This is an international convention preserved for only the most heinous crimes, including war crimes and torture. Prosecutions brought under UJ enable States to comply with their own international obligations under various treaties. <https://lphr.org.uk/latest-news/lphr-briefing-on-universal-jurisdiction/>

Also, Additional Protocol I of 1977 to the Geneva Conventions of 1949 extends the principle of universal jurisdiction to grave breaches relating to the conduct of hostilities. In Article 85, it also qualifies all grave breaches as war crimes. Universal jurisdiction

1949 Geneva Conventions and national statutes such as the UK's Geneva Conventions Act 1957 (Section 1[1]) and the Criminal Justice Act 1988 (Section 134), UJ allows national courts to prosecute "grave breaches" regardless of the nationality of the perpetrator or the location of the offense. Unlike the ICC, UJ does not require a retroactive jurisdictional trigger (such as the June 2014 date for Palestine), enabling the prosecution of urbicide and related atrocities committed over decades of occupation.

By integrating Urbicide into the Rome Statute via a proposed Article 9 and leveraging the broad enforcement powers of Universal Jurisdiction, the international community can ensure that the "killing of a city" is recognized not merely as collateral damage, but as a distinct and punishable assault on collective human civilization.¹¹¹

The researcher proposed Amendment: Article 9 of the Rome Statute

Draft Provision: The Crime of Urbicide

1. For the purpose of this Statute, "crime of urbicide" means any of the following acts committed as part of a systematic plan to destroy the urban environment:
 - (a) The large-scale destruction of residential dwellings (domicide) rendering a population homeless;
 - (b) The intentional erasure of vital civilian infrastructure, including water, power, and healthcare grids;
 - (c) Targeting cultural, educational, and historical landmarks with the intent to break a people's ties to their land.

During an interview with Dr. Daniel Terris, Dean of Al-Quds Bard College, drew a clear distinction between the symbolic meaning of urbicide and whether it is workable as a step-by-step process. He noted that for national prosecutors to pursue individuals for urbicide under Universal

is further affirmed in the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, and its Second Protocol. You can read more about: <https://www.ibanet.org/document?id=Universal-Jurisdiction-HRI-report-2025>

¹¹¹ Ibid

Jurisdiction, the act must be successfully mapped onto "grave breaches" of the Geneva Conventions.

As he was said: *"The challenge," Terris noted, "is moving urbicide from a sociological description to an actionable individual charge. We must prove that the destruction of the urban fabric was not an incidental byproduct of kinetic operations, but a central objective directed by high-ranking officials to render the territory uninhabitable."*¹¹²

Universal Jurisdiction is usually applied to crimes that breach peremptory norms (jus cogens), including genocide and war crimes. Because urbicide targets the built environment in a way that destroys a community's ability to exist together and maintain its cultural identity, it meets the criteria for inclusion in this category. If urbicide is recognized in international law, it should be treated as a crime subject to Universal Jurisdiction because it is an attack on legal interests shared by international community, even though the ICC stands as an important symbol of justice, it often cannot act unless a State Party agrees to its authority or the UN Security Council refers the situation. Here, Universal Jurisdiction offers a decentralized option that still gives courts real power to act. Where a State has incorporated UJ into its domestic law, it may open and conduct its own investigation into Urbicide on its own authority.

This approach is meant to work alongside, not against, the Rome Statute. It helps close the legal protection gap in cases where the ICC cannot take action. When national courts apply universal jurisdiction, they can serve as testing grounds where judges shape and refine international legal concepts through real cases. In domestic case law, courts can clarify what counts as urbicide, define the required conduct (actus reus), and set the level of intent (mens rea) the prosecution must prove.

Taken together, State Practice and Opinio Juris form a key basis for interpreting the law and support a later amendment to the Rome Statute under Article 121 to expressly include Urbicide.

The researcher's view is that invoking Universal Jurisdiction can have real political impact

¹¹² An Academic interview with Dr. Daniel Terris by the researcher Dania Hawari, online by zoom application was held on December 13, 2024.

and help deter future abuses, even outside the courtroom. When a country opens a national investigation, it can limit a suspect's ability to travel, increase diplomatic pressure, and weaken any claim that the person is beyond accountability. When courts acknowledge that harm can be tied to a place, it gives victims a legal basis that matches what they lived through. It supports transitional justice by prioritizing the repair and restoration of environments that were damaged or destroyed.

In summary, universal jurisdiction is not only a tool for enforcement; it also reflects an important development in legal thinking about treating urbicide as a crime. It ties domestic enforcement to international rules so accountability can begin without delay, while consistent state practice helps form the customary legal basis needed to support a future amendment to the Rome Statute. This approach treats urbicide not only as a theoretical idea but as a practical concept that can be applied under existing international law.

The researcher argues that Universal Jurisdiction is a key part of international criminal law. It is based on the view that some crimes are so serious that they can be prosecuted even when they are not tied to the state where they happened or to the nationality of the people involved. If urbicide is defined as a core international crime, states may rely on their domestic courts to prosecute those responsible under universal jurisdiction, even when the acts occurred outside their territory and neither the suspect nor the victim is a national. This mechanism serves as an immediate safeguard against impunity when the International Criminal Court (ICC) is constrained by political barriers or limits on its jurisdiction.

2.2.2 Methodology of the Study

This section draws on in-depth interviews with academic experts and is structured to present a clear legal definition of uricide.

Names of Interviews with academic experts	Info
Dr. Ashraf Abu Al-Rub	Dr. Ashraf Abu Al-Rub holding a Ph.D. in Criminal Law. He contributes significantly to the quality assurance of graduate legal research at several key institutions, including An-Najah National University, Arab American University, and Al-Istiqlal University.
Dr. Daniel Terris	Daniel Terris a dean of Al-Quds Bard college, he was received his Ph.D. in the history of American civilization from Harvard University. He is the founding director of the International Center for Ethics, Justice and Public Life at Brandeis University, where he led the Brandeis Program in Humanities and Professions, which used literary texts to engage thousands of judges and other working professional in issues of values and ethics; and oversaw the development of such signature programs as the Brandeis Institute for International Judges, the Program in Peacebuilding and the Arts, the Educational Network for Active Civic Transformation (ENACT), the Master's Program in Coexistence and Conflict, and the university's Division of Graduate Professional Studies.
P. Margo Okazawa-Rey	Margo Okazawa-Rey, Professor Emerita San Francisco State University, is an activist-educator working on issues of militarism for over 30 years. She has long-standing activist commitments in South Korea and Palestine, with Du Re Bang and Women's Centre for Legal Aid and Counseling, respectively. She is a founding member of the International Women's Network against Militarism and Women for Genuine Security, its US group.

2.2.2.1 Qualitative Analysis of Primary Interview Data

The following section synthesizes the qualitative insights gathered from three pivotal interviews. These conversations bridge the gap between abstract legal theory and the visceral reality of urban erasure in Gaza strip.

Interview I: Professor Margo Okazawa-Rey

(Conducted November 24, 2025)

Professor Okazawa-Rey contends that international law should rethink how it defines property, and she explains that changing this concept would alter how rights and duties are assigned and enforced.

She argues that buildings and public works are not inert objects. They form the everyday settings that allow ordinary human life to take place. Destroying them is more than damage to property; it targets the physical space the group relies on to live and to continue existing as a group. In her analysis, she rejects legal silos and legal fragmentation, and she treats this divide as an error in how the law is applied.

She treats urbicide as a single, combined harm: the physical destruction of the city, the social and psychological damage caused by the loss of shared memory and community life, and the lasting environmental damage, sometimes described as ecocide, that can block recovery over time.

On the issue of intent, she argues that the evidence should be assessed using a historical view, with the full background considered rather than only the events at the time in dispute.

In assessing intent (*mens rea*), it is not enough to focus on events from one day. The intent should be evaluated in light of the broader pattern of conduct over time, including the long-running settler-colonial project. When current events are read in the context of the Nakba, the scale and pattern of destruction in Gaza support an inference that the intent is to cause permanent displacement and to change control over the territory.

The Human Record: She accepts that satellite data may be needed to help prove the *actus reus*, but she cautions against treating technology as the main proof or giving it more weight than the rest of the evidence. She says survivor testimony needs to stay at the centre of the record

because it gives the direct, lived detail that supports the claim that the destruction was meant to permanently alter the conditions of life.

Interview II: Dr. Ashraf Abu Al-Rob

(Conducted December 4, 2025)

Dr. Abu Al-Rob describes urbicide as a political and legal concept combined into one. He says that what he calls the “murder of the city” is used as a deliberate stand-in for forcing people out of their homes and communities.

Under his framework, once a city’s basic services, including schools, water systems, and hospitals, are made unusable, those who remain are left with no practical choice but to relocate. Normative Gap Analysis: Report by Dr. Abu Al-Rob points to a gap in current International Criminal Law.

Urbicide is not currently treated as its own standalone crime. For that reason, its main elements are often treated under other headings in international criminal law. In the law of genocide, it can appear as a way of bringing about the physical destruction of a group. In crimes against humanity, it may be addressed as part of persecution carried out on a widespread or systematic basis. In war crimes, it may be assessed as a breach of the rule of proportionality.

To meet the challenge of proving specific intent, he proposes developing the argument through three distinct lines of evidence and explaining how each point to the same conclusion. Satellite images and recorded damage patterns indicate a consistent, repeatable order of destruction over time, which fits deliberate targeting more than chance events or isolated incidents. Review of official statements: analysis of state declarations to assess whether the harm resulted from an intentional policy choice. Military Expertise: The available evidence indicates that the harm caused exceeded any lawful tactical advantage that could reasonably be expected.

Dr. Abu Al-Rob proposes a practical solution based on current legal options. Rather than trying to establish a brand-new international crime—which is often a slow and difficult political process—he suggests amending Article 6 of the Rome Statute. This change would explicitly list urbicide as one of the specific acts that constitutes genocide. By doing so, the International Criminal Court (ICC) would have a clear legal mandate to prosecute the systematic destruction of cities as a way of erasing a civilization. This approach uses the existing power of the Genocide

Convention to hold perpetrators accountable for destroying the urban foundations of a people's social and political life

Interview III: Dr. Daniel Terris

(Conducted December 13, 2024)

Dr. Terri's connects the technical rules of International Humanitarian Law (IHL) with the practical need to describe and document urbicide in clear legal terms. He says the Rome Statute gives a legal set of terms for describing crimes, but it can also mask the fuller human harm that sits behind the charges.

Urbicide and what it is meant to communicate: Dr.Terris argues that city living is a distinctly human way of organizing social life. The planned flattening of a city is more than damage to buildings. It is a deliberate attempt to erase the community ties and shared identity that make up a way of life. Like the term scholasticide, which refers to the destruction of education systems, urbicide helps name a type and scale of harm aimed at a city and civilian life that many existing legal categories do not clearly cover.

The Normative Gap Compared with Terris's analysis focuses on the normative gap in international legal frameworks, meaning the rules and enforcement tools have not kept pace with how these frameworks have expanded and spread across different areas of law.

Although military attacks on hospitals, schools, and mosques can be charged as war crimes under Article 8, the law does not treat the destruction of the urban fabric as its own separate, stand-alone offence. He gives a careful warning: instead of creating new legal categories that could make indictments harder, he says the current legal tools should be enough if prosecutors and courts strictly apply the standards for extensive destruction and proportionality.

Indeed, Military necessity in practice: the legal standard and its limits, Dr.Terris says that, in legal cases about fighting in cities, the hardest issue to deal with is the military necessity defence to rebut the common claim that combatants were using civilian sites, he says the focus should move away from judging each strike on its own and toward reviewing the overall pattern of strikes for signs of a consistent practice.

He lays out a three-part plan for presenting the evidence: Geospatial analysis using high-resolution satellite images to record the timeline and extent of damage, for use as supporting

evidence. Institutional mapping can be used to show intent: when political and cultural landmarks are chosen as targets, it points to a purpose beyond a narrow, short-term military aim. This pattern supports an argument that the attacks were meant to weaken governance, identity, or civilian life, not just to gain a battlefield advantage.

Terri's doubts that Universal Jurisdiction can be applied right away to urbicide. He notes that national courts usually keep that tool for what they see as the gravest crimes. Even so, he argues that the Gaza case is a strong chance to reconsider how international law deals with what he calls the death of the city.

These interviews indicate that claims about the “murder of a city” are being brought in court through related, indirect legal theories. Even so, the concept helps organize the evidence and support a finding that the destruction was complete in scope and effect. Looking at the issue through Terries and Okazawa-Rey's view of structural violence, or through Abu Al-Rob's focus on gaps in the law, the point is the same: destroying Gaza's central territory is being used as a direct means to remove the people who live there.

2.2.2.2 Summary

Based on the expert interviews reviewed, the record supports the view that the destruction in the Gaza Strip was pursued as a deliberate plan to erase civilian life and culture, not as accidental damage from military action. This research is based on the view that the current concept needs to be revised. Urban damage should not be treated as just a property crime. It should be framed as conduct that harms the health, safety, and stability of the people who live in the area, and those broader harms should be addressed in how the case is charged and argued.

The interviewed Experts describe the urban environment as the container of life. When schools, hospitals, and cultural institutions are destroyed, the community loses key public services and shared places where people meet and support each other. This weakens social ties and everyday routines, and it can slow recovery by limiting access to education, health care, and local cultural life over the long term.

The qualitative evidence suggests that while the built environment is not living, the physical soundness of buildings is necessary for the protected group to remain safe and to carry out basic daily activities. This legal analysis treats urbicide as the physical groundwork that sets up the later destruction of a people. This thesis argues that current international legal frameworks leave a normative lacuna, meaning there is a clear gap in the law. The existing research suggests that the Rome Statute deals with these harms in a piecemeal way and does not offer a clear, standalone definition of urbicide.

Consequently, the primary barrier to justice is not a lack of empirical evidence, but the rigorous legal threshold for proving **specific intent (*mens rea*)**. Without a distinct legal definition that names the deliberate destruction of the urban fabric as a specific crime, defendants can effectively invoke 'military necessity' to justify the systematic ruin of civilian life. This creates a legal shield that allows planned devastation to be characterized as an incidental by-product of combat, thereby undermining the pursuit of individual criminal accountability.

Conclusion

This thesis examines the legal and factual characterization of the destruction of the Gaza Strip by the IOF, using urbicide as the main lens for analysis. The evidence shows that the destruction of buildings and basic infrastructure in urban fighting is not an accidental side effect; it is carried out intentionally as a strategy to erase a community's ability to live, work, and continue its civic life. This research compares existing International Criminal Law with the facts on the ground in Gaza since October 7, 2023, and finds that what it calls the killing of a city should be treated as its own legal category so responsibility can be assessed in a clear and complete way.

I. The Necessity of a Sui Generis Classification

Currently, the Rome Statute and the Geneva Conventions still leave gaps in how international law addresses the deliberate, systematic destruction of buildings and other parts of the built environment. The destruction seen in Gaza supports the use of the term urbicide to name a distinct kind of harm: the deliberate wiping out of a city's-built environment and the social life tied to it, which the categories of war crimes or genocide do not fully describe. Current legal rules that protect civilian objects are piecemeal and are often weakened when parties rely on broad claims of military necessity.

The researcher suggests creating a formal sui generis category would make it easier to name and assess a wider policy aimed at making a territory uninhabitable, instead of treating the harm as separate, unrelated violations. This thesis argues that Urbicide should be formally defined as the fifth core crime under international law, ideally by adding a new Article 9 to the Rome Statute.

II. Statutory Elements of the Crime

The elements the law requires the prosecution to prove for this offense. To move Urbicide from a sociological idea to a legal charge that can be filed and argued in court, the elements below are proposed. Material element (*actus reus*): the conduct consisted of deliberately and systematically disabling key parts of the city's environment and services.

This refers to removing basic means of living: housing, sometimes described as *domicide*; essential utilities such as water, power, and sanitation; and sites that have cultural importance. Mental element (*mens rea*): the person must have specific intent (*dolus specialis*) to dismantle the urban fabric. To meet this element, the offender must act with the aim of cutting off a group's long-standing and physical ties to its territory. Context: The conduct occurred during an armed

conflict or as part of a widespread attack directed at a civilian population. Protected legal interest: the Right to the City, and protection of the built environment as a necessary condition for social continuity.

III. Inferring Intent in Spatial Erasure

Assessing intent when location-related information has been removed or obscured. This research finds that when there are no written orders, a court may still infer Specific Intent from the surrounding record, using judicial indicators such as the parties' actions, statements, timing, and other facts the judge considers reliable. In Gaza, these points are supported by the scope of destruction reported by UNOSAT (about 83–85% of structures), the types of sites hit (all universities and most hospitals have been destroyed), and the blocking of recovery efforts, including limits on reconstruction.

Urbicide and genocide are different in kind, but the destruction of a city's homes, services, and public spaces can come first and lay the ground for later acts of genocide. By deliberately destroying the basic conditions needed to live, the perpetrator can break up the community and force people to leave, even without relying only on direct killing. Since October 2023, the military operations appear to be among the clearest recent examples of urbicide, carried out as part of an intentional approach to warfare. The Total Spatial Neutralization pattern is not just a tactical measure; it is a required safeguard. If the administrative centre of a city, such as the Al-Rimal district, is destroyed and the Central Archives are largely wiped out, that loss goes beyond physical damage. It removes public records and reference materials that document land, property, and civic history, and it can amount to the erasure of a community's geographic record.

This thesis concludes as follows:

- Infrastructure is basic to a community's ability to live and remain in place. When it is intentionally destroyed, it can be used as a means to remove that community by cutting off housing, water, power, healthcare, and other essentials needed for continued existence.
- Universal jurisdiction is an important tool for prosecuting acts aimed at destroying a people or their culture, even when international courts cannot move forward because states block or delay tribunal action for political reasons.

- Creating Urbicide as its own offense would be a needed step in international law. It brings the global justice system back to its core role: protecting human dignity in the most basic way, including the physical spaces where people live and society functions.

Lastly, this research concludes that urbicide should be recognized as a *sui generis* crime under international law. The current legal categories, including war crimes and genocide, do not fully capture a planned, systematic effort to destroy a city's-built environment and the civic life tied to it. This thesis argues that the right to the city should be treated as a protected legal interest. It also argues that destroying that right is not just a set of separate, isolated violations.

It is a central means of wiping out a community's shared identity. In Gaza after October 7, 2023, the scale of destruction appears to go beyond what would be required for a narrow military purpose and instead suggests an intentional effort to cripple the area's basic systems and services that support civilian life.

This thesis aims to turn general acceptance into clear legal responsibility by proposing a specific framework based on adding a new Article 9 to the Rome Statute. If the law sets a high bar for *dolus specialis*, understood as an intent to permanently separate a population from its territory, it allows decision-makers to distinguish unintended collateral harm from a deliberate plan to remove that population from the area.

While the International Criminal Court (ICC) is often seen as the main symbol of international justice, universal jurisdiction offers a separate and important way for national courts to prosecute certain serious crimes even when the ICC cannot or does not act. If urbicide is treated as a breach of *jus cogens* norms, national courts can take action even when international bodies cannot. It treats the deliberate destruction of a city as its own punishable offense and supports consistent recognition and accountability across states.

During chapter II, The Researcher's proposed amendment the content of Article 9: "crime of urbicide" means any of the acts set out in this Statute, when committed with the intent to make a city or other urban area permanently uninhabitable, or to systematically destroy the social, cultural, or historical identity of the population:

(a) Domicide: The widespread, planned destruction of homes, carried out with the purpose of forcing people to leave and preventing their return on a lasting basis.

(b) Infrastructure Neutralization: the deliberate damaging or destruction of essential civilian infrastructure, such as water supply, electricity, healthcare services, and sanitation systems. Cultural Erasure means intentionally attacking or destroying schools, places of worship, archives, museums, or historic sites with the aim of breaking a community's ancestral and territorial ties.

To contextualize the researcher's proposed framework within the established hierarchy of international criminal law, it is necessary to distinguish Urbicide from existing *jus cogens* categories through a comparative analysis of their protected legal interests. War crimes mainly govern how fighting is carried out, using rules like proportionality and military necessity to limit harm. Genocide, by contrast, is defined by the intent to destroy a protected group in whole or in part (*dolus specialis*), often through physical or biological destruction. Urbicide refers to something different: the deliberate destruction of the built environment and the spaces people rely on to live and function. This unique category treats the planned destruction of buildings and infrastructure as a main way to dismantle a group, since it attacks the material basis of social life and continuity, rather than viewing urban damage as an incidental outcome of military action.

Results and Recommendations:

A review of the systematic destruction in Gaza city points to three main findings that should inform how international justice addresses the intentional or widespread destruction of civilian homes and residential areas:

1. Urbicide as a standalone individual criminal offence:

Urbicide should be defined in criminal law as its own separate offence, rather than being treated only as part of other crimes. The researcher concludes that the destruction of a city should be seen as a direct act of conflict, rather than an accidental side effect. This conduct should be treated as its own stand-alone offence and included separately in the proposed Article 9 of the Rome Statute.. This means the law should treat the deliberate erasure of a people's place as an

attack on their shared identity, and prosecute it on that basis, even if the number of deaths or injuries is low.

Making uricide a separate offense makes clear that the deliberate destruction of a community's-built environment is its own atrocity, intended to remove the basic conditions a group needs to live and to continue into the future.

2. Proving specific intent

One key point from this study is that a court can meet the high proof required for specific intent (*mens rea*) by relying on judicial indicators described as Total Spatial Neutralization. The researcher argues that once a force has full military control over an area, continued systematic demolition—such as deliberately levelling universities, archives, and court buildings—can no longer be treated as a tactical necessity. These patterns are best read as direct evidence of an intent to erase a population, not as actions aimed at a legitimate military objective. That framing supports an argument that the destruction was planned and aimed at wiping out a community.

3. Strengthening Jurisdictional Synergy

In closing, the researcher states that responsibility for a city's decline should not be limited to one forum or place. The International Criminal Court (ICC) remains the main venue for prosecutions, but the principle of universal jurisdiction provides another lawful route through national courts.

National courts should have clear authority to treat uricide as a breach of *jus cogens*, meaning core rules of international law that no state can waive or set aside. Working together this way leaves no safe haven for anyone who orders the permanent destruction of places where people live, and it backs up the shared duty to protect the physical space that makes human society possible.

From a legal standpoint, these findings point to the destruction in Gaza as more than physical damage; it raises a serious issue about possible breaches of legal duties and what steps, if any, are required for accountability and remedy. If international law stays silent on the murder of place, it leaves room for conduct that can clear people from their land in an organized way and erase the homes and histories of future generations. Putting uricide as a crime is not only a needed legal step; it is also a moral duty. The law should protect every people's right to a home they can return to.

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Appendices

Appendices I

Questions for Experts and Academic in Urban Studies and International Law:

A. Conceptual and General Understanding

1. **Definition and Scope:** How do you critically define the term "**urbicide**" in the context of mass destruction, and how does this definition differentiate the concept from existing grave ICL crimes (e.g., war crimes, crimes against humanity)?
2. **Applicability to Gaza:** Based on documented evidence of the scale and nature of destruction, to what extent do you assess the concept of urbicide as an **analytically or legally applicable description** of the practices observed in the Gaza Strip? Please justify your position, referencing relevant legal principles or urban theory.

B. Urbicide and International Law (ICL/IHL)

3. **War Crime Classification:** Under current IHL, what are the **precise legal elements** (e.g., of destruction and appropriation of property or attacking civilian objects) that would need to be satisfied to prosecute the systematic, large-scale destruction of an urban environment like Gaza as a grave **War Crime**?
4. For cases arising from large-scale fighting in cities, what are the main proof and legal issues in showing the required mens rea for widespread destruction, especially when separating lawful attacks on military targets from a plan or purpose to ruin the city's buildings and civilian infrastructure as an end in itself?
5. Whether urbicide should be formally recognized under international law as a sui generis international crime, separate from existing crimes such as genocide, crimes against humanity, war crimes, and persecution, and if so, what legal definition and required elements would make that recognition workable in practice?

C. Evidence, Documentation, and Legal Proof

6. In a legal case claiming urbicide, what are the main method strengths and the key legal limits of relying on non-traditional proof like high-resolution satellite images and other

geospatial data to show the actus reus and to prove the level and scope of destruction needed for the claim?

7. what kinds of evidence do you find most persuasive to show that a party intentionally targeted essential parts of a city, such as water and power systems, hospitals, sanitation, roads, or communications? Does this apply to matters that affect public health, cultural heritage, critical infrastructure, or civic life?

D. Accountability and Jurisdictional Mechanisms

8. Under the ICC's current mandate, which existing charges, or realistically available new charges, could best address the harm caused by destroying an urban environment, and what are the main jurisdictional and procedural barriers that would likely prevent or delay bringing such a case?
9. What practical steps can national courts take to use universal jurisdiction to hold people accountable for widespread, organized destruction of cities, and what existing case law or changes to domestic statutes would be needed to make those cases workable and legally sound?

نموذج الاسئلة للخبراء والاكاديميين في الدراسات الحضارية والقانون الدولي

الغرض: جمع وجهات نظر الخبراء حول كيفية فهم تكييف الإبادة الحضارية "إبادة المكان" في قطاع غزة قانونياً، وتقييم إمكانية اعتباره "إبادة حضرية (Urbicide)" في إطار القانون الجنائي الدولي والقانون الدولي الإنساني.

أولاً: الفهم المفاهيمي والعام

1. التعريف والنطاق: كيف تُعرّف بشكل نقدي مصطلح "الإبادة الحضارية" أو ما تسمى بالإبادة المكان (Urbicide) "

في سياق الدمار واسع النطاق، وكيف يُميّز هذا التعريف المفهوم عن الجرائم الجنائية الدولية الجسيمة القائمة (مثل جرائم الحرب أو الجرائم ضد الإنسانية)؟

2. الانطباق على غزة: بناءً على الأدلة الموثقة لحجم وطبيعة الدمار، إلى أي مدى تُقيّمون مفهوم الإبادة الحضرية على

أنه وصف تحليلي أو قانوني قابل للتطبيق على الممارسات المُشاهدة في قطاع غزة؟ يُرجى تبرير موقفكم بالإشارة إلى المبادئ القانونية أو النظرية للمناطق الحضارية ذات الصلة.

ثانياً: الإبادة الحضارية والقانون الدولي (الجنائي والإنساني)

3. التصنيف كجريمة حرب: بموجب القانون الدولي الإنساني الحالي، ما هي الأركان القانونية الدقيقة (مثلاً، أركان

تدمير الممتلكات والاستيلاء عليها أو مهاجمة الأعيان المدنية) التي يجب استيفائها لمحاكمة التدمير المنهجي واسع على نطاق البيئة الحضرية ؟

4. إثبات النية: في سياق التدمير واسع النطاق، ما هي التحديات القانونية الرئيسية في إثبات الركن المعنوي - النية

الجنائية المطلوب للتدمير الواسع، ولا سيما في التمييز بين الأهداف العسكرية المشروعة والنية في تدمير النسيج الحضاري بحد ذاته؟

5. الوضع كجريمة مستقلة: هل يجب الاعتراف رسمياً بالإبادة الحضرية كجريمة دولية قائمة بذاتها (sui

generis)؟ وإذا كان الأمر كذلك، فما هي الأركان الموضوعية (مثل النية الخاصة، أو الأركان السياقية) التي يجب

تعريفها بوضوح لضمان محاكمتها بفعالية ضمن إطار قانوني جنائي دولي مُوسّع؟

ثالثاً: الأدلة والتوثيق والإثبات القانوني

6. فائدة الأدلة الجغرافية المكانية: ما هي نقاط القوة المنهجية والقيود القانونية لاستخدام الأدلة غير التقليدية،

مثل صور الأقمار الصناعية عالية الدقة والبيانات الجغرافية المكانية، في إثبات الركن المادي (actus reus -

الفعل الإجرامي) وحجم الدمار اللازمين لدعوى الإبادة الحضارية؟

7. إثبات الاستهداف المُتعمَّد: ما هي أشكال الأدلة التي ترونها الأكثر إقناعاً في إظهار الاستهداف المُتعمَّد للعناصر الأساسية للبيئة الحضرية (مثل التراث الثقافي، البنية التحتية الحيوية، الحياة المدنية)؟ وهل تتجاوز هذه الأدلة مجرد إحصائيات المباني المهدمة أو عدد الضحايا؟

رابعاً: المساءلة والآليات القضائية

8. المحكمة الجنائية الدولية (ICC) بالنظر إلى ولاية المحكمة الجنائية الدولية الحالية، ما هي التُّهم القائمة أو المحتملة أمام المحكمة التي يمكن أن تستوعب على نحوٍ أكثر فعالية الضرر الكامن في تدمير البيئة الحضرية، وما هي العقوبات الإجرائية أو الولائية الرئيسية أمام مثل هذه الملاحقة القضائية؟

9. الولاية القضائية العالمية (UJ) كيف يمكن الاستفادة بشكل عملي وفعال من مبدأ الولاية القضائية العالمية من قِبَل الأنظمة القضائية الوطنية لتحقيق المساءلة عن الأفراد المتورطين في التدمير الحضري المنهجي، وما هي السوابق القانونية أو التغييرات التشريعية المحلية اللازمة؟

Appendices II

Interview I

Invitation to an Academic Interview

To the Esteemed Academic and Professors,

Greetings and Best Regards,

I am the researcher, **Dania Shadi Hawari**, a master's student in the **International Law and Diplomacy** program at the Arab American University. I am currently preparing my master's thesis, which is titled:

"The Legal Classification of Urbicide: A Case Study of the Gaza Strip After October 7, 2023"

Given your distinguished academic standing and profound expertise in the field of International Law and Humanitarian Law, I am honored to invite you to contribute to the scientific and methodological enrichment of this study by participating in a personal interview. Your insights and analysis will be a high-quality and crucial addition to my thesis.

Day:	<u>Saturday</u>
Date:	13 th of December 2024
Time:	6:00-6:45 pm at Palestine time
Interview Location:	Online- by zoom application
Name of Interviewee:	Dr. Daniel Terris- Vice President for International Initiatives, Al-Quds University and Bard College

The Researcher: Dania Shadi Hawari The Esteemed Professor: Dr. Daniel Terris

Researcher's Signature:



Signature of Interviewee:



Appendices

Questions for Experts and Academic in Urban Studies and International Law:

A. Conceptual and General Understanding:

1. **Definition and Scope:** How do you critically define the term "**urbicide**" in the context of mass destruction, and how does this definition differentiate the concept from existing grave ICL crimes (e.g., war crimes, crimes against humanity)?

At the beginning of the interview, the interviewee confirmed his consent for the recording to be used strictly for academic research purposes. He agreed to be quoted in the thesis, with the understanding that any statements explicitly identified as background or off the record would not be cited. He acknowledged the high sensitivity of the topic, particularly in light of the events following October 7.

The interviewee clarified that he does not consider himself an expert on urbicide, but he offered a conceptual understanding grounded in international law and human rights scholarship.

2. **Applicability to Gaza:** Based on documented evidence of the scale and nature of destruction, to what extent do you assess the concept of urbicide as an **analytically or legally applicable description** of the practices observed in the Gaza Strip? Please justify your position, referencing relevant legal principles or urban theory.

He explained that the legal language used in instruments such as the Geneva Conventions and the Rome Statute of the International Criminal Court often fails to fully capture the lived impact of certain crimes on civilian populations. As a result, scholars and advocates sometimes introduce new terms to help communicate the scale and consequences of harm to a broader public.

According to his understanding, the Rome Statute already categorizes acts such as the destruction of property and buildings in towns, villages, and cities as war crimes. However, the concept of *urbicide* is particularly useful because it draws attention to the destruction of urban life as a distinct form of harm. Urban life, he argued, is a uniquely human form of social organization that creates specific social bonds, cultural practices, and collective identities.

When entire cities are destroyed, the harm extends beyond physical structures and individual lives to the destruction of an entire way of life.

He noted that the term *urbicide* gained prominence during the Bosnian War in the 1990s, especially in relation to the destruction of cities in the former Yugoslavia. He added that the concept may also be relevant to other contemporary conflicts, such as the Russia–Ukraine war, and is applicable to the case of Gaza.

B. Urbicide and International Law (ICL/IHL)

3. **War Crime Classification:** Under current IHL, what are the **precise legal elements** (e.g., of destruction and appropriation of property or attacking civilian objects) that would need to be satisfied to prosecute the systematic, large-scale destruction of an urban environment like Gaza as a grave **War Crime**?
4. **Proof of Intent:** In the context of large-scale urban warfare, what are the primary **evidentiary and legal challenges** in establishing the requisite *mens rea* (criminal intent) for widespread destruction, particularly in distinguishing legitimate military objectives from the intent to destroy the urban fabric itself?
5. **Status as an Independent Crime:** Should **urbicide be formally recognized as a *sui generis*** (independent) international crime? If so, what **substantive elements** (e.g., specific intent, contextual elements) would need to be clearly defined to ensure its effective prosecution under an expanded ICL framework?

He answered this section as follow:

From a legal perspective, the interviewee expressed the view that all acts encompassed by the concept of urbicide are already criminalized under existing international legal frameworks. In his assessment, urbicide is more effective as a descriptive and communicative concept in public discourse than as an independent legal category.

He compared urbicide to the concept of *scholasticide*, which has been widely discussed in the context of Gaza to describe the destruction of educational institutions. While such terms are powerful in illustrating the scale and nature of harm, he emphasized that international treaties

already contain specific provisions addressing the destruction of civilian infrastructure, including schools and urban property.

He distinguished urbicide from genocide, which he described as a uniquely grave crime involving the intentional destruction of a people as such. In contrast, he cautioned that creating new legal categories for every form of destruction may not add substantive legal value, even though such concepts can play an important role in shaping public understanding and moral discourse around war crimes

C. Evidence, Documentation, and Legal Proof

6. **Utility of Geospatial Evidence:** What are the **methodological strengths and legal limitations** of using non-traditional evidence, such as high-resolution **satellite imagery and geospatial data**, in establishing the *actus reus* (criminal act) and the *scale* of destruction necessary for an urbicide claim?
7. **Establishing Deliberate Targeting:** What forms of evidence—beyond simple casualty counts or building destruction statistics—do you consider **most compelling for demonstrating the deliberate targeting** of the urban environment's essential elements (e.g., cultural heritage, critical infrastructure, civic life)?

Regarding evidence, the interviewee outlined several forms of documentation commonly used to establish war crimes under international law. These include satellite imagery, population statistics, casualty figures, and records documenting the destruction of political, cultural, religious, and social institutions.

He emphasized that international law often relies on the concept of “extensive destruction” as a key legal threshold. Therefore, evidence must demonstrate not only isolated incidents but also widespread and systematic patterns of damage.

A central legal challenge, he explained, is proving that such destruction was not justified by military necessity. In many conflicts, armed actors operate within urban environments, allowing perpetrators to argue that damage to civilian infrastructure was necessary to achieve

military objectives. Even if such claims are morally or politically contested, they must still be addressed within a legal framework.

Accordingly, legal analysis must carefully assess the scale, pattern, and proportionality of destruction in relation to claims of military necessity.

D. Accountability and Jurisdictional Mechanisms

8. **The International Criminal Court (ICC):** Given the ICC's current mandate, which existing or potential charges before the Court could most effectively capture the harm inherent in the destruction of the urban environment, and what are the principal **procedural or jurisdictional obstacles** to such a prosecution?
9. **Universal Jurisdiction (UJ):** How can the principle of **Universal Jurisdiction** be practically and effectively leveraged by national judicial systems to achieve accountability for individuals implicated in systemic urban destruction, and what are the necessary legal precedents or domestic legislative changes required?

The interviewee discussed the role of the International Criminal Court, noting that the ICC has already issued indictments related to the conflict, particularly focusing on starvation as a method of warfare. He suggested that this focus was strategic, as starvation is extremely difficult to justify under any claim of military necessity and does not require complex proof of intent.

He explained that crimes such as the destruction of cities and civilian property are clearly covered under the Rome Statute; however, prosecuting such crimes is more legally complex. Prosecutors must demonstrate that the destruction was excessive and not militarily necessary, which requires substantial evidence and time.

Regarding universal jurisdiction, the interviewee expressed uncertainty about its applicability to uricide specifically. Based on his understanding, universal jurisdiction has primarily been applied to the gravest crimes against humanity rather than to specific categories of war crimes. He suggested that accountability efforts might be more viable in countries that have themselves

experienced large-scale urban destruction and therefore possess a particular legal or political interest in prosecuting such crimes

The interview concluded with mutual appreciation. The interviewee expressed support for the research project and encouraged its continuation. He agreed to sign the consent form and share the recording with the researcher. Both parties expressed hope that the research would contribute meaningfully to academic, legal, and human rights discussions on urbicide, accountability, and international criminal law.

Interview II

Invitation to an Academic Interview

To the Esteemed Academic and Professors,

Greetings and Best Regards,

I am the researcher, **Dania Shadi Hawari**, a master's student in the **International Law and Diplomacy** program at the Arab American University. I am currently preparing my master's thesis, which is titled:

"The Legal Classification of Urbicide: A Case Study of the Gaza Strip After October 7, 2023"

Given your distinguished academic standing and profound expertise in the field of International Law and Humanitarian Law, **I am honored to invite you to contribute to the scientific and methodological enrichment of this study** by participating in a personal interview. Your insights and analysis will be a high-quality and crucial addition to my thesis.

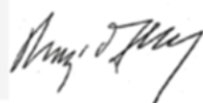
Day:	<u>Monday</u>
Date:	24 th of November 2025
Time:	9:00-10:00 am at Palestine time
Interview Location:	Women's Centre for Legal Aid and Counselling (WCLAC)-Ramallah office
Name of Interviewee:	Margo Okazawa-Rey, Professor Emerita San Francisco State University

The Researcher: Dania Shadi Hawari The Esteemed Professor: P. Margo Okazawa-Rey

Researcher's Signature:



Signature of Interviewee:



Appendices

Questions for Experts and Academic in Urban Studies and International Law:

A. Conceptual and General Understanding:

1. **Definition and Scope:** How do you critically define the term "**urbicide**" in the context of mass destruction, and how does this definition differentiate the concept from existing grave ICL crimes (e.g., war crimes, crimes against humanity)?

Margo explained that this was the first time she had encountered the term *urbicide* itself, although the practice it describes is not new. She emphasized the importance of placing urbicide within a broader historical context. According to her, what is happening in Gaza clearly involves multiple forms of mass destruction, including genocide, urbicide, ecocide, and femicide.

She defined urbicide as the mass destruction of everything that sustains life, both living and non-living. Although buildings and infrastructure are not alive, they contain and enable life. Their destruction therefore directly affects human existence. She noted that this way of thinking is analytically useful because it highlights how violence targets not only people, but also the material and spatial conditions of life.

2. **Applicability to Gaza:** Based on documented evidence of the scale and nature of destruction, to what extent do you assess the concept of urbicide as an **analytically or legally applicable description** of the practices observed in the Gaza Strip? Please justify your position, referencing relevant legal principles or urban theory.

Margo situated Gaza historically alongside other examples of deliberate city destruction, such as Hiroshima and Nagasaki, the bombing of European cities during World War II, and the destruction of cities in Vietnam, Cambodia, and Laos. From her perspective, urbicide has long been a core component of modern warfare. What makes Gaza distinctive is not the existence of urbicide itself, but the specific political, historical, and colonial context in which it is occurring.

B. Urbicide and International Law (ICL/IHL)

3. **War Crime Classification:** Under current IHL, what are the **precise legal elements** (e.g., of destruction and appropriation of property or attacking civilian objects) that would need to be satisfied to prosecute the systematic, large-scale destruction of an urban environment like Gaza as a grave **War Crime**?

From Margo's perspective, urbicide should not be understood merely as the physical destruction of cities. Rather, it involves a three-part relationship:

1. The material destruction of buildings, infrastructure, and urban space
2. The impact on human life, including displacement, trauma, and collective memory
3. The destruction of the environment and its long-term consequences

It is the combination of these elements that transforms urbicide into a serious violation of international humanitarian law and international human rights law. She argued that separating these components weakens legal analysis. In her view, urbicide should not be treated as an isolated or independent crime detached from genocide, crimes against humanity, or war crimes. Instead, it should be understood as an interconnected process that operates alongside and reinforces other international crimes.

4. **Proof of Intent:** In the context of large-scale urban warfare, what are the primary **evidentiary and legal challenges** in establishing the requisite *mens rea* (criminal intent) for widespread destruction, particularly in distinguishing legitimate military objectives from the intent to destroy the urban fabric itself?

Margo stated clearly that the legal elements of war crimes are applicable to Gaza. While she noted that she is not an international law specialist, she emphasized that **intent** is central to criminal responsibility under international law. In her assessment, the intent to destroy a people, take over land, and permanently alter the conditions of life constitutes a criminal purpose.

She stressed that legal analysis should consider not only immediate impacts, such as death and destruction, but also **long-term and intergenerational consequences**. Urbicide does not end

when the bombing stops; its effects continue across generations through displacement, environmental harm, and the erasure of social and cultural life

5. **Status as an Independent Crime:** Should **urbicide** be formally recognized as a *sui generis* (independent) international crime? If so, what **substantive elements** (e.g., specific intent, contextual elements) would need to be clearly defined to ensure its effective prosecution under an expanded ICL framework?

Margo expressed skepticism toward recognizing urbicide as a fully independent international crime. She explained that international legal frameworks tend to fragment harm into narrow categories, which often obscures broader realities.

In her view, separating urbicide from genocide, ecocide, and crimes against humanity risks ignoring the fundamental interdependence between people, place, and environment. She argued that cities cannot be separated from the people who inhabit them or the land on which they exist. Therefore, urbicide should be addressed as part of a combined legal framework rather than as a standalone offense

C. Evidence, Documentation, and Legal Proof

6. **Utility of Geospatial Evidence:** What are the **methodological strengths and legal limitations** of using non-traditional evidence, such as high-resolution **satellite imagery and geospatial data**, in establishing the *actus reus* (criminal act) and the *scale* of destruction necessary for an urbicide claim?
7. **Establishing Deliberate Targeting:** What forms of evidence—beyond simple casualty counts or building destruction statistics—do you consider **most compelling for demonstrating the deliberate targeting** of the urban environment's essential elements (e.g., cultural heritage, critical infrastructure, civic life)?

She answered on this section as follow:

Regarding evidence, Margo cautioned against relying solely on technological tools such as satellite imagery or digital data. While acknowledging their importance, she emphasized their limitations, particularly in an era where images and videos can be manipulated or erased by powerful state actors.

- High-resolution satellite imagery and geographic data
- Survivor testimonies as primary and central evidence
- Testimonies from observers and, where possible, perpetrators
- Social media material used cautiously and corroborated

She stressed that documentation must be systematic and longitudinal, tracing destruction over time rather than relying on isolated incidents or snapshots. This approach helps demonstrate patterns, intent, and scale—key elements in establishing international crimes.

Also, she emphasized that research on Gaza cannot begin on October 7. She insisted that any serious academic or legal analysis must situate current events within a longer historical trajectory, including the Nakba, Naksa, the First and Second Intifadas, and decades of occupation and siege.

Without this context, she argued, urbicide risks being misrepresented as an isolated or sudden phenomenon rather than a continuation of structural and colonial violence.

D. Accountability and Jurisdictional Mechanisms

8. **The International Criminal Court (ICC):** Given the ICC's current mandate, which existing or potential charges before the Court could most effectively capture the harm inherent in the destruction of the urban environment, and what are the principal **procedural or jurisdictional obstacles** to such a prosecution?

Margo highlighted fundamental limitations of international legal mechanisms such as the ICC and ICJ. Although these institutions can prosecute individuals, she argued that individual criminal responsibility cannot be meaningfully separated from state responsibility, since military and political actors operate on behalf of the state.

She further questioned the neutrality of international institutions, pointing out that they were historically created within specific power structures, particularly after World War II. According to her, enforcement depends on political will, which is often absent when powerful states or their allies are involved.

She stressed that understanding international accountability requires analyzing **power relations, donor influence, geopolitical interests, and neoliberal capitalism**. Legal mechanisms exist, but their effectiveness is shaped by whose interests they serve

9. **Universal Jurisdiction (UJ):** How can the principle of **Universal Jurisdiction** be practically and effectively leveraged by national judicial systems to achieve accountability for individuals implicated in systemic urban destruction, and what are the necessary legal precedents or domestic legislative changes required?

On universal jurisdiction, Margo expressed deep skepticism about its practical effectiveness. While it exists in theory, she argued that shifting power dynamics and economic interests determine whether it is ever applied.

She pointed to regional and international actors who publicly express support for Palestinian rights while materially aligning with powerful states. For her, accountability cannot be understood outside the broader political economy of war, resources, and global capitalism.

Concluding Reflection

Margo concluded by reiterating that *urbicide* may be a relatively new term, but the practice it describes is deeply embedded in the history of warfare and colonial domination. She encouraged further research into the concept, particularly from feminist and human rights perspectives, and emphasized the importance of critical, historically grounded, and politically aware legal scholarship.

Interview III

حضرات الأساتذة الكرام،

تحية طيبة وبعد،،

أتقدم إليكم بخالص التقدير والاحترام،

أنا الباحثة/دانية شادي هوارى، طالب/ة في برنامج الماجستير تخصص القانون الدولي والدبلوماسية في الجامعة العربية الأمريكية. أعمل حالياً على إعداد رسالة الماجستير الهامة بعنوان:

"التكييف القانوني لإبادة المدن: دراسة لحالة قطاع غزة بعد السابع من أكتوبر 2023"

انطلاقاً من مكانتكم العلمية المرموقة وخبرتكم العميقة في مجال الدراسات الحضارية، القانون الدولي والقانون الإنساني، أشرف بدعوتكم للمساهمة في إثراء الجانب العلمي والمنهجي لهذه الدراسة من خلال إجراء مقابلة شخصية، إن رؤاكم وتحليلاتكم ستشكل إضافة نوعية بالغة الأهمية لرسالتي.

آمل أن تتفضلوا بمنحي جزءاً من وقتكم الثمين، وفيما يلي تفاصيل المقابلة المتفق عليها:

اليوم:	الخميس
التاريخ:	4 ديسمبر 2025
الساعة:	من الساعة 5:00 حتى 6:30 مساءً
مكان المقابلة:	عبر تطبيق الزوم- عن بعد

الأستاذ/ة الكريم/ة : د. أشرف أبو الرب الباحثة/دانية شادي هوارى

توقيع الشخص الذي تتم مقابلته توقيع الباحثة/ة

Dania

dr.aslraf.abualrob

مرفق للاطلاع :

نموذج الاسئلة للخبراء والاكاديميين في الدراسات الحضارية والقانون الدولي :

الغرض: جمع وجهات نظر الخبراء حول كيفية فهم تكيف الإبادة الحضارية "إبادة المكان" في قطاع غزة بعد السابع من أكتوبر قانونياً، وتقييم إمكانية اعتباره "إبادة حضارية" (Urbicide) في إطار القانون الجنائي الدولي والقانون الدولي الإنساني.

أولاً: الفهم المفاهيمي والعام

1. التعريف والنطاق: كيف تُعرّف بشكل نقدي مصطلح "الإبادة الحضارية" أو ما تسمى بالإبادة المكان " (Urbicide) في سياق الدمار واسع النطاق، وكيف يُميز هذا التعريف المفهوم عن الجرائم الجنائية الدولية الجسيمة القائمة (مثل جرائم الحرب أو الجرائم ضد الإنسانية)؟

أكد الدكتور أن اختيار موضوع الإبادة الحضارية (Urbicide) هو اختيار موفق، مشيراً إلى أنه يشكل إضافة نوعية للمكتبة القانونية الفلسطينية، خاصة في ظل غياب معالجة قانونية صريحة لهذا المفهوم في القانون الدولي الجنائي.

يرى الدكتور أن الإبادة الحضارية يجب أن تُفهم أولاً بوصفها مفهوماً سياسياً -قانونياً، وليس مفهوماً قانونياً صرفاً. ويعود ذلك إلى أن هذا النوع من الإبادة يتطلب الإحاطة بكل من:

- الإطار القانوني
- الإطار المجتمعي (السوسيولوجي)

لأن الهدف الجوهري من الإبادة الحضارية هو إنهاء وجود مجتمع كامل من خلال استهداف المكان الذي يحتضنه.

ويشير إلى أن هذا التحليل يندرج ضمن علم الاجتماع القانوني، وهو الحقل المشترك بين القانون وعلم الاجتماع.

عرّف الدكتور الإبادة الحضارية بأنها:

تدمير متعمّد وممنهج لبيئة حضرية أو مدنية، خارج نطاق الضرورة العسكرية، بهدف جعل المكان غير قابل للعيش بشكل دائم أو مستقر.

ويتجسد هذا التدمير في استهداف:

- البنية التحتية
- الأعيان المدنية
- التراث الثقافي
- المؤسسات الاجتماعية
- المستشفيات
- المدارس والجامعات
- المساجد والكنائس
- المكتبات العامة
- شبكات المياه والصرف الصحي
- الطرق ووسائل النقل

وكل ما يشكل النسيج الاجتماعي والوظيفي للمكان.

أوضح الدكتور أبو الرب أن الإبادة الحضارية لا تستهدف الإنسان بشكل مباشر، بل تستهدف المكان كوسيلة لتهجير الإنسان.

فعندما يتم تدمير كل ما يجعل الحياة ممكنة:

- السكن
- العمل
- التعليم
- العبادة
- العلاج

يصبح البقاء في المكان مستحيلًا عمليًا، وهو ما يؤدي إلى التهجير القسري غير المباشر.

وبذلك، فإن الهدف النهائي هو:

- القضاء على الهوية الجماعية
- إنهاء الوجود المجتمعي المرتبط بالمكان

أكد الدكتور أن الإبادة الحضارية تؤدي أيضًا إلى:

- قتل الذاكرة الجماعية للسكان
- تدمير العلاقة التاريخية والوجدانية بين المجتمع والمكان

فالمكان لا يُدمر فقط بوصفه بنية مادية، بل يُدمر بوصفه حاملًا للهوية والتاريخ والانتماء.

2. الانطباق على غزة: بناءً على الأدلة الموثقة لحجم وطبيعة الدمار، إلى أي مدى تُقيّمون مفهوم الإبادة الحضارية على أنه وصف تحليلي أو قانوني قابل للتطبيق على الممارسات المُشاهدة في قطاع غزة؟ يُرجى تبرير موقفكم بالإشارة إلى المبادئ القانونية أو النظرية للمناطق الحضارية ذات الصلة.

أكد الدكتور أن مفهوم الإبادة الحضارية قابل للتطبيق بدرجة عالية جدًا على حالة قطاع غزة من حيث:

- حجم الدمار الهائل
- استهداف البنية التحتية بشكل واسع
- غياب الضرورة العسكرية
- انعدام مبدأ التناسب

وأن تقارير عديدة تشير إلى:

تدمير ما بين 80% إلى 90% من مقومات الحياة في قطاع غزة.

ثانياً: الإبادة الحضارية والقانون الدولي (الجنائي والإنساني)

3. التصنيف كجريمة حرب: بموجب القانون الدولي الإنساني الحالي، ما هي الأركان القانونية الدقيقة (مثلاً، أركان تدمير الممتلكات والاستيلاء عليها أو مهاجمة الأعيان المدنية) التي يجب استيفائها لمحاكمة التدمير المنهجي واسع على نطاق البيئة الحضارية ؟

4. إثبات النية: في سياق التدمير واسع النطاق، ما هي التحديات القانونية الرئيسية في إثبات الركن المعنوي - النية الجنائية المطلوب للتدمير الواسع، ولا سيما في التمييز بين الأهداف العسكرية المشروعة والنية في تدمير النسيج الحضاري بحد ذاته ؟

5. الوضع كجريمة مستقلة: هل يجب الاعتراف رسمياً بالإبادة الحضارية كجريمة دولية قائمة بذاتها (*sui generis*)؟ وإذا كان الأمر كذلك، فما هي الأركان الموضوعية (مثل النية الخاصة، أو الأركان السياقية) التي يجب تعريفها بوضوح لضمان محاكمتها بفعالية ضمن إطار قانوني جنائي دولي موسّع ؟

الإجابة عن هذه الجزئية، يجب التمييز بين الإبادة الحضارية والجرائم الدولية الأخرى:

الإبادة الحضارية والإبادة الجماعية

- الإبادة الجماعية تتطلب نية جرمية خاصة تهدف إلى تدمير جماعة قومية أو دينية أو عرقية.
- الإبادة الحضارية تستهدف المكان لا الجماعة مباشرة.

لكن:

الإبادة الحضارية يمكن أن تكون وسيلة لتحقيق الإبادة الجماعية.

وبالتالي، فهي:

- جزء من منظومة الإبادة
- وليست مفهوماً منفصلاً تماماً عنها

الإبادة الحضارية وجرائم الحرب

- جرائم الحرب قد تشمل تدمير منشآت مدنية جزئياً.
- الإبادة الحضارية تهدف إلى تدمير النسيج الحضاري بالكامل.

وأشار د.ابو الرب إلى خطورة التدمير الجزئي المتراكم، موضحاً أن التغاضي عن التدمير الجزئي قد يؤدي في النهاية إلى الإبادة الكاملة.

الإبادة الحضارية والجرائم ضد الإنسانية

يوجد تقاطع كبير بين الإبادة الحضارية والجرائم ضد الإنسانية، لكن:

- الجرائم ضد الإنسانية لا تستلزم بالضرورة تدمير البيئة الحضرية ككل
- بينما الإبادة الحضارية تركز على القضاء الشامل على المكان بوصفه حاضنة للمجتمع

الإبادة الحضارية في ضوء نظام روما الأساسي

أوضح أبو الرب أن الإشكالية القانونية تكمن ب:

- الإبادة الحضارية ليست جريمة مستقلة منصوصاً عليها في نظام روما
- لكنها تتقاطع مع المواد:
 - المادة 6 (الإبادة الجماعية)
 - المادة 7 (الجرائم ضد الإنسانية)
 - المادة 8 (جرائم الحرب)

غير أن هذه المواد موزعة ومجزأة ولا توفر أساساً قانونياً صريحاً لتكليف الإبادة الحضارية كجريمة مستقلة.

أكد الدكتور أن أهم إضافة علمية يمكن أن تقدمها الرسالة هي:

المطالبة بإدراج نص قانوني صريح يعترف بالإبادة الحضارية ضمن المادة 6 من نظام روما الأساسي، بدل المطالبة بجريمة دولية خامسة مستقلة.

لأن:

- الإبادة الحضارية تُعد امتداداً للإبادة الجماعية
- المطالبة بجريمة خامسة غير عملية سياسياً وقانونياً

أما على المستوى القانوني:

- لا يمكن تكليف ما يحدث كإبادة حضارية مستقلة بسبب غياب النص القانوني
- لكن يمكن ملاحقة الأفعال المكونة لها من خلال:
 - جرائم الحرب
 - الجرائم ضد الإنسانية
 - الإبادة الجماعية (في بعض صورها)

ثالثاً: الأدلة والتوثيق والإثبات القانوني

6. فائدة الأدلة الجغرافية المكانية: ما هي نقاط القوة المنهجية والقيود القانونية لاستخدام الأدلة غير التقليدية، مثل صور الأقمار الصناعية عالية الدقة والبيانات الجغرافية المكانية، في إثبات الركن المادي (*actus reus* - الفعل الإجرامي) وحجم الدمار اللازمين لدعوى الإبادة الحضارية؟

7. إثبات الاستهداف المُتعمد: ما هي أشكال الأدلة التي ترونها الأكثر إقناعاً في إظهار الاستهداف المُتعمد للعناصر الأساسية للبيئة الحضرية (مثل التراث الثقافي، البنية التحتية الحيوية، الحياة المدنية)؟ وهل تتجاوز هذه الأدلة مجرد إحصائيات المباني المهدمة أو عدد الضحايا؟

دكتور أبو الرب قام بالاجابة على هذه الجزئية كالآتي:

- صور الأقمار الصناعية: قبل وبعد الهجوم لتوثيق حجم الدمار ونمطه.
- التسلسل الزمني للاستهداف: شمال → وسط → جنوب غزة.
- شهادات الخبراء العسكريين: لتحديد تجاوز مبدأ الضرورة العسكرية.

- الوثائق والتصريحات الرسمية: لبيان النية الجنائية.
- الوثائق البصرية والفيديوهات: لتأكيد الاستهداف المتعمد.

ملاحظة: يجب الانتباه إلى سلسلة حضانة الدليل للتأكد من صحة الأدلة وموضوعيتها.

رابعاً: المساءلة والآليات القضائية

8. المحكمة الجنائية الدولية (ICC): بالنظر إلى ولاية المحكمة الجنائية الدولية الحالية، ما هي التهم القائمة أو المحتملة أمام المحكمة التي يمكن أن تستوعب على نحو أكثر فعالية الضرر الكامن في تدمير البيئة الحضرية، وما هي العقوبات الإجرائية أو الولائية الرئيسية أمام مثل هذه الملاحقة القضائية؟

9. الولاية القضائية العالمية (UJ): كيف يمكن الاستفادة بشكل عملي وفعال من مبدأ الولاية القضائية العالمية من قبل الأنظمة القضائية الوطنية لتحقيق المساءلة عن الأفراد المتورطين في التدمير الحضري المنهجي، وما هي السوابق القانونية أو التغييرات التشريعية المحلية اللازمة؟

أولاً: إمكانية المساءلة القانونية

- مستوى التحليل: يمكن وصف الانتهاكات في قطاع غزة بأنها تندرج تحت مفهوم الإبادة الحضرية على المستوى التحليلي، أي أن الأدلة تشير إلى تدمير منهجي وممنهج للنسيج الحضري والاجتماعي.
- المستوى القانوني الحالي: لا يوجد نص صريح في ميثاق روما أو القانون الدولي الجنائي يعترف بالإبادة الحضرية كجريمة مستقلة، لذا:
 - لا يمكن تقديم دعوى مباشرة باسم "الإبادة الحضرية" أمام المحكمة الجنائية الدولية.
 - يمكن استخدام الأطر القانونية الحالية:
 - الإبادة الجماعية (مادة 6)
 - جرائم ضد الإنسانية (مادة 7)
 - جرائم الحرب (مادة 8)

2. الآليات القضائية الممكنة

- المحكمة الجنائية الدولية (ICC):
 - يمكن تقديم ملفات ضد جرائم حرب أو جرائم ضد الإنسانية استناداً إلى الضرر الممنهج للأعيان المدنية، المؤسسات التعليمية، الدينية، والمستشفيات.
 - الإطار التحليلي للإبادة الحضرية يمكن استخدامه كقرينة لدعم النية الجرمية، رغم عدم وجود نص صريح.
 - المواد الأساسية للاستناد:
 - مادة 6: الإبادة الجماعية، خاصة الجزئية المتعلقة بإخضاع الجماعة لأحوال معيشية تؤدي إلى إهلاكها.
 - مادة 7: جرائم ضد الإنسانية، مثل الاضطهاد أو الحرمان من الحقوق الأساسية.
 - مادة 2/8: 2/9: b/ الهجوم المتعمد على أعيان مدنية ضمن نزاع مسلح.

3. التحديات القانونية

1. غياب نص صريح للإبادة الحضرية:

- يحد من إمكانية الاعتراف بها كجريمة مستقلة في المحكمة الدولية.
- 2. إثبات النية الجنائية:
 - يجب التفرقة بين الضرر العرضي الناتج عن النزاع المسلح وبين التدمير المنهجي المقصود.
 - الأدلة المستخدمة:
 - نمط التدمير المنهجي (systematic destruction)
 - تصريحات رسمية (وثنائى، مقابلات، فيديو)
 - شهادات خبراء عسكريين
 - صور الأقمار الصناعية لتوثيق الأضرار ونمطها الزمني والمكاني
- 3. إشكالية مساءلة الدولة:
 - إذا لم تكن الدولة (مثل إسرائيل) تعترف بمحاكمتها أو التعاون مع المحكمة الدولية، تصبح آليات المساءلة محدودة.
- 4. سلسلة حضائنة الأدلة:
 - ضرورة ضمان أن الأدلة لم يتم التلاعب بها (مثل صور الأقمار الصناعية أو الوثائق)، لضمان قبولها في المحكمة.

التوصيات القضائية

- المطالبة بـ إضافة نص قانوني صريح للإبادة الحضارية كجريمة دولية ضمن المادة 6 من ميثاق روما.
 - استخدام الإطار التحليلي للإبادة الحضارية كأداة دعم في دعاوى جرائم الحرب أو الجرائم ضد الإنسانية.
 - تطوير آليات توثيق علمية دقيقة مثل الأقمار الصناعية لتقوية الأدلة أمام المحكمة.
- باختصار: المساءلة ممكنة، لكنها حالياً غير مباشرة، ويمكن استخدام الأدلة والتحليل لدعم دعاوى قائمة على الجرائم الدولية الأخرى، مع وجود فجوة قانونية واضحة تحتاج تعديل أو إضافة نص صريح لتعترف بالإبادة الحضارية كجريمة مستقلة.

انتهى

التكييف القانوني لإبادة المدن: دراسة لحالة قطاع غزة بعد السابع من أكتوبر، 2023

دانية شادي محمد هوارى

أسماء لجنة الإشراف:

د. عبد الحليم عطية

د. مراد بدر

د. أحمد أبو جعفر

الملخص

مفهوم "إبادة المدن (urbicide)"، الذي نشأ في الولايات المتحدة في ستينيات القرن الماضي، اكتسب زخماً في الأوساط الأكاديمية في التسعينيات عندما استُخدم لوصف الحرب البوسنية وغيرها من الصراعات المسلحة في حقبة ما بعد الحرب الباردة .

يُعرّف تدمير المدن عموماً بأنه شكل غريب من أشكال العنف المتعمد حيث تكون الحضرية هي الهدف الاستراتيجي للعنف. قدم الباحثون تفسيرات متنوعة لمفهوم تدمير المدن، حيث اقترح مارتن كوارد أنه تدمير المباني كشرط لإمكانية وجود متنوع. يتجاوز هذا النهج مرحلة المواجهة العسكرية ويمتد إلى فترات السلام، وينظر إلى المرحلة التدميرية للحرب على أنها جزء من تنظيم شامل للمساحة الحضرية يستمر بعد الحرب من خلال عمليات هدم جراحية وإعادة بناء استراتيجية. الهدف النهائي لـ "إبادة المدن" هو استبدال التعددية بالتجانس، مما يعكس صلاتها الجينية بالدراسات الأكاديمية حول المدن المتنازع عليها والصراعات العرقية القومية.

تدفع هذه الرسالة بأن التدمير المنهجي لقطاع غزة يتجاوز ما يوصف عادةً بالأضرار الجانبية، وينبغي بدلاً من ذلك فهمه على أنه سياسة متعمدة لإبادة المدن تهوى الأرض مادياً للإبادة الجماعية. من خلال استهداف

الدعائم الأساسية للمجتمع الفلسطيني، بما في ذلك البنية التحتية والتراث الثقافي والرعاية الصحية، يقوض هذا التدمير الحق في البقاء ويساهم في التهجير القسري بجعل الحياة اليومية غير قابلة للعيش. على الرغم من أن تدمير المدن لا يُعرّف كجريمة منفصلة في الصكوك القانونية الدولية الرسمية، فإن الباحثة ترى أن الأفعال التي يصفها هذا المصطلح بشكل عام يمكن مقاضاتها بموجب نظام روما الأساسي باعتبارها جرائم حرب وجرائم ضد الإنسانية وأعمال إبادة جماعية. حتى في ظل القيود الجيوسياسية الحالية، لا يزال من الضروري اللجوء إلى اختصاص المحكمة الجنائية الدولية وتطبيق الاختصاص العالمي لضمان محاسبة الأفراد جنائياً. ويجادل الباحث بأن معاملة التدمير المتعمد للنسيج الحضري كجريمة فريدة من نوعها أمر ضروري لتعزيز القانون الجنائي الدولي وحماية المعايير الإنسانية العالمية.

الكلمات المفتاحية: حرب تدمير المدن؛ التدمير المنهجي؛ ، جريمة مستقلة، تدمير المدن.