

# Israel Responds to Hamas Crimes by Ordering Mass War Crimes in Gaza

Years of impunity for Israeli crimes against civilians have bred a culture of disregard for international law.

By [Alice Speri](#)

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*Israel's Defense Minister Yoav Gallant used genocidal language and ordered mass war crimes in the occupied Gaza Strip on Monday in response to Hamas' weekend assault and massacre of Israeli civilians, setting the stage for a large-scale escalation of the violence that has already led to the killing of at least 800 Israelis and more than 500 Palestinians.*

Gallant said that he had ordered "a complete siege of the Gaza Strip," which is home to 2.3 million Palestinians, nearly half of them children.

"There will be no electricity, no food, no fuel, everything is closed," he said. "We are fighting human animals, and we act accordingly."

What Gallant ordered — the collective punishment of a civilian population — amounts to a war crime under international law, as well as potentially a crime against humanity and the crime of genocide, some [international law experts have pointed out](#). Hamas's massacre of civilians and taking of at least 150 hostages, whom it has reportedly [threatened to execute](#) in response to the targeting of civilians in Gaza, are also war crimes.

Hamas and Israel's crimes against civilians, which are likely to escalate in the coming days, come after years of impunity for Israel's crimes against Palestinians. The historical lack of accountability has bred a culture of disregard for international law that directly resulted in the weekend's violence, human rights advocates say.

"Deliberate killings of civilians, hostage-taking, and collective punishment are heinous crimes that have no justification," Omar Shakir, Israel and Palestine director at Human Rights Watch, said in a statement. "The unlawful attacks and systematic repression that have mired the region for decades will continue, so long as human rights and

accountability are disregarded.”

In the wake of Hamas’s attack on Israel on Saturday, the Israeli military launched a bombing campaign on Gaza. Israeli raids flattened residential buildings and targeted a densely populated refugee camp over the weekend.

Humanitarian workers in the Gaza strip have also reported that hospitals are completely overwhelmed by the number of casualties and ambulances are coming under fire. A ground invasion of the occupied territory is also widely expected in the coming days.

Experts have noted that Israel’s practice of “warning” civilians — like Israeli Prime Minister Benjamin Netanyahu’s call on Gaza’s residents to “leave now because we will operate forcefully everywhere” — is [not sufficient](#).

There is nowhere for people to seek safety in the Gaza strip, one of the most densely populated areas in the world, since Israel imposed an air, land, and sea blockade on the territory in 2007, effectively trapping them in.

War crimes fall under the jurisdiction of the International Criminal Court, which, in 2021, opened an investigation on war crimes and crimes against humanity in the occupied Palestinian territories. The investigation prompted [fierce opposition](#) by Israel and the United States — neither of which are members of the court — and it has largely [stalled](#).

Human rights advocates quickly pointed to Gallant’s words as an “[admission of intent](#)” to commit crimes, calling on ICC prosecutor Karim Khan to take notice. But international officials’ responses to his comments were largely muted. The Biden administration has repeatedly stated its support for Israel since Saturday’s attack, with Secretary of State Antony Blinken pledging the U.S.’s “[unwavering focus on halting the attacks by Hamas](#)” but offering no immediate comment on Israel’s declared retaliation against Palestinian civilians.

A spokesperson for Khan’s office wrote in a statement to The Intercept that the ICC’s mandate in Palestine “is ongoing and applies to crimes committed in the current context.” The spokesperson called on those with information relevant to investigation to provide it [to the office](#), but did not comment on Gallant’s words or on criticism that the stalling of its investigation might have contributed to recent crimes.

## The Consequences of Impunity

As human rights advocates and international law experts have long warned, impunity for war crimes only leads to more. Last year, as Russia staged a full-scale invasion of Ukraine, many pointed to the impunity for war crimes it committed in [Syria](#) and elsewhere and argued that the lack of accountability directly enabled similar crimes to be committed in Ukraine. The ICC, for its part, responded to Russian crimes in Ukraine by immediately dispatching investigators there, leading to charges implicating Russian leadership all the way up to President Vladimir Putin earlier this year. But there was no such response following Israeli crimes in Gaza, including after military campaigns in 2018, 2021, and 2022 that left hundreds of Palestinian civilians dead.

“If we’ve learned anything through prior escalations, it is that so long as there is impunity for serious abuses, we will continue to see more repression and shedding of civilian blood,” said Shakir. Human Rights Watch called on the ICC “to accelerate its

investigation into serious crimes committed by all parties in Palestine.”

While both parties committed heinous crimes, Gallant’s call for a complete siege on Gaza revealed the underlying imbalance at play: While Hamas’s attack shocked Israelis and the world and amounted to the most serious attack on Israel in five decades, it paled in comparison to Gallant’s threat to starve 2.3 million trapped civilians.

“This is why this never was and never will be a ‘war’ of equals,” media critic Sana Saeed [noted](#) on Monday. “Because one side has the power to entirely eliminate an entire population, to control whether they live or die.”

Gallant wasn’t the only Israeli leader to tap into genocidal rhetoric in response to Hamas’s attack, with Finance Minister Bezalel Smotrich declaring, “It’s time to be cruel,” and Knesset member Ariel Kallner calling for a “Nakba that will overshadow the Nakba of 48,” a reference to the massacre and expulsion of more than 750,000 Palestinians upon Israel’s founding.

Other observers denounced efforts by either party to use crimes committed by the other as justification for committing more crimes.

“Failure of one party to a conflict to abide by the laws of war does not absolve the other party from complying with the laws of war,” [noted](#) Sarah Leah Whitson, director of Democracy for the Arab World Now.

“Israel certainly cannot claim the upper moral hand. Israeli government ministers now calling to kill, destroy, crush and even starve the residents of Gaza forget that this is already Israeli policy,” the Israeli human rights group B’Tselem echoed in a statement. “Intentional attacks on civilians are prohibited and unacceptable. There is no justification for such crimes, whether they are committed as part of a struggle for freedom from oppression or cited as part of a war against terror.”

Palestinian and international human rights groups also called on the United Nations to address the underlying causes behind this weekend’s events.

“Israel has a horrific track record of committing war crimes with impunity in previous wars on Gaza,” Amnesty International wrote in a [statement](#) that called on Palestinian armed groups to refrain from targeting civilians.

“The root causes of these repeated cycles of violence must be addressed as a matter of urgency. This requires upholding international law and ending Israel’s 16-year-long illegal blockade on Gaza, and all other aspects of Israel’s system of apartheid imposed on all Palestinians.”

Palestinian human rights groups echoed that call.

“For decades, Palestinians have been [calling](#) on the international community to take concrete and meaningful actions, beyond statements of condemnation, to put an end to these violations,” Al-Haq, Al Mezan Center for Human Rights, and the Palestinian Centre for Human Rights wrote in an open letter to the United Nations on Monday. “The international community’s lack of political will to hold Israel to account only emboldens Israel to continue committing crimes against the Palestinian people as a whole.”

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