

War Crimes and Criminality in The Gaza-Israel Conflict: A Contemporary Appraisal

UKATU JAMES OMAJI¹, BLESSING ONGHAJI UKATU²

¹Department of Criminology and Security Studies, Faculty of Social Sciences Alex Ekwueme Federal University, Ndufu-Alike, Ebonyi State, Nigeria

²Department of Chemical Engineering, Universidade Federal de Viçosa, Brazil

Abstract- *The Gaza-Israel conflict remains one of the longest-running and most contentious issues in contemporary international relations. It has often been characterized by repeated outbreaks of violence, entrenched political animosities and significant humanitarian crises. This paper provides a modern evaluation of war crimes and unlawful acts perpetrated by both governmental and non-governmental entities, with particular emphasis on military campaigns in the 21st century and recent confrontations from 2023 to 2025. Utilizing international legal instruments such as the Geneva Conventions, the Rome Statute of the International Criminal Court (ICC), and norms of customary international law, the study explores reported breaches, including attacks on civilian populations, excessive use of military force, indiscriminate shelling, and interference with humanitarian operations. Through an interdisciplinary approach that incorporates legal scholarship, political analysis, and media perspectives, the paper investigates the difficulties in assigning culpability, achieving justice, and confronting the politicization of international legal processes. Furthermore, it discusses the obstacles international institutions face in holding perpetrators accountable and examines the moral questions posed by asymmetric warfare. The study concludes by calling for more robust global contexts to uphold accountability and safeguard non-combatants, stressing the pressing necessity for a fair and lawful resolution grounded in both legal and ethical imperatives.*

Index Terms - War Crimes, Criminality, Gaza-Israel, Conflict, Contemporary Appraisal

I. INTRODUCTION

The Gaza-Israel conflict stands as one of the most longstanding and divisive disputes in modern geopolitics. It is marked by a persistent cycle of hostilities, rooted in historical grievances, territorial disagreements, and devastating humanitarian impacts. Since the early 2000s particularly after Israel's disengagement from Gaza in 2005 and the emergence of Hamas as the governing authority in the Strip the region has experienced a series of intense military confrontations. These include major operations such as *Operation Cast Lead* (2008–2009), *Protective Edge* (2014), *Guardian of the Walls* (2021), and more recently, the violent escalations between 2023 and 2025 (B'Tselem, 2023; UNHRC, 2021). These episodes have led to the loss of thousands of civilian lives, large-scale destruction of infrastructure, and repeated accusations of war crimes by both Israeli and Palestinian parties.

Central to international concern are serious breaches of international humanitarian law (IHL) and international criminal law (ICL). Allegations include indiscriminate rocket launches, excessive military responses, attacks on civilian areas and infrastructure, and the strategic use of civilians as human shields (Amnesty International, 2023; Human Rights Watch, 2023). Despite the gravity and recurrence of these violations, efforts to secure meaningful legal accountability remain ineffective. A combination of political interference, jurisdictional limitations, and weak enforcement mechanisms have allowed a culture of impunity to persist, undermining both legal standards and the protection of civilians (ICC, 2023). This article seeks to provide an updated assessment of war crimes and acts of criminality associated with the Gaza-Israel conflict. Rather than engaging in

political or moral judgments, the paper applies well-established legal criteria particularly those embedded in the Geneva Conventions (1949), the Rome Statute of the International Criminal Court (1998), and customary international law to evaluate the conduct of both state and non-state actors (Henckaerts & Doswald-Beck, 2005).

The analysis revolves around several key questions:

- Which actions during the conflict amount to war crimes under international legal standards?
- How are the principles of distinction, proportionality, and military necessity relevant to military operations in Gaza?
- What institutional and legal obstacles hinder accountability efforts?
- What ethical, political, and humanitarian consequences arise from the continued perpetration of such crimes?

This evaluation is vital for multiple reasons. It contributes to academic discourse on the legality of conduct in asymmetric warfare, especially where state militaries engage with non-state groups such as Hamas. It also offers a legal basis for interpreting a conflict frequently obscured by ideological bias and propaganda. Lastly, it proposes practical recommendations for international legal institutions, humanitarian bodies, and peacebuilding efforts to foster justice, ensure accountability, and support long-term conflict resolution.

Ultimately, this study emphasizes the necessity for objective legal analysis, stronger enforcement mechanisms, and an international recommitment to upholding human dignity and civilian protection in situations of armed conflict.

II. CONCEPTUAL AND LEGAL FRAMEWORK

To assess the criminal dimensions of the Gaza-Israel conflict, a foundational understanding of international humanitarian law (IHL) and international criminal law (ICL) is essential. These legal domains govern the conduct of hostilities and provide the basis for determining and prosecuting war crimes. While IHL regulates how armed conflicts

are fought, with a particular emphasis on the protection of civilians, ICL focuses on the criminal accountability of individuals responsible for serious breaches of international law, such as war crimes, crimes against humanity, and genocide (Cassese, 2008; Bassiouni, 2013).

At the heart of IHL are the 1949 Geneva Conventions and their Additional Protocols, which lay down universal standards for the humane treatment of individuals in conflict zones. These conventions highlight three essential principles: distinction, proportionality, and military necessity. The principle of distinction obliges warring parties to differentiate between combatants and civilians at all times, targeting only the former. Proportionality prohibits attacks where expected civilian harm outweighs the anticipated military gain. Military necessity permits the use of force only to achieve legitimate military objectives (ICRC, 1949).

War crimes, as outlined in Article 8 of the Rome Statute (1998), include grave violations of the Geneva Conventions and other serious breaches of the laws applicable in armed conflict. These encompass acts such as willful killing, torture, deliberate targeting of civilians, assaults on protected facilities like hospitals, and the use of starvation as a method of warfare (ICC, 1998). In the context of Gaza, such violations have been frequently reported, including indiscriminate rocket fire by Palestinian armed groups and disproportionate airstrikes by Israeli forces (Human Rights Watch, 2023; Amnesty International, 2023).

A cornerstone of ICL is the doctrine of individual criminal responsibility, which holds leaders and commanders liable for crimes committed by their subordinates when they knew or should have known of the acts and failed to prevent or punish them (Schabas, 2010). This principle is particularly applicable to both Hamas and the Israeli Defense Forces, whose command structures are capable of authorizing operations that breach IHL norms.

The classification of the conflict is also legally significant. The Gaza-Israel conflict is often seen as a non-international armed conflict (NIAC) a confrontation between a state and organized non-state

actors within a specific territory. While international humanitarian law was originally developed for conflicts between states, recent legal developments, including rulings by the ICTY and ICTR, have extended its applicability to internal and asymmetric conflicts (Henckaerts & Doswald-Beck, 2005). Consequently, both Israeli forces and armed Palestinian factions are bound by the same international legal obligations.

The International Criminal Court (ICC) plays a crucial role in enforcing ICL. In 2021, the ICC approved a formal investigation into alleged war crimes in the Occupied Palestinian Territories, encompassing incidents in Gaza since June 2014 and involving both Israeli and Palestinian actors (ICC, 2023). However, enforcement faces serious obstacles. Israel is not a party to the Rome Statute and rejects the Court's jurisdiction, while Hamas, as a non-state group, lacks formal international legal standing though it may still be held accountable under customary international law.

In cases where treaties are not binding on all parties, customary international humanitarian law derived from consistent state practice and a belief in legal obligation (*opinio juris*) fills critical legal gaps. The ICRC's landmark study on customary IHL has been instrumental in identifying rules that apply universally, regardless of treaty ratification (Henckaerts & Doswald-Beck, 2005).

The legal context applicable to the Gaza-Israel conflict is comprehensive yet difficult to enforce. It includes treaty law, customary legal norms, and jurisprudence from international tribunals. Despite the existence of clear legal standards, enforcement remains hindered by political resistance, jurisdictional limitations, and the intricacies of modern warfare. Nonetheless, a sound grasp of these legal frameworks is crucial for evaluating conduct during hostilities and advocating for justice and civilian protection in conflict zones.

III. HISTORICAL BACKGROUND OF WAR CRIMES ACCUSATIONS IN THE GAZA-ISRAEL CONFLICT

The protracted Gaza-Israel conflict has been punctuated by periodic outbreaks of hostilities, each drawing intense international scrutiny due to allegations of serious breaches of international humanitarian law (IHL). Over the years, various military confrontations have resulted in extensive civilian casualties, large-scale destruction of civilian infrastructure, and ongoing accusations of war crimes. Both the Israeli Defense Forces (IDF) and Palestinian armed factions, especially Hamas, have faced allegations documented by international human rights organizations, United Nations entities, and independent observers. This section provides a chronological analysis of significant military operations since 2008, examining the legal concerns and accusations of war crimes associated with each episode.

3.1 Operation Cast Lead (2008–2009)

Launched in December 2008, *Operation Cast Lead* represented a major escalation in Israel's military response to persistent rocket attacks from Gaza. The three-week campaign resulted in over 1,400 Palestinian deaths many of them civilians and 13 Israeli fatalities, including three civilians (B'Tselem, 2009).

The United Nations Fact-Finding Mission on the Gaza Conflict, chaired by Justice Richard Goldstone, determined that both Israeli and Palestinian forces may have committed war crimes and possibly crimes against humanity (UNHRC, 2009). The report accused Israeli forces of excessive force, attacks on non-military targets such as UN facilities, schools, and hospitals, and deliberate targeting of civilians. Hamas, meanwhile, was condemned for indiscriminate rocket fire into civilian areas in southern Israel and the alleged use of human shields. Israel rejected the report, asserting that its military operations complied with international legal standards and that Hamas deliberately operated from civilian areas (Israeli Ministry of Foreign Affairs, 2010). Nevertheless, the Goldstone Report became a

foundational document for future investigations into the conduct of both parties in the conflict.

3.2 Operation Pillar of Defense (2012)

In response to increased rocket fire and the targeted killing of a senior Hamas military commander, Israel initiated *Operation Pillar of Defense* in November 2012. The eight-day confrontation claimed the lives of over 170 Palestinians and six Israelis (OCHA, 2012).

International human rights groups, including Human Rights Watch (2013) and Amnesty International (2013), highlighted possible violations of IHL, including airstrikes on media offices and civilian homes, and the use of drone strikes in populated areas. Palestinian rockets that failed to distinguish between military and civilian targets were also denounced as unlawful.

3.3 Operation Protective Edge (2014)

Operation Protective Edge, launched in July 2014, marked one of the most destructive conflicts in the region's history. Over 50 days, the conflict resulted in more than 2,200 Palestinian deaths at least 1,400 of them civilians and 73 Israeli fatalities, including six civilians (UNHRC, 2015). Entire neighborhoods in Gaza were flattened by aerial and artillery strikes, while Palestinian militants launched thousands of rockets and mortars into Israel.

The United Nations Independent Commission of Inquiry found credible evidence that both sides may have committed war crimes (UNHRC, 2015). Israeli forces were accused of targeting UN-run shelters and medical personnel, while Hamas was criticized for cross-border attacks via tunnels and indiscriminate rocket fire.

A controversial tactic employed by the IDF the "knock-on-the-roof" warning strike was intended to alert civilians before major bombings. However, critics argued that the warnings were often insufficient and did not excuse actions that violated the proportionality requirement of IHL (Alston, 2015).

3.4 Great March of Return (2018–2019)

Between March 2018 and December 2019, thousands of Palestinians took part in the *Great March of Return* near the Gaza-Israel border. Although these demonstrations were largely civilian-led, Israeli forces responded with live ammunition, rubber bullets, and tear gas.

According to the UN Human Rights Council (2019), over 200 Palestinians were killed, including medical personnel, journalists, and children, with thousands more injured. The Council concluded that many of these casualties were deliberate and could constitute war crimes, given that the victims did not pose an immediate threat. Israel defended its actions as necessary to prevent border breaches and cited the presence of armed militants within the crowds.

While Hamas was accused of exploiting the protests for militant objectives, its direct culpability during this period appeared limited compared to full-scale combat operations.

3.5 Operation Guardian of the Walls (2021)

Tensions in East Jerusalem in May 2021 escalated into an 11-day conflict dubbed *Operation Guardian of the Walls*. During this period, Israeli airstrikes killed over 250 Palestinians, while Palestinian factions launched more than 4,000 rockets, resulting in 13 Israeli deaths (OCHA, 2021).

Human Rights Watch (2021) and Amnesty International (2021) reported possible war crimes committed by both parties. Israeli strikes on multi-story residential buildings, including the offices of media outlets like Al Jazeera and the Associated Press, raised serious legal concerns. Israel claimed the buildings housed Hamas intelligence operations, but failed to provide publicly verifiable evidence (BBC, 2021). On the Palestinian side, the firing of unguided rockets into urban areas once again highlighted the issue of indiscriminate targeting.

3.6 Escalation of 2023–2025

The most recent and perhaps most destructive phase of the conflict erupted in late 2023 and has continued

into 2025. Both Israel and Hamas stand accused of egregious violations of international law. Israeli operations have involved extended sieges, airstrikes on densely populated zones, and attacks on critical infrastructure including hospitals, schools, and refugee shelters, with catastrophic civilian tolls (UNRWA, 2024). Simultaneously, Hamas and allied groups have intensified rocket and ground assaults, reportedly aiming at civilian targets.

Preliminary findings from the Office of the United Nations High Commissioner for Human Rights (OHCHR, 2024) and other monitoring bodies indicate a high likelihood of widespread war crimes. The International Criminal Court has confirmed that this latest escalation is under active investigation as part of its ongoing inquiry into the Occupied Palestinian Territory (ICC, 2024).

3.7 Patterns and Gaps in Accountability

A review of these major confrontations reveals recurring patterns. Most notably, both Israeli and Palestinian parties have frequently failed to comply with fundamental IHL obligations, especially the duty to protect civilians. Despite extensive documentation and repeated calls for accountability, meaningful legal consequences have been rare.

Israel's refusal to acknowledge the jurisdiction of international judicial bodies, and Hamas's status as a non-state actor without formal legal personality, have both contributed to enforcement paralysis. Furthermore, the politicization of legal mechanisms has complicated impartial investigations. Accusations of bias and the influence of global alliances often shape how war crimes allegations are treated internationally.

Ultimately, the absence of robust enforcement mechanisms has perpetuated a cycle of violence, impunity, and recurring violations. Without concrete steps toward justice, the protection of civilian populations and the enforcement of international legal norms remain elusive goals.

IV. EVALUATION OF CRIMINAL CONDUCT AND ACCOUNTABILITY MECHANISMS

The enduring Gaza-Israel conflict marked by recurring violence and deeply entrenched political divisions has generated extensive evidence suggesting serious breaches of both international humanitarian and criminal law. This section critically explores the forms of criminal behavior exhibited by state and non-state actors, the applicable legal standards for accountability, and the substantial political and structural barriers that hinder the effective prosecution of war crimes. The analysis is informed by international legal instruments, historical and ongoing investigations, and parallels drawn from other global conflict settings.

4.1 Forms of Criminal Conduct in the Gaza-Israel Context

Acts of criminality in this conflict involve violations by both the Israeli Defense Forces (IDF) and Palestinian factions, primarily Hamas, against the rules established under IHL and ICL. These include, but are not limited to: deliberate killings, attacks against civilians, excessive and indiscriminate use of force, deliberate destruction of non-military infrastructure, the exploitation of civilian sites for military advantage, acts of torture, and assaults on protected entities such as hospitals and UN facilities (ICC, 2023; UNHRC, 2021).

Critics argue that Israeli military operations in densely populated urban areas have resulted in significant civilian casualties and infrastructure damage, raising questions about proportionality and intent. Under Article 8 of the Rome Statute, intentionally attacking civilians or civilian objects constitutes a war crime (ICC, 1998). The targeting of residential high-rises without adequate warning or demonstrable military justification has drawn scrutiny from numerous watchdogs (Amnesty International, 2023; HRW, 2021).

Conversely, Palestinian armed groups have been accused of deliberately targeting Israeli civilian areas through unguided rocket fire, breaching the prohibition against attacks on civilians. In some cases, Hamas is alleged to have used civilian spaces

such as hospitals, schools, and places of worship for military operations, thereby endangering non-combatants and complicating the lawful application of IHL (B'Tselem, 2023). These strategies reflect the complexities of asymmetric warfare, where the distinction between civilian and military targets is deliberately obscured.

4.2 Assigning Criminal Responsibility

International criminal law extends liability beyond those who directly commit crimes to include individuals who plan, order, or fail to prevent such acts. The principle of individual criminal responsibility, recognized by both the Rome Statute and customary international law, allows for the prosecution of military and political leaders whose decisions lead to or fail to deter illegal conduct (Schabas, 2010).

Central to this framework is the doctrine of command responsibility, which holds superiors liable when they knew or ought to have known about their subordinates' unlawful actions and did not take appropriate measures to prevent or punish those acts (Cassese, 2008). Within the Gaza-Israel context, this implicates senior leadership on both sides: Israeli military commanders and government officials, and Hamas leaders responsible for coordinating military operations.

However, attributing liability in asymmetrical warfare presents distinct challenges. Israel's formal military command structures allow for clearer identification of responsibility, while Hamas's decentralized operational framework and integration into civilian populations complicate the attribution of individual culpability. Access to reliable evidence and witnesses in conflict zones further limits investigative capacity and judicial recourse.

4.3 Existing Accountability Mechanisms

There are several pathways through which accountability for war crimes in the conflict may be pursued, including domestic legal systems, the International Criminal Court (ICC), and the application of universal jurisdiction or hybrid judicial arrangements. Each of these faces distinct obstacles.

4.3.1 Domestic Legal Processes

Israel maintains a military judicial system tasked with investigating allegations of misconduct. However, critics argue that its internal procedures lack impartiality and transparency. A 2021 UN review highlighted that few investigations yield indictments or punitive measures, raising doubts about the independence of these inquiries (UNHRC, 2021). Victims often face significant barriers in seeking justice or compensation.

In Gaza, under Hamas control, there is no functional or independent judiciary capable of objectively prosecuting war crimes. The absence of impartial legal infrastructure means that crimes committed by Palestinian forces, including attacks on civilians and suppression of dissent, typically go unpunished.

4.3.2 The International Criminal Court

The ICC opened a formal investigation in 2021 into alleged war crimes committed in the Occupied Palestinian Territories since 2014, encompassing the actions of both Israeli and Palestinian parties (ICC, 2021). While the ICC provides a potential avenue for impartial justice, its operations are hindered by political opposition.

Israel does not recognize the ICC's jurisdiction, arguing that Palestine is not a sovereign state capable of conferring such authority. In contrast, Palestinian authorities have endorsed the ICC's involvement, although their willingness to cooperate when their own members are under investigation remains uncertain. This lack of uniform cooperation hampers the court's ability to conduct an unbiased and comprehensive inquiry.

4.3.3 Universal Jurisdiction and Hybrid Courts

Under universal jurisdiction, national courts can prosecute grave international crimes irrespective of where they occurred. Some European states, including Germany and Spain, have pursued such cases against individuals linked to the conflict. However, political pressure and legal obstacles often constrain these proceedings.

Hybrid courts combinations of domestic and international judicial elements have proven successful in addressing war crimes in countries such as Sierra Leone and Cambodia. Although no such tribunal currently exists for Israel-Palestine, the international community could explore this model as a feasible alternative. It would provide a balanced mechanism for adjudication while respecting concerns about sovereignty and legitimacy.

4.4 Political and Structural Obstacles to Justice

Despite the existence of legal instruments and institutions, the pursuit of justice remains obstructed by entrenched political dynamics and institutional weaknesses. One major issue is the politicization of international law. Investigations into Israeli conduct are frequently dismissed by allies as biased, while violations by Palestinian groups are often downplayed by sympathetic states even in the face of credible evidence.

The United Nations Security Council, tasked with maintaining international peace and authorizing judicial interventions, is frequently immobilized by the veto powers of its permanent members particularly the United States which prevents decisive action on Israel-Palestine matters. This political stalemate reinforces perceptions of double standards in the application of international justice.

In addition, structural limitations within institutions like the ICC inhibit accountability. The Court lacks enforcement authority, relies on state cooperation for arrests, and operates with constrained financial and human resources. Other international human rights bodies face similar challenges, as their reports, while influential, are not legally binding.

4.5 Legal and Ethical Dilemmas in Asymmetric Warfare

The Gaza-Israel conflict illustrates the legal ambiguities and ethical difficulties posed by asymmetrical warfare, where a state actor with superior military capabilities confronts a non-state group operating within civilian populations. Although IHL mandates the distinction between

civilians and combatants, this line becomes blurred in such scenarios.

The use of civilian structures by Hamas for military ends complicates Israel's targeting decisions and raises questions about military necessity and proportionality. Israel's responses, which often include strikes on populated areas, are justified under security imperatives but are contested on legal and humanitarian grounds.

These complexities pose serious challenges for evidence collection, protection of witnesses, and the fair conduct of trials. Furthermore, expectations around accountability differ: state actors are often held to stricter standards, while non-state groups exploit legal loopholes to justify unlawful tactics.

4.6 Strategies for Enhancing Accountability

To confront the persistent lack of accountability in the Gaza-Israel conflict, several strategies should be prioritized:

Strengthen the ICC's Capacity and Autonomy

The ICC should be adequately resourced and shielded from political interference. Member states must support its mandate and respect its findings, regardless of political alliances.

Advance Universal Jurisdiction

National legal systems should be empowered to pursue war crimes cases where international avenues fail. Clear guidelines and international cooperation mechanisms can reduce political backlash and ensure procedural fairness.

Explore a Hybrid Tribunal Model

A hybrid court combining international and local legal expertise could serve as a neutral forum for adjudicating crimes committed by both sides. This would balance international oversight with regional involvement.

Reform Domestic Legal Systems

Both Israeli and Palestinian authorities should be encouraged and supported to develop independent legal frameworks capable of prosecuting war crimes effectively.

Bolster Independent Investigative Mechanisms

UN-mandated fact-finding bodies must be given better access and protection mechanisms for witnesses to enhance the reliability and impact of their findings.

Depoliticize Legal Proceedings

Efforts must be made to insulate legal processes from geopolitical agendas. Justice must be pursued impartially and consistently, guided by legal principles rather than diplomatic considerations.

The widespread violations of humanitarian law in the Gaza-Israel conflict reflect a broader cycle of violence and impunity. Despite clear legal standards, both parties have repeatedly breached core norms with limited repercussions. Breaking this cycle requires not only stronger legal institutions but also a genuine international commitment to impartial justice and the protection of human dignity during conflict.

V. MEDIA INFLUENCE, PUBLIC SENTIMENT, AND POLITICAL MESSAGING

The conflict between Gaza and Israel extends beyond physical warfare into the realm of media and information battles. It is a crisis shaped not only by territorial and humanitarian struggles but also by the competition to control narratives on global communication platforms. Media portrayals, societal opinions, and political rhetoric collectively mold perceptions regarding legitimacy, blame, and criminal behavior. These elements profoundly influence international policymaking, diplomatic responses, and mechanisms for justice. This section explores how news reporting, social sentiment, and political messaging interact within the context of the conflict, emphasizing their role in shaping legal and humanitarian responses.

5.1 Media Coverage and Narrative Construction

Mass media plays a central role in constructing public awareness of the Gaza-Israel conflict. Coverage is often influenced by regional perspectives, with significant differences between Western, Middle Eastern, and local press in their interpretation of events. Western outlets have frequently been criticized for spotlighting Israeli security concerns while providing limited focus on

Palestinian civilian casualties (Philo & Berry, 2011; Chomsky & Pappe, 2015). In contrast, Arab media tends to depict Israel as an occupying force exerting systemic violence on a marginalized population.

The choice of terminology and visual content profoundly affects how audiences interpret events. Words like “escalation,” “defense,” or “terrorism” carry implicit biases that frame parties as aggressors or victims (Franks, 2013). Additionally, emotionally charged images such as bombed homes or injured children are powerful tools for shaping sentiment but are also susceptible to selective usage to reinforce particular political agendas. The proliferation of misinformation across digital platforms further complicates this picture, with viral content often manipulated contributing to propaganda and confusion (Al Nashmi et al., 2021).

5.2 The Digital Arena and Social Media Influence

In the digital age, social media platforms like X (formerly Twitter), Facebook, Instagram, and TikTok serve as battlegrounds for both advocacy and disinformation. State actors, activist groups, and individuals use these platforms to promote their versions of events, rally support, or discredit opponents (Jenzen & Neumayer, 2022). Citizen-led reporting from within the conflict zones has offered alternative insights, often by-passed traditional media filters and allowed for more diverse Palestinian perspectives to reach international audiences.

However, the decentralized nature of social media allows harmful content such as incitement, hate speech, and falsehoods to flourish. Research has shown that automated accounts, coordinated propaganda campaigns, and state-sponsored disinformation efforts significantly influence digital narratives surrounding the conflict (Marczak et al., 2021). Because virality often prioritizes emotionally provocative content over factual reporting, polarization deepens and trust in reliable journalism erodes.

5.3 Shaping Public Perception and Global Activism

How the conflict is framed in media and online spaces has tangible effects on global public opinion.

In democratic societies, public sentiment can shape foreign policy decisions. In the United States, for example, younger generations increasingly express disapproval of Israeli policies and advocate for Palestinian rights (Pew Research Center, 2022). Similarly, European countries have seen mass demonstrations urging an end to hostilities and demanding humanitarian access to Gaza.

Within Israel and Palestine, domestic media strongly influence local narratives. Israeli outlets typically reinforce themes of national security and self-defense, while Palestinian media emphasize narratives of oppression and resistance. This internal media polarization fuels entrenched positions and hampers possibilities for dialogue or reconciliation (Bar-Tal, 2007).

On the international stage, solidarity campaigns, humanitarian efforts, and legal advocacy are frequently shaped by public mobilization. Non-state actors such as NGOs, academic groups, and diasporic networks organize online movements through petitions, hashtags, and awareness campaigns to pressure international bodies like the UN and the International Criminal Court into action.

5.4 Political Messaging and International Discourse

Governments and political groups strategically craft communication to support their actions and sway both domestic and international opinion. Israel often presents its military operations as defensive responses to terrorist threats, emphasizing measures taken to comply with international law, such as precision targeting and advance warnings (Israel Ministry of Foreign Affairs, 2021).

On the opposing side, Hamas projects itself as a liberation force resisting occupation. It utilizes historical and religious narratives to appeal to global audiences, drawing attention to Palestinian suffering to garner sympathy and legitimacy. These rival narratives aim not only to justify military conduct but also to influence alliances and diplomatic engagement.

Global powers align their official narratives based on geopolitical interests. The United States frequently

justifies its alliance with Israel on grounds of shared democratic values and regional stability, while countries like Iran, Turkey, and Qatar portray themselves as champions of Palestinian rights. These competing positions shape deliberations in international institutions, often obstructing consensus on accountability or peace efforts.

5.5 Effects on Legal Accountability and International Law

Media coverage and public opinion significantly influence legal mechanisms related to the conflict. High-profile media attention to civilian casualties, such as during the 2014 and 2021 escalations, has fueled pressure on legal institutions like the ICC to launch formal investigations. However, overly politicized narratives can also delegitimize these bodies, casting them as biased or ineffective (Kearney, 2017).

Moreover, news reports, digital evidence, and open-source investigations ranging from satellite images to firsthand videos—now serve as crucial materials for legal inquiry (Koenig & Walter, 2020). Nonetheless, disputes often arise over the reliability and admissibility of such evidence, especially when it originates outside official legal procedures.

5.6 Ethical Imperatives in Conflict Journalism

Given the immense influence of media in shaping perceptions and responses during war, ethical reporting becomes critically important. Journalists must adhere to principles of accuracy, impartiality, and human dignity. Irresponsible reporting such as spreading unverified claims or using dehumanizing language can inflame violence, perpetuate falsehoods, and distort public understanding.

Media outlets and digital platforms also have a duty to monitor content, curb incitement, and promote responsible dialogue. While upholding freedom of expression is vital, this freedom must be exercised with sensitivity, particularly during times of armed conflict.

In conclusion, media systems, public sentiment, and political rhetoric are tightly interwoven with both the

legal and humanitarian aspects of the Gaza-Israel crisis. Though media can serve as a force for transparency and justice, it also holds the potential to spread bias and misinformation. Recognizing the dynamics of narrative formation is essential to promoting fairness, fostering dialogue, and supporting meaningful pathways toward peace and accountability.

VI. ETHICAL AND HUMANITARIAN DIMENSIONS OF THE GAZA-ISRAEL CONFLICT

The prolonged and recurrent violence between Gaza and Israel presents profound ethical and humanitarian dilemmas that surpass the scope of legal interpretations of war crimes. Central to these concerns are the inherent value of human life, the protection of civilians, the responsibilities of warring parties, and the global community's moral duty to minimize suffering and advocate for justice. This section delves into the ethical foundations and humanitarian implications that must guide any thoughtful response to the conflict.

6.1 Civilian Protection in Armed Conflict

Preserving civilian life is a foundational ethical principle in warfare. Under international humanitarian law particularly the Geneva Conventions non-combatants are to be shielded from harm and not deliberately targeted. Nonetheless, civilians in Gaza, especially vulnerable groups like women, children, and the elderly, have repeatedly suffered disproportionately during hostilities. The deployment of heavy explosives in crowded urban settings by both Israeli forces and Palestinian militants raises moral concerns about the necessity and proportionality of such tactics (ICRC, 2019).

From an ethical perspective, the doctrine of non-maleficence that one should avoid causing harm requires all belligerents to adopt measures that reduce the risk of civilian casualties. The widespread damage to essential infrastructure in Gaza, including homes, schools, and healthcare facilities, violates this principle. Similarly, indiscriminate rocket attacks on Israeli towns by armed groups also breach the moral

and legal obligation to differentiate between military and civilian targets (Gross, 2010).

6.2 Ethical Concerns in Humanitarian Access

The denial or obstruction of humanitarian assistance presents another serious ethical issue. Gaza's blockade, movement restrictions, and repeated infrastructure damage make it extremely difficult for relief agencies to provide critical aid. International organizations, including the United Nations, have consistently emphasized the need for unhindered humanitarian access as both a legal and moral imperative (UNOCHA, 2023).

Ethically, depriving civilians of essential services in times of conflict violates principles of beneficence and distributive justice. Humanitarian personnel and medical workers, protected under IHL, must be allowed to operate safely. Preventing access to food, clean water, shelter, and medical care exacerbates civilian suffering and represents a failure to uphold the fundamental ethics of compassion and care (Slim, 2015).

6.3 Mental Health and Long-Term Psychological Impact

Beyond physical injuries, the psychological toll of the conflict is profound. Prolonged exposure to warfare, displacement, bereavement, and instability inflicts deep emotional and mental scars particularly among children. Research has documented elevated rates of PTSD, depression, and anxiety among affected Palestinian and Israeli populations (Thabet & Vostanis, 2011).

The ethical response to conflict must therefore address not only survival but the long-term mental and emotional recovery of victims. This includes the provision of mental health services, community support programs, and trauma-informed care. Restorative approaches that focus on healing, reconciliation, and reintegration are essential to reduce the transmission of trauma across generations and to rebuild fractured communities.

6.4 Exploitation and Harm of Children in Conflict Zones

Among the most egregious violations in this conflict is the involvement of children in acts of war. Reports have highlighted the use of minors in combat operations, propaganda activities, and as human shields by militant groups in Gaza. Simultaneously, the arrest, detention, and reported mistreatment of Palestinian children by Israeli authorities raise critical ethical and legal questions (Defense for Children International – Palestine, 2022).

The engagement of children in conflict violates both international law and basic moral standards. Children are guaranteed special protection under frameworks such as the UN Convention on the Rights of the Child. Ethically, it is incumbent upon all societies to safeguard the rights of minors, ensuring access to education, safety, and well-being even during times of war.

6.5 The Global Community's Ethical Obligations

The broader international community shares moral responsibility in mitigating atrocities and promoting peace. The doctrine of the Responsibility to Protect (R2P) asserts that the global community must intervene through diplomatic, humanitarian, or legal channels when a state is unwilling or unable to protect its people from serious harm. While political interests often complicate direct intervention, the ethical mandate to prevent mass suffering remains (Evans, 2008).

Selective enforcement of international norms and politicized responses to human rights violations undermine the legitimacy and consistency of global governance. A truly ethical approach requires impartiality and commitment to justice, regardless of political alliances. Failure to act equitably contributes to a climate of impunity and the recurrence of violence.

6.6 Moral Responsibility and the Path to Reconciliation

Moral accountability encompasses more than legal consequences; it involves honest acknowledgment of

past wrongs, public contrition, and active steps toward restitution. These elements are vital to healing societal wounds and building a lasting peace. Tools such as truth commissions, formal apologies, and reparative measures contribute to ethical reconciliation. In the context of the Gaza-Israel conflict, recognizing the shared humanity and suffering of both sides is essential to breaking cycles of dehumanization (Bar-On, 2006).

Reconciliation demands more than political agreements; it calls for moral leadership, empathy, and a willingness to confront painful histories. Educational reforms, interreligious dialogue, and inclusive historical narratives can play critical roles in dismantling prejudice and fostering understanding. Although immensely difficult, the pursuit of reconciliation remains a moral imperative for enduring peace.

Ethical and humanitarian issues are not supplementary but fundamental to any comprehensive engagement with the Gaza-Israel conflict. Ensuring the safety of civilians, guaranteeing humanitarian access, addressing psychological trauma, protecting children, and upholding moral responsibility are pressing ethical demands. These duties are shared among combatants, civil institutions, and international actors. Responding to these imperatives with consistency and moral clarity is crucial to safeguarding human dignity and fostering justice, peace, and healing in the region.

VII. RECENT TRENDS AND LEGAL DEVELOPMENTS (2023–2025)

Between 2023 and 2025, the Gaza-Israel conflict entered a new phase of heightened violence and increased international legal scrutiny. This period was marked by intensified military confrontations and a parallel rise in legal interventions, global activism, and calls for accountability. As the humanitarian toll of the conflict grew, so too did the urgency for credible legal mechanisms capable of addressing breaches of international humanitarian and human rights law.

7.1 Escalation of Military Engagements

The years 2023 and 2024 saw multiple high-intensity military operations carried out by the Israel Defense Forces (IDF) in response to cross-border rocket fire and ground incursions involving Palestinian factions. Operations like "Shield and Arrow," among others, led to widespread destruction in Gaza and numerous civilian deaths (Human Rights Watch, 2024). In parallel, Hamas and other armed groups launched large-scale barrages of rockets toward Israeli population centers. Although many were intercepted by the Iron Dome system, some caused fatalities and injuries (Amnesty International, 2024).

The cycle of violence reignited global debate over the legality and morality of the use of force by both parties. Numerous international bodies, including the United Nations, flagged possible violations of international law, citing indiscriminate bombings, civilian property destruction, and restricted humanitarian access (UNHRC, 2024).

7.2 Progress in ICC Investigations

A pivotal legal development during this timeframe was the expansion of the International Criminal Court's (ICC) investigation into alleged crimes in Palestine. Though the preliminary investigation dates back to 2015, by 2021 a formal probe had been launched. From 2023 to 2025, the ICC's Office of the Prosecutor ramped up its activities, conducting interviews, collecting forensic evidence, and liaising with state and non-state entities (ICC, 2025).

The ICC has been examining Israeli operations involving the bombardment of densely populated urban areas and suspected targeting of healthcare providers and journalists. On the Palestinian side, the focus has been on the intentional targeting of civilians, the strategic use of civilian infrastructure in warfare, and combat operations conducted near hospitals and schools. In 2025, sealed indictments were issued against a number of political and military figures on both sides. However, enforcing these warrants has proven difficult due to lack of cooperation from the relevant states (ICC, 2025).

7.3 UN Engagement and Global Responses

During this period, the United Nations General Assembly and Human Rights Council adopted several resolutions denouncing legal violations and urging both sides to adhere to ceasefires, enable humanitarian relief, and allow impartial investigations. The Independent International Commission of Inquiry on the Occupied Palestinian Territory and Israel released its 2024 findings, which documented unlawful attacks on civilian areas, excessive military force, and allegations of collective punishment by Israeli forces. It also noted violations by Palestinian militants, including the militarization of civilian zones (UNHRC, 2024).

While these resolutions carry no binding authority, they demonstrate a growing international consensus in favor of accountability. Nevertheless, meaningful action through the UN Security Council has been repeatedly blocked, with the United States employing its veto power to shield Israel from sanctions (Bassiouni, 2024).

7.4 Regional Legal Initiatives and Civil Society Advocacy

Legal advocacy was not confined to global institutions. Across Europe, lawyers initiated universal jurisdiction cases in national courts in countries like Germany, Spain, and Belgium. These lawsuits targeted Israeli and Palestinian leaders for crimes against humanity. Although legal hurdles remain, including jurisdictional and evidentiary barriers, these efforts reflect an increasing reliance on national legal systems to pursue justice when international bodies are stalled (ECCHR, 2024).

On the ground, organizations such as B'Tselem, Al-Haq, and the Palestinian Center for Human Rights have continued to collect, verify, and submit evidence to global institutions. Despite facing pressure and threats, these civil society actors have played a pivotal role in documenting human rights abuses and sustaining international awareness (Al-Haq, 2024).

7.5 Digital Evidence and Technological Innovations

The documentation of war crimes has been transformed by technology. The use of digital tools ranging from satellite imagery and smartphone videos to social media content has become instrumental in gathering and preserving evidence. Groups like Forensic Architecture and Amnesty International have pioneered advanced methods like 3D reconstructions and geospatial analysis to investigate and substantiate claims of IHL violations (Forensic Architecture, 2023).

Blockchain technology is also emerging as a safeguard for digital evidence, allowing activists and investigators to store unalterable records that maintain chain-of-custody integrity. In a context where conflicting narratives and denial are common, these technologies enhance transparency and bolster the legitimacy of legal proceedings (Chesney & Citron, 2024).

7.6 Ongoing Challenges to Accountability

Despite these developments, significant barriers to justice persist. The enforcement of international criminal decisions is often compromised by geopolitical interests. Israel, which does not recognize the jurisdiction of the ICC, remains outside the Rome Statute framework, while Hamas, as a non-state actor, lacks formal legal standing in most international courts. These realities complicate efforts to hold individuals accountable under existing legal structures.

Further, the perceived politicization of legal forums and the application of double standards in global responses undermine the credibility of international law. Political shielding, particularly by powerful states, has enabled impunity in many cases. Without consistent application of international norms, efforts toward justice risk being viewed as biased or selective (Akram, 2023).

The 2023–2025 period has been marked by both intensified conflict and renewed efforts to establish accountability for war crimes and human rights abuses in the Gaza-Israel context. While the ICC's investigations, UN resolutions, regional legal actions,

and digital evidence initiatives represent progress, numerous challenges ranging from political obstruction to legal loopholes continue to impede the path toward justice. Achieving meaningful accountability will require a sustained global commitment, strong institutional mechanisms, and a collective resolve to uphold the rule of law, regardless of political or strategic interests.

VIII. CONCLUSION AND STRATEGIC RECOMMENDATIONS

8.1 Summary of Findings

The protracted nature of the Gaza-Israel conflict underscores its place as one of the most contentious and unresolved disputes in modern geopolitics. Characterized by recurrent hostilities, significant civilian harm, and persistent breaches of international norms, the crisis continues to raise grave concerns within both legal and ethical frameworks. This analysis has evaluated the conflict through the lens of international humanitarian law (IHL), alongside broader moral imperatives and institutional accountability mechanisms.

Both historical and current events demonstrate a repeated pattern of legal and ethical violations committed by state and non-state actors alike. Practices such as the excessive use of force, indiscriminate attacks on civilians, deliberate obstruction of humanitarian relief, and military activity within civilian areas violate the Geneva Conventions and established principles of IHL. Despite extensive documentation and heightened international concern, effective accountability remains minimal hampered by power imbalances, political alignments, and a lack of cooperation from crucial parties.

Nonetheless, recent advances in legal mechanisms such as expanded investigations by the International Criminal Court and reports from independent UN bodies indicate incremental progress in countering impunity. Furthermore, the efforts of investigative journalists, civil society groups, and digital forensic teams have played a pivotal role in exposing abuses and elevating global awareness. Yet, the selective application of justice and geopolitical interference

continue to undermine the efficacy of these instruments.

Beyond the legal scope, the humanitarian toll of the conflict demands urgent ethical reflection. The protection of civilian life, delivery of critical services, and psychological recovery of affected populations especially children must be prioritized. Achieving lasting peace will require not only legal interventions but also a willingness to confront historical injustices, recognize mutual suffering, and engage in constructive reconciliation.

8.2 Recommendations for Justice, Protection, and Peacebuilding

1. Enhance Enforcement of International Criminal Law

- Full support should be provided to the ICC's investigation into the Gaza-Israel situation. Member states must assist with arrest warrant execution, evidence submission, and legal cooperation.
- The principle of universal jurisdiction should be applied impartially to hold perpetrators of serious international crimes accountable, regardless of political affiliation.

2. Prioritize Civilian Protection Measures

- All combatants must rigorously observe IHL's core tenets distinction, proportionality, and necessity.
- The deployment of heavy explosives in urban centers must cease immediately. Independent observers should be empowered to monitor compliance in real time.

3. Guarantee Access for Humanitarian Assistance

- Israel must relax restrictions that hinder the flow of life-saving aid and essential supplies into Gaza, in accordance with international legal obligations.
- Humanitarian agencies should receive unrestricted access to affected areas to facilitate the delivery of medical and relief support.

4. Bolster Accountability and Civil Oversight

- Both Israeli and Palestinian authorities should initiate credible, transparent investigations into

alleged war crimes and violations of human rights.

- Civil society organizations involved in human rights documentation must be safeguarded from intimidation, retaliation, or political suppression.

5. Address Structural and Political Root Causes

- Long-term peace initiatives must address core grievances, including occupation, systemic restrictions, and disenfranchisement.
- Diplomatic negotiations should be grounded in human rights principles rather than security-dominated agendas.

6. Support Post-Conflict Reconstruction and Trauma Recovery

- International stakeholders must commit funding and logistical support for rebuilding essential infrastructure in Gaza.
- Psychological recovery programs particularly for children, women, and trauma-affected individuals should be expanded through mental health services and community support mechanisms.

7. Promote Reconciliation, Education, and Mutual Recognition

- Grassroots efforts promoting dialogue, empathy, and historical truth-telling between communities should be actively supported.
- Education systems must be reformed to reduce incitement and hostility, encouraging curricula that promote coexistence and human dignity.

Final Reflection

Ultimately, the Gaza-Israel conflict cannot be resolved by legal bases alone. It demands a multidimensional response anchored in justice, compassion, and the courage to challenge entrenched divisions. A durable and dignified peace will only be possible through the integration of judicial accountability, ethical leadership, humanitarian commitment, and inclusive political dialogue. It is through this comprehensive vision that the rights, dignity, and future of all affected communities can truly be restored.

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