

Weaponizing Hunger: Starvation of Civilians in Armed Conflict

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Introduction

It has become evident that in many contemporary conflicts, civilians are forced to face not only bombs, grenades and weapons in the material sense, but also the deprivation of the basic means necessary for survival. Although protected under international law, civilians in Gaza, Syria, Sudan, Yemen, and, not so long ago, also in Bosnia and Herzegovina, have endured sieges, blockades, and the destruction of infrastructure essential for food, water, and medical supplies. This established practice creates conditions that prevent the entire community from accessing the most fundamental necessities. When these necessities are deliberately withheld, individuals are reduced to a state of extreme vulnerability where the very foundations of human life are taken away. Using starvation as a weapon in war goes far beyond violating the rules of war and also affects fundamental human rights, in particular the right to food. Deliberate starvation of human beings imposed by other human beings represents an assault on human dignity and the foundations of human life.

Starvation in armed conflicts is often perceived as either collateral damage resulting from broader military operations or an unavoidable consequence of warfare. However, the deliberate deprivation of food and basic resources necessary for human nutrition cannot be understood as an indirect consequence or damage that is unavoidable in warfare. It is a deliberate strategic weapon with the aim of targeting existence by depriving the population of sustenance and destroying their ability to live, thereby denying the right to a dignified life.¹ Weaponized hunger is used as a strategy to weaken civilian populations, exert pressure, force them into submission or force displacement.² Starvation, therefore, represents one of the most silent yet devastating forms of violence, which does not happen suddenly and immediately, but, on the contrary, quietly and slowly, gradually imposing impossible conditions for the life of a human being.

Despite the very clear prohibition of the starvation of civilians as a weapon of war in international law, people of Gaza, Sudan, Yemen, and many other places, are not only dying from bombs and bullets, they are dying of hunger, and we are all

¹ The Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH), *Analytical Report on Field Testimonies: Starvation and the Violation of the Right to Food in the Gaza Strip* (MIFTAH Publications 2025) 7.

² Ibid

witnessing it in real time. Starvation of these civilian populations occurs in a variety of ways, from sieges, blockades, restrictions or withdrawal of humanitarian aid or even the killing of individuals trying to find food for their families.

This article examines the starvation of civilians through the dual lens of international humanitarian law and international human rights law. While international humanitarian law prohibits the starvation of civilians as a weapon of war, international human rights law recognizes it as a violation of fundamental human rights such as the right to life, the right to adequate food, and a violation of human dignity. An analysis of starvation through these two lenses shows that the starvation of civilians is much more than a military tactic, but in fact a very complex, deeply multi-layered system of violence that simultaneously violates many different provisions of international law. To demonstrate the above analysis in practice, in addition to theory, this article will use the war in Bosnia and Herzegovina as a completed, adjudicated process from recent history, and the war in Gaza as a current unresolved situation.

What is Starvation?

Starvation is often associated with poverty or famine, but this mainly refers to situations in which individuals lack access to sufficient food due to economic reasons or natural disasters. In the context of armed conflict, starvation takes on a completely different dimension and carries a much more complex meaning.

In international law, starvation is defined as intentional deprivation of individuals or populations of objects indispensable to their survival, primarily food, safe drinking water, and the systems that produce, maintain, or distribute them, by actions calculated to deny these objects' nutritive function or that are expected to cause or worsen acute malnutrition, ultimately leading to severe health degradation and possible death.³

In an armed conflict, starvation is not just the absence of food. Civilians may be deprived not only of food but also of water, medicine, fuel, and other essential goods required to sustain life. However, a very important element of starvation in this sense is that it is not the result of something that could not be prevented, such as natural disasters or accidents, but it is deliberately imposed living conditions as part of a military strategy.⁴

The survival of these populations is completely dependent on an entire system of essential resources. This includes, first of all, the transportation system, access to humanitarian aid, or even access to agricultural land or food markets. Since these systems are often deliberately targeted and completely or partially destroyed, entire communities of civilian

³ Abila Study Group on: Crimes Against Humanity: Starvation (International Law Association American Branch, 17 November 2025), online: https://www.ila-americanbranch.org/wp-content/uploads/2025/11/Starvation-art.-21k-22j_ABILA_CAH_final.pdf

⁴ Bridget Conley and Alex de Waal, 'The Purposes of Starvation: Historical and Contemporary Uses' (2019) 17 *Journal of International Criminal Justice* 699.

populations are left without means of survival. Moreover, even when people try to secure these essentials themselves, their attempts may be met with lethal force. For example, UN officials in Bosnia and Herzegovina repeatedly reported that fuel blockades stopped water pumps, forcing residents to walk miles for water while under sniper fire, which in many cases resulted in their deaths.⁵ The siege of Sarajevo illustrated both how civilians' survival depended on these interconnected resources and how deliberate attacks made attempts to access them life-threatening.

International Humanitarian Law (IHL) recognises the severe humanitarian consequences of using starvation as a weapon, and accordingly imposes strict rules to protect civilians and safeguard the means essential for their survival. It recognises the broader dimension of starvation and expressly bans it in armed conflict. Article 54 of Additional Protocol I to the Geneva Conventions prohibits the starvation of civilians as a method of warfare, but also includes the prohibition of attacks on objects indispensable to the survival of civilians, such as foodstuffs, crops, livestock, water installations and irrigation works.⁶ Violations of this prohibition are categorised under IHL as war crimes. When systematically employed against a specific population with the intent to destroy it, starvation may amount to crimes against humanity or, under specific conditions, potentially, genocide.

This prohibition of starvation in armed conflicts is further incorporated into international criminal law. Article 8(2)(b)(xxv) of the Rome Statute defines the intentional use of starvation of civilians as a war crime, including the intentional impediment of relief supplies.⁷ Deliberately restricting or blocking humanitarian aid is therefore not less harmful than directly destroying food supplies; it can have consequences just as devastating as the direct destruction. Recognising this equivalence highlights that such obstruction deliberately endangers civilian survival and constitutes a serious violation of international humanitarian law.

The prohibition of starvation is also recognized as a rule of customary international humanitarian law. According to the International Committee of the Red Cross, starvation of civilians as a method of warfare is prohibited in both international and non-international armed conflicts. This means that the rule applies to all parties to a conflict, including states and non-state armed groups, regardless of whether they are parties to specific treaties.⁸

The concept of starvation in international law, therefore, represents a complex system with numerous ways and actions for its realization. It includes not only the direct destruction of food supplies, but also all other military tactics such as sieges, blockades, stopping humanitarian aid, and all other ways in which civilians are deprived of the basic resources necessary for survival. By acknowledging all these aspects of starvation,

⁵ Marcus Tanner, 'Two Million in Bosnia Are on Brink of Starvation' *The Independent* (12 July 1993) <https://www.independent.co.uk/news/two-million-in-bosnia-are-on-brink-of-starvation-1484349.html> accessed 10 March 2026.

⁶ MIFTAH (see footnote 1), *Analytical Report on Field Testimonies* 17

⁷ Ibid

⁸ MIFTAH, *Analytical Report on Field Testimonies* 17

international law explicitly prohibits its use both as a deliberate strategy and as an incidental consequence in armed conflict, particularly when employed as a method of warfare. Starvation differs from all other means of warfare because it operates through a multi-layered system of dimensions, physical, psychological, social, emotional, economic, legal, cultural, and ultimately demographic.

The following sections demonstrate how the starvation of civilians was used as a precisely selected tactic and a weapon of warfare and what consequences it led to through examples of devastating starvation of the civilians in the war in Bosnia and Herzegovina in the 90s, and the current ongoing situation in Gaza.

Bosnia and Herzegovina (1992-1995)

During the war in Bosnia and Herzegovina, between 1992 and 1995, the starvation of civilians was one of the tactics of a broader strategy of oppression, which included sieges, detention centers, and the manipulation of humanitarian aid, with the civilian population as the primary target. „Starvation tactics“ are those activities which are intended to deprive the opponent of the essentials of life, such as food, water or medical supplies, but also other supplies such as fuel, electricity or sewerage systems.⁹ There is no rule prohibiting the starvation of enemy combatants, unless, of course, they become hors de combat (out of combat) through wounds, sickness, shipwreck or capture. However, using starvation on the civilian population is strictly prohibited. Nevertheless, such practices were systematically carried out in Bosnia and Herzegovina.

The cruelty of this system did not lie solely in deprivation of food but in the deliberate transformation of everyday survival into a life-threatening activity. The most notable example is the siege of Sarajevo, which also represents the longest siege of a city in modern history, lasting four years. For the whole duration of the siege, the city was encircled and cut off from essential supplies. Food, water, fuel, electricity, among other things, were systematically restricted, which made the civilian population completely dependent on external humanitarian aid or improvised strategies for survival.¹⁰ This situation was further aggravated by the obstruction of humanitarian aid by the Army of the Republic of Srpska (VRS) forces.¹¹

Besides Sarajevo, starvation was widely used as a tactic across the country. A further illustrative example is Srebrenica, an area known as a designated UN "Safe Area," where the population was intentionally subjected to mass starvation prior to the 1995 genocide.¹² The same pattern of blocking humanitarian aid was also recognized here. Army of the Republic of Srpska (VRS) and associated paramilitary groups systematically

⁹ KJ Riordan, 'Shelling, Sniping and Starvation: The Law of Armed Conflict and the Lessons of the Siege of Sarajevo' (2010) 41 *Victoria University of Wellington Law Review* 168

¹⁰ Ibid, 150

¹¹ Markéta Slavková, 'Starving Srebrenica and the Recipes for Survival in the Bosnian War (1992–1995)' (2019) 106(3) *Český lid* 297, 304.

¹² Ibid, 297

blocked and confiscated humanitarian convoys, often taking the food and supplies from UNHCR vehicles for themselves, therefore leading to a severe shortage of essential supplies for the survival of the civilians. All of those actions, including both the deprivation of nutrients and the interception of aid convoys, imposed a situation in which starvation was the primary means of control, demonstrating that the starvation in this case did not exemplify an unintended consequence of warfare.¹³

A. The Siege of Sarajevo

The extent and intensity of the siege are reflected in the shelling statistics reported by United Nations observers. They reported that even on so-called “quiet” days, between 200 and 300 shells would hit the city, while on active days the number could reach up to 1,000. On particularly heavy days, as many as 3777 impacts were recorded.¹⁴ Within the first six months alone, at least 64 490 shells struck Sarajevo, although the actual number was believed to be significantly higher, demonstrating the continuous exposure of civilians to life-threatening conditions.¹⁵ This constant shelling was accompanied by systematic sniper fire directed at civilians, which was commanded by the Sarajevo Romanija Corps, led by Stanistav Galić, who ordered the targeting of civilians engaged in everyday survival activities, such as gardening vegetable, queuing for bread, collecting water, simply walking through the city or even inside of their homes, being hit by bullets that came through their windows.¹⁶ Crucially, the shelling and sniping were often deliberately concentrated on food queues and water points, meaning that any attempt to access those resources exposed the civilians to lethal danger. All of this targeted violence, combined with already existing deprivation of food, imposed a deep psychological impact on the people of Sarajevo, limiting their freedom of movement to the extent that some of them, especially the elderly, were so terrified to go out of their homes that they died of malnutrition.¹⁷

One of the most horrific illustrations of this dynamic was the Sarajevo bread line massacre of 27 May 1992, where civilians waiting in Ferhadija Street for bread were struck by artillery fire, carried out by the Army of the Republic of Srpska (VRS), killing 26 people and wounding 108 others. Similarly, the Markale market massacres of 1994 and 1995 targeted civilians in the central marketplace in the course of food collection, killing dozens and wounding hundreds. Neither of these attacks was incidental, but a part of a broader strategy of inflicting terror on civilians, to the point where they would die either from sniper fire trying to get food or from starvation at home.

¹³ Ibid, 307

¹⁴ Riordan, „*Shelling, Sniping and Starvation*“, 160.

¹⁵ Ibid

¹⁶ Ibid, 166.

¹⁷ Ibid, 169.

B. Starvation and Abuse in Detention

Starvation of the civilians in Bosnia and Herzegovina was not limited to besieged cities only, but was also imposed within detention facilities and concentration camps. One of the most infamous examples is surely the concentration camp Omarska, run by Bosnian Serb forces in mid-1992. Photographs that circulated internationally, including an image of an emaciated detainee whose skeletal frame revealed the severity of the malnutrition, brought global attention to the conditions inside Omarska. The said conditions included extreme overcrowding, brutal physical abuse, and deliberate deprivation of food, water, and basic hygiene.¹⁸¹⁹

In the testimonies, the former detainee described the daily food allowance by saying that it consisted of nothing but bread so thin and infrequent that prisoners became skeletal within weeks. They would frequently get beaten by the guards while queuing for that piece of bread or water, or even denied food and water for weeks. In some instances, prisoners were even deliberately kept awake for long hours while starving. This tactic compounded exhaustion with hunger and psychological terror. The strategy of the camp regime ensured that the prisoners were kept in a state of constant hunger, illness, suffering and vulnerability, ultimately leading to deaths as a result of starvation and neglect.

Other concentration camps, such as Trnopolje or Keraterm, experienced similar conditions and starvation practices. International journalists reported the scenes of people in such a state of hunger that their bones stuck out painfully, while some doctors gave testimonies, describing the patients with severe malnourishment worsened by untreated diseases. These prisoners, living in an already unimaginable and difficult state, were routinely beaten by the camp guards. In all of the detention facilities across Bosnia and Herzegovina, the conditions were very similar and the „punishment“ tactics were the same.

There was never enough food. What little food prisoners received was provided erratically, contained little or no nourishment, and was often exhausted before all detainees had been fed. Those at the end of the feeding schedule frequently went without. Getting to the food was itself an ordeal, according to Jusuf Arifagic and Hajrudin Zubovic, Trnopolje and Keraterm detainees, prisoners had to run a gauntlet of beatings with sticks and rifle butts wielded by guards and camp visitors, only to reach the food. They were then forced to eat

¹⁸ Prosecutor v Miroslav Kvočka, Milojica Kos, Mladjo Radić, Zoran Žigić and Dragoljub Prcać (International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991, Case No IT-98-30/1-T, 2 November 2001) ICC-01/04-01/07-HNE-56.

¹⁹ Michelangelo Franceschini: *The Crime of Mass Starvation: Prosecution and Legal Strategies in International Law*, Thesis Dipartimento di Giurisprudenza, Cattedra di Diritto (Academic year 2021/22) 7, Prof Roberto Virzo (Relatore), Prof Massimo Francesco Orzan (Correlatore), Michelangelo Franceschini (Candidato).

within a minute or two, subjected to further beatings, and any unfinished portion was dumped on the ground, even tho there was not much to eat in the first place.²⁰

When prisoners from the Brdo area, including villages such as Carakovo, Biscani, and Hambarine, arrived, they were subjected to particularly cruel treatment. On arrival, they were forced to kneel in the hot, relentless sun with no water. They were denied food and water for several days, prohibited from getting fresh air, and locked in stifling rooms for extended periods.²¹

Apart from the direct military attack, the killing part of the campaign was also accomplished through detaining members of targeted groups and subjecting them to conditions calculated to bring about their physical destruction. They were beaten to death, starved, tortured, or murdered, and the Bosnian Serbs accomplished part of their objective. Deprivation of food and subjecting prisoners to death by starvation were therefore an integral part of the detention regime, demonstrating how starvation was deliberately used as a weapon even outside the besieged cities.²²

C. Srebrenica and Manipulation of Aid and Food Quality

Srebrenica is mainly remembered for the genocide perpetrated by the Army of the Republic of Srpska (VRS) in 1995, but the lead-up to the genocide was the same starvation tactics mentioned in this article, imposed upon an already vulnerable people.²³ As a result of food trucks and humanitarian aid being blocked or confiscated by the VRS, civilians inside and around the „UN safe area“ were subjected to constant hunger and the potential death of starvation. Survivor testimonies recount cases where food deliveries consisted of products that were culturally inappropriate or nutritionally insufficient, such as the distribution of pork in a predominantly Muslim population, a conduct that also represented a cultural humiliation and deprivation. Apart from that, non-iodized salt was widely distributed, contributing to nutritional deficiencies that caused harm to health, particularly among children and the elderly. These abuses illustrate that the maltreatment was not only about the shortage of food supplies, but also about the quality and appropriateness of what was provided.

Since, at one point, there was no possibility of food reaching the civilian population of Srebrenica, as well as many other municipalities and towns in Bosnia and Herzegovina, not even through humanitarian convoys, the only way left was to drop food from aircraft. Unfortunately, since the food packages were dropped from aircrafts without adequate coordination or warning, they endangered rather than saved lives, since they resulted in injuries and deaths when civilians rushed to catch them or when parcels fell unpredictably into crowded spaces. Although these operations were intended to provide aid and reduce

²⁰ ICTY, Prosecutor v D. Sikirica et al, Case No IT-95-8-T, 19 March 2001

<https://www.icty.org/x/cases/sikirica/trans/en/010319ed.htm> Jusuf Arifagic and Hajrudin Zubovic testimonies.

²¹ Ibid

²² Ibid

²³ Slavková, „Starving Srebrenica“, 298

hunger, they unfortunately added to the already existing omnipresent danger in the daily lives of civilians in Bosnia and Herzegovina, an environment already shaped by fear and violence.

Beyond these specific examples, there are still many documented examples of violence and manipulation of civilians that are starvation-related, and the most prevalent situations were happening in Eastern Bosnia. In almost all cities of Bosnia and Herzegovina, those that were under siege or those that were not, the combination of strategic measures such as the blockade of humanitarian aid, pillage of food donations, sniper fire aimed at water points or food queues or intentional contribution to causing health problems show that the starvation of civilians in the event of war in Bosnia and Herzegovina cannot be understood as a mere consequence of war events or as an unintended and unavoidable situation.

Gaza (Starvation as a Weapon in the Present)

The cruelty of starvation is not simply an artifact of history. In many places across the globe, civilians are experiencing the same at this exact moment. People are dying of hunger and in fear, and the only thing that has changed in 30 years is the geographical location. In the Gaza Strip, Palestinian civilians are facing the same multilayered system of deprivation that was imposed in Bosnia and Herzegovina decades ago. With the displacement of millions of people into overcrowded and underserved areas, the situation in Gaza escalated into a war of starvation, where entire families survive on one meal per day or even without food for several days.²⁴ Years of blockade and restriction of essential supplies, including food, water, and fuel, have left the population heavily dependent on humanitarian aid, while deliberate limitations on access prevent many from obtaining even the most basic necessities needed for

everyday survival. In Gaza, humanitarian aid has been weaponized as a tool for siege and genocide.²⁵ As recent reports from the United Nations Office of the High Commissioner for Human Rights (OHCHR) have documented, unimaginable numbers have been killed or

wounded while seeking food and water, while bombardments and military operations regularly target populated areas, therefore restricting movement and access to safe resources essential for survival.

In accordance with what has been observed in Sarajevo, when discussing the starvation of civilians in Gaza, one is not referring simply to a lack of meals or a shortage of the food supplies, rather, we are talking about a constant and exhausting struggle with fear, danger and vulnerability, all while these people are just trying to survive, fighting for the most basic resources needed by every human being. Starvation of civilians represents an unimaginable evil inflicted on human beings by other human beings who consider

²⁴ MIFTAH, *Analytical Report on Field Testimonies*, 6

²⁵ MIFTAH, *Analytical Report on Field Testimonies*, 2.

themselves deserving of a privileged position where they have the superhuman right to decide who deserves human dignity and who does not, and to deny other members of the same human family that dignity. It is a slow, devastating, monstrous act of violence.

The mechanisms and strategies applied in Gaza echo those used in Bosnia and Herzegovina, reminding us that slow violence against civilian populations is a persistent, global problem that we can now all witness in real-time.

International Legal Protections from Starvation in Armed Conflicts

Starvation of civilians in armed conflicts is not only morally unacceptable but also strictly prohibited under international law, particularly international humanitarian law, international criminal law and international human rights law. In the following section, we will examine the issue of starvation of civilians primarily through the lenses of international humanitarian law and international human rights law.

International Humanitarian Law

A. Prohibition of Starvation as a Method of Warfare

International Humanitarian Law (IHL) explicitly prohibits the use of starvation against civilians in armed conflict. This prohibition embodies a fundamental principle that, even in the case of war, the conduct of hostilities is strictly regulated and limited in order to protect the civilian populations and minimize harm. Historically, this was not always the case. For example, the *Instructions for the Government of Armies of the United States in the Field* (Lieber Code) of 1863²⁶ permitted the use of starvation as a method of warfare under certain circumstances, reflecting the prevailing military doctrine at that time. However, as the legal thinking evolved significantly following World War I, the Report of the Commission on Responsibility of the Authors of the War and on Enforcement of Penalties determined the conduct of inflicting deliberate starvation upon civilians as a violation of the laws and customs of war that may give rise to individual criminal liability under international law for those who order, plan or carry out such conduct.²⁷

Today, the most explicit provision regarding starvation is found in Article 54 of the Additional Protocol I to the Geneva Conventions, which prohibits the starvation of civilians

²⁶ The "Lieber Code" represents the first attempt to codify the laws of war. It was prepared during the American Civil War by Francis Lieber. Although they were binding only on the forces of the United States, they correspond to a great extent to the laws and customs of war existing at that time. The "Lieber Instructions" strongly influenced the further codification of the laws of war and the adoption of similar regulations by other states.

²⁷ Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties, Report presented to the Preliminary Peace Conference, 29 March 1919, in *Violations of the Laws and Customs of War: Reports of Majority and Dissenting Reports of American and Japanese Members of the Commission of Responsibilities, Conference of Paris, 1919*, Carnegie Endowment for International Peace (Washington DC), accessed via Studylib, <https://studylib.net/doc/28331150/commission-on-the-responsibility-of-the-authors-of-the-wa...> (accessed 02.04.2026)

as a method of warfare. Additionally, this Article prohibits attacking, destroying, removing, or rendering useless objects indispensable to civilian survival, such as food supplies, agricultural areas, crops, livestock, drinking water installations, and irrigation systems.²⁸ However, it is important to distinguish between international armed conflicts (IACs) and non-international armed conflicts (NIACs), as the applicable treaty provisions differ. While Additional Protocol I applies to IACs, the corresponding rule for NIACs is found in Article 14 of Additional Protocol II, which likewise prohibits the starvation of civilians as a method of warfare. Although both provisions establish similar protections, their applicability depends on the classification of the conflict.

Furthermore, this rule is not limited only to treaty law. It is also widely recognized as a rule in customary law, more precisely Customary IHL Rule 53, that also prohibits the use of starvation as a method of warfare, as a binding norm to all parties in both international and non-international armed conflicts.²⁹ This meeting point between treaty law and customary international law demonstrates that, despite differences in formal treaty applicability between IACs and NIACs, the prohibition of starvation has largely evolved into a universally binding norm applicable in all types of armed conflict.

Additionally, the said prohibition is concretely embodied in international criminal law as well. The Rome Statute of the International Criminal Court criminalizes the intentional use of starvation as a method of warfare, including by willfully impeding relief supplies.³⁰ This deliberate usage of starvation as a weapon of war constitutes a war crime.³¹ However, the war crime of starvation is addressed differently depending on the nature of the conflict. Article 8(2)(b)(xxv) applies to international armed conflicts, while Article 8(2)(e)(ix) governs non-international armed conflicts. The inclusion of starvation in NIACs was introduced through the 2019 amendment to the Rome Statute, which extended the criminalization of starvation of civilians to non-international armed conflicts, thereby addressing a prior asymmetry in international criminal law. Nevertheless, this amendment is binding only on those States Parties that have ratified it, in accordance with the principle of state consent. Many States have incorporated this prohibition into their domestic legislation and military manuals, further reinforcing its universal acceptance.

What is worth noting is that this prohibition is not limited to merely withholding food supplies. Its scope goes well beyond this, encompassing a broader range of practices that may ultimately result in starvation, such as destroying crops or agricultural land, therefore eliminating food sources; attacking food infrastructure, such as storage facilities or supply

²⁸ Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) art 54.

²⁹ International Committee of the Red Cross, 'Rule 53: Starvation as a Method of Warfare' (Customary IHL Database) <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule53> (accessed 19 March 2026)

³⁰ Michelangelo Franceschini: *The Crime of Mass Starvation: Prosecution and Legal Strategies in International Law*, Thesis Dipartimento di Giurisprudenza, Cattedra di Diritto (Academic year 2021/22) 7, Prof Roberto Virzo (Relatore), Prof Massimo Francesco Orzan (Correlatore), Michelangelo Franceschini (Candidato), 10.

³¹ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) art 8.

chains; blocking or obstructing humanitarian relief; restricting aid deliveries or the movement of humanitarian personnel and cutting access to water, by targeting or contaminating water systems.³²

B. Siege Warfare

Siege warfare has historically been recognized as a lawful military strategy. However, its legality is conditional upon the manner in which it is conducted, particularly where it entails the starvation of civilians as a weapon in warfare. Therefore, the prohibition of starvation as a method of warfare does not prohibit siege warfare – provided that is not conducted in a manner that results in the starvation of civilians or violates the principle of proportionality.³³ The presence of a civilian population, therefore, changes the applicable legal assessment.

C. Elements of War Crime

For starvation to constitute a war crime, certain criteria must be met. First, the conduct must target a civilian population. A civilian is anyone who is not part of the armed forces of a party to the conflict. This includes members of militias or volunteer groups who do not clearly distinguish themselves, carry arms openly, or follow the rules of war, as well as people who accompany armed forces without meeting these standards. Residents who take up arms spontaneously without following the rules of war are not lawful combatants and lose civilian protections for the time they participate in hostilities.³⁴ In case of doubt, a person shall be considered a civilian. Second, the act must be committed intentionally, meaning that the perpetrator deliberately aims to starve civilians as a method of warfare. Third, it must involve the deprivation of objects indispensable for survival, such as food, water, or other essential resources. Finally, the perpetrator must have knowledge that their actions will lead to such deprivation. Establishing intent is often the most challenging element of proving the war crime. Perpetrators often tend to justify starvation as resulting from blockades or attacks on infrastructure during military operations. Nevertheless, such actions may be unlawful under international law, particularly where they result in the starvation of civilians.

³² Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) art 54(1); International Committee of the Red Cross, *Customary International Humanitarian Law* (ICRC 2005) rules 53–56; Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) art 8(2)(b)(xxv)

³³ International Committee of the Red Cross, 'Rule 53: Starvation as a Method of Warfare' (Customary IHL Database) <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule53> (accessed 19 March 2026)

³⁴ Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) arts 43, 50; Geneva Convention (III) Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) arts 4, 6.

International Human Rights Law

International human rights law (IHRL) does not cease to apply during armed conflict. The International Court of Justice has expressly stated that the International Covenant on Civil and Political Rights (ICCPR) continues to apply during armed conflict. Only under Article 4, in situations of public emergency, may certain provisions be temporarily set aside, but otherwise the Covenant's protections continue to apply even during hostilities.³⁵ Even in times of war, states and other duty-bearers remain bound by their obligations to respect, protect, and fulfil human rights. While the intensity and nature of hostilities may complicate enforcement, the rights of civilians, such as the right to life, food, and protection from inhuman treatment, remain in force. This indicates that human rights law and

international humanitarian law operate in conjunction, addressing overlapping but distinct aspects of civilian protection. In practice, this means that international humanitarian law (IHL) regulates how war is conducted, while human rights law focuses on protecting individuals at all times. Together, they provide a more complete framework for protecting civilians from all forms of harm, including, in this case, starvation.

It should be underlined that human rights do not „switch off“ during an armed conflict. Also, some rights are so fundamental and absolute that they cannot be suspended in any possible scenario, including war. These include the prohibition of torture and inhuman or degrading treatment, while the right to life remains subject to strict limitations. Thus, even in the most extreme circumstances, all of the actions must comply with human rights standards.

A. Right to life

The right to life is one of the most fundamental human rights. Starvation can violate this right even when it is not being done through the direct act of killing. When people are deliberately denied food and water, the result can also be death, though a slow one, coming over time, therefore leading to starvation being understood as an indirect form of killing.³⁶ In that sense, human rights law does not govern only direct forms of violations. It also requires states to avoid creating conditions that make survival impossible, for example, blocking humanitarian aid or destroying already existing food supplies, while civilians are fully dependent on them. The said actions could contribute to an unlawful deprivation of life.

³⁵ Theodor Meron, 'The Humanization of Humanitarian Law' (2000) 94 *American Journal of International Law* 239, 266 <https://www.jstor.org/stable/2555292> (accessed 21 November 2025).

³⁶ Human Rights Committee, *General Comment No 36: Article 6 – Right to Life* (3 September 2019) UN Doc CCPR/C/GC/36.

B. Right to Adequate food

The right to food is protected under Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), recognizing the fundamental right of everyone to be free from hunger.³⁷ This right places three types of obligations on states

to respect: they must not interfere with people's access to food (for example, by destroying crops or blocking aid);

to protect: they must prevent others, such as armed groups, from depriving civilians of food

to fulfil: they must take positive steps to ensure access to food, especially when people cannot secure it themselves.

However, when addressing the starvation of civilians in armed conflicts, states usually violate all three of these obligations. Typically, food systems are destroyed, aid is blocked, and no assistance is provided, therefore meaning that states failed to meet only the basic requirements of the right to an adequate food.

A noteworthy point raised by the UN Committee on Economic, Social and Cultural Rights is that the right to food is not just about having enough calories to survive. It means that every person should have regular access to food that is sufficient, safe, and suitable for their needs and culturally appropriate. Additionally, food must be accessible both physically and economically, meaning that people should be able to obtain it without sacrificing other basic needs such as housing or

healthcare. The Committee also points out that hunger is usually not caused by the lack of food, but by a lack of access to it, which can be caused by several factors such as poverty, conflict, or deliberate restrictions.³⁸

C. Inhuman or Degrading Treatment

Starvation can also be considered inhuman or degrading treatment, which is absolutely prohibited under international human rights law. As explained in the examples of Bosnia and Herzegovina and Gaza, prolonged hunger and lack of water not only cause severe physical suffering but also deep psychological distress ultimately leading to a loss of human dignity.³⁹ These conditions affect people of all generations, leaving particularly vulnerable groups, such as children, the elderly or the sick, at an extreme risk.

³⁷ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, UNGA Res 2200A (XXI)) art 11.

³⁸ Committee on Economic, Social and Cultural Rights, *General Comment No 12: The Right to Adequate Food (Art 11 of the International Covenant on Economic, Social and Cultural Rights)* (12 May 1999) UN Doc E/C.12/1999/5.

³⁹ International Covenant on Civil and Political Rights (adopted 16 December 1966, UN GA Res 2200A (XXI)) art 7.

When civilians are intentionally subjected to these conditions, it amounts to more than a humanitarian crisis; it is a serious human rights violation, accompanied by the deliberate imposition of suffering and forcibly taking away of essential human rights.

Conclusion

The deliberate starvation of civilians in armed conflicts stands among the most severe violations of international law and attacks on human dignity. As seen through the siege and detention practices in Bosnia and Herzegovina in the 90s, as well as the ongoing situation in Gaza, starvation is rarely an unintended consequence of war; it is mostly a calculated tactic aimed at weakening communities, instilling fear, and controlling populations. It goes far beyond the direct physical suffering and obtains psychological, social, and economic dimensions.

International law provides a comprehensive framework to address the issue of starvation of civilians in armed conflicts, combining international humanitarian law and international human rights law. On one side, international humanitarian law explicitly prohibits the use of starvation as a method of warfare, while recognizing deliberate deprivation as a war crime and protecting civilians as well as the essential means of their survival. On the other side, international human rights law, which remains applicable even during armed conflict, protects fundamental rights such as the right to life, adequate food, and protection from inhuman or degrading treatment. These two legal frameworks, when combined, offer complementary safeguards: international humanitarian law governs the conduct of hostilities, while human rights law provides protection for civilians, their lives and human dignity in any circumstance.

The continued use of starvation against civilians in armed conflicts reveals the existing gap between legal norms and their enforcement. To end this practice, the protections under international humanitarian law and international human rights law must not be viewed in isolation but implemented simultaneously. Only by integrating these regimes can the international community address both the structural and immediate dimensions of starvation, holding perpetrators accountable and providing meaningful safeguards for vulnerable populations.

The prohibition of the starvation of civilians is not only a legal standard, but it is also a moral imperative for all. The world stood still enough while our fellow members of the human family died of hunger in different parts of the world. Joint and effective action, grounded in the respect for international humanitarian law and international human rights law, would enable civilians to be protected, not only from bombs and bullets, but also from the slow, deliberate deprivation of life itself. Starvation of the civilians is not a misfortune; it is a calculated cruelty, and a silent, slow atrocity. No human being in the world deserves to die as a result of deprivation. Enforcing the law against starvation is a test of our collective commitment to human dignity and justice.

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