



[The Key Difference Between War Crimes and Collateral Damage](#)

While Israeli officials have long claimed to only conduct military operations against legitimate combatant targets, years of evidence, first-hand accounts, and documented data from impartial human rights groups strongly refute this. In Gaza, the occupied West Bank, and Lebanon, among other places, Israel has been found to commit egregious war crimes which go far beyond any feasible contentions of merely collateral damage, particularly when one sees the clear pattern and track record of abusive behavior throughout the preceding decades. In light of this conduct, it has become increasingly important to distinguish war crimes from collateral damage, so as to understand to a greater extent the culpability of Israeli armed forces in illegal and immoral military actions which intentionally target civilian infrastructure. According to the United Nations, war crimes are violations of international humanitarian law (treaty or customary law) that take place during an armed conflict which should incur individual criminal responsibility. The UN's legal definition of war crimes comes from the Geneva Conventions of 1948, and is reiterated in Article 8 of the Rome Statute of the International Criminal Court (ICC); a document consisting of all amendments adopted by the UN General Assembly. The Rome Statute outlines four types of war crimes, and is what the ICC relies upon to evaluate offenders and their guilt.

Collateral damage is not explicitly defined under international law, but how much of it is permissible is similar amongst states, and tends to be outlined in military handbooks, national law, case law, and national military institutions. The International Committee of the Red Cross considers it a customary international humanitarian law, meaning it is a general practice accepted as binding under the law. Collateral damage tends to be regarded as injury or harm inflicted upon something other than the intended target. In its application, the term may be used more similarly to how the U.S. Department of Defense did in its statement about its conduct in The Gulf War where it remarked that "While the prohibition contained in Article 23(G) [of the Hague Regulations] generally refers to intentional destruction or injury, it also precludes collateral damage of civilian objects or injury to non-combatant civilians that is clearly disproportionate to the military advantage gained in the attack of military objectives." The statement alluded to how military policies aimed to avoid intentionally targeting civilians or causing unnecessary destruction, but how they did allow for some collateral damage as long as this was not excessively disproportionate to the advantage gained by attacking a specific military target.

Adding to the belief that Israel's military actions cross the line between collateral damage and war crimes is the array of collected evidence which prompted war crimes cases against Israel at both the International Court of Justice (ICJ) and International Criminal Court (ICC). The evidence suggests that Israel has violated Article 8 of the ICC's Rome Statute, which defines various types of war crime violations from the treatment of combatants and wartime practices to the treatment of civilians, humanitarian aid workers, and other non-combatants. Recently, over the summer, the ICJ also ruled that Israel's continued occupation of Palestinian territories was unlawful, as was settlement expansion, forcible annexation, and seizure of natural resources. The ICJ war crimes and genocide case brought forth by South Africa against Israel has yet to reach a final ruling, but observers have consistently outlined its merits and the panel of judges did therefore issue a series of provisional measures against Israel. Furthermore, in a separate case, the ICC chief prosecutor has applied for arrest warrant requests for Israeli Prime Minister Benjamin Netanyahu and Israeli Defense Minister Yoav Gallant.

Despite Israel's efforts to suppress coverage and investigations into war crimes and other human rights violations that are taking place in the Palestinian territories and Lebanon, independent journalism, documentation, and first-hand accounts have allowed for unfiltered insight into what has been occurring. Since the onset of the Gaza War, for example, evidence has pointed to various instances of Israeli war crimes and abuses including the intentional targeting of civilians, journalists, aid workers, and humanitarian relief, as well as the large-scale indiscriminate destruction of cities. Alarming, these are only some of the currently-known and well-documented instances of war crimes committed by Israel during the conflict, but human rights experts suspect that there could be much more that has been concealed or left yet to be discovered, potentially hiding the true extent of the atrocities that have and continue to be happening.

With the situation in Gaza and the occupied West Bank, and now in Lebanon as well, human rights groups such as Amnesty International and Human Rights Watch have published reports documenting more than enough evidence to suggest that Israel's attacks against civilian infrastructure have been intentional – which would categorize them as war crimes. Israel has been known to attack orphanages, schools, hospitals, religious buildings, cultural sites, and humanitarian shelters – all places that are not permissible as military targets under international law. The destruction to these areas has been heavily evaluated, and it has consistently been found that these sites held large concentrations of civilians. Targeting these places during the ongoing Gaza War alone has resulted in the killing of tens of thousands of civilians, and for those who have survived the relentless and heinous attacks, little to nothing of their livelihoods has remained.