**Powerhouses vs Underdogs**

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With a heavy heart, it pains me to pen this article down, starting with a heart-wrenching incident that just unfolded in Gaza on October 17, 2023: Israel has bombed a hospital, a sanctuary of healing amid the Israel vs Palestine conflict. The devastating blast struck Al-Ahli Baptist Hospital in Gaza reducing parts of it to rubble and sending shockwaves through the already beleaguered Palestinian Muslims.

This grave crime against humanity paints a heart-wrenching picture of shattered Palestinian lives and a healthcare facility left in ruins. The event cites an imperative need for international humanitarian intervention in this embattled region, but the question is, where are the humanitarian bodies sleeping till now? Are they sleeping or deliberately ignoring the atrocities committed against the 12 Million weak and oppressed Palestinians by the powerful and oppressive force of 9 Million Israeli settlers?

The Israeli-Palestinian conflict traces back to the mid-20th century with the self-proclaimed establishment of the State of Israel in 1948, leading to the forced displacement of hundreds of thousands of Palestinians from their soil, known as the Nakba. Israelis stormed the land that once belonged to Palestinians only, they forcibly took control of 774 towns and villages during the Nakba destroying 531 Palestinian Villages, killing over 15,000 Palestinians during the Nakba period.

Is deterrence confined only to the weak, powerless and oppressed?

While some international agreements and conventions provide protections for hospitals and medical personnel during times of armed conflict, one of the most significant documents is the Geneva Conventions, specifically the Fourth Geneva Convention of 1949, which addresses the protection of civilians in times of war.

Article 18 of the Fourth Geneva Convention states that:

“Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack but shall at all times be respected and protected by the Parties to the conflict.”

Furthermore, the Additional Protocols to the Geneva Conventions, specifically Additional Protocol I and Additional Protocol II, provide further protections for medical facilities and personnel during international and non-international armed conflicts, respectively.

Israel, asserting its status as a powerful nation, has flagrantly disregarded the Geneva Convention by targeting a hospital, a move that starkly contradicts humanitarian values. Yet, no international body seems to have the capacity to hold it accountable.

In the corridors of international law, the Geneva Conventions stand as beacons of hope, promising protection for the most vulnerable in times of conflict. However, as we turn our attention to regions like Israel, Palestine, and the contested territories of India and Pakistan, we start to wonder: do these promises always work as they should? Since most of the time they appear more like tools designed by the powerful, for the powerful.

For countries like Pakistan and Palestine, where facing conflicts can feel like an uphill battle these promises often feel like they’re slipping through the cracks. While powerful nations like Israel and India navigate this legal landscape with relative ease, countries like Pakistan and Palestine find themselves trapped in the harsh realities of warfare.

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Just like the Israel and Palestine conflict, the Kashmir conflict, rooted in the partition of British India in 1947, revolves around territorial disputes between India and Pakistan over the princely state of Jammu and Kashmir. The majority-Muslim population sought to join Pakistan, but the Maharaja’s decision to accede to India sparked a series of wars and conflicts. Since the late 1980s, the Muslims of Indian Occupied Kashmir have witnessed tens of thousands of deaths, with reports of over 8,000 enforced disappearances. The acts of arbitrary detentions, torture, mass graves, and sexual violence by Indian security forces have been a regular exercise.

Not only this but in 2019, the Indian Govt stripped Kashmiris of their sole right to have a Special Status. 5th August 2019 is considered as the darkest day in the already dark history of Indian Kashmir. Prime Minister Narendra Modi, revoked the special autonomous status of Jammu and Kashmir which involved the abrogation of Article 370 of the Indian Constitution, further marginalizing the rights and autonomy of Kashmiris.

Narendra Modi’s past association with criminal activities during the Gujrat riots, the Samjhota Express massacre, his ongoing affiliation with the controversial RSS organization and Mukti Bahni and the revocation of Article 370 and Section 35A of the Indian Constitution are viewed as clear attempts to alter the demographic composition of Kashmir, potentially diluting the Muslim majority as a part of an underlying agenda involving ethnic cleansing.

Prime Minister Narendra Modi holds a contentious past, having once been featured in the infamous ‘Top Ten Criminals’ list which even led to a decade-long ban in the United States, purportedly due to his direct involvement in the Gujrat riots, a tragic event that claimed the lives of hundreds of Muslims.

While the series of these continued gross human rights violations and abuses against Kashmiri Muslims by Prime Minister Narendra Modi and the Rashtriya Swayamsevak Sangh (RSS) warrant careful consideration and examination by the International Human Rights Bodies, none of those conventions, pacts or Laws has ever come into play against India. Since India ascends as one of the world’s fastest-growing economies, a disconcerting pattern emerges. It appears that on the global stage, the spotlight on India’s human rights record, particularly concerning the atrocities and genocidal acts against Muslims, has dimmed. This raises pressing questions about the priorities of international statutes and their stance on justice and accountability as they seem to have turned a blind eye towards this rising power’s crimes against humanity.

The international instruments and conventions that could potentially be invoked to address these human rights violations by India in Kashmir, the Gujarat riots, and the Babri Masjid massacre are as follows:

International Covenant on Civil and Political Rights (ICCPR)

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Convention on the Prevention and Punishment of the Crime of Genocide.

Rome Statute of the International Criminal Court (ICC): The ICC is a court of last resort for the prosecution of serious international crimes, including crimes against humanity and requires a referral made by the UN Security Council, whereas the UN has never moved a bit yet.

Customary International Law: Customary international law includes widely accepted norms and practices that bind all states, regardless of whether they are parties to specific treaties. This can encompass fundamental human rights principles but unfortunately, India is spared from the compliance and enforcement of all the Statutes and Conventions.

On the other hand, international bodies and organizations have regularly kept the underdeveloped nation, Pakistan, under the radar; expressing concerns and raising questions about human rights issues, particularly in regions like Baluchistan and the former Federally Administered Tribal Areas (FATA).

Many a time, Amnesty International and Human Rights Watch have issued reports and statements highlighting human rights concerns in Pakistan. Additionally, the United Nations has periodically raised human rights issues in its reports and during discussions in bodies like the Human Rights Council, citing a clear bias in their accountability and concerns for Human Rights. Moreover, Pakistan has been struggling with the Financial Action Task Force (FATF), an international body focused on combating money laundering and terrorism financing, which seems to have fixed its eyes on Pakistan. The country has faced repeated scrutiny from the Financial Action Task Force (FATF) since 2008; finding itself on the grey list multiple times, including the most recent designation in 2022.

The repeated placement of Pakistan on the FATF grey list raises questions about the consistency and perceived fairness of the evaluations.

This pattern of Israel vs Palestine and India vs Pakistan is indicative of bias by the international bodies as they’re failing to ensure transparency and equal treatment of all nations to maintain trust and credibility in their assessments. Evaluations should be based on objective criteria and evidence, rather than influenced by geopolitical, economic, political or other considerations.

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