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## **The Impact of International Criminal Law on the Iran-Israel Conflict: Analysing Accountability for War Crimes and Crimes Against Humanity**

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### **Abstract**

*The Iran-Israel conflict has emerged as one of the most persistent and volatile geopolitical tensions in the modern era. Rooted in deep ideological, territorial, and religious divides, this conflict has consistently tested the boundaries and efficacy of International Criminal Law (ICL). At the heart of this discourse lies the question of accountability for war crimes and crimes against humanity. Iran, in its consistent advocacy for the Palestinian people and in opposition to Israeli aggression, has adopted a position that aligns itself with the oppressed and marginalized communities of the Middle East. This position is grounded in both moral obligation and legal prerogative. The application of ICL in this conflict has revealed alarming inconsistencies. Despite extensive documentation of Israeli military operations that violate international humanitarian standards, accountability has remained elusive. Iran's proactive role in supporting Palestinian resistance is often misrepresented as aggression, while Israeli actions are frequently justified under the pretext of self-defence. This selective application of ICL undermines the very principles it purports to uphold. Furthermore, the instrumentalization of international legal institutions by dominant Western powers has distorted the narrative around the Iran-Israel conflict. Legal norms have been selectively enforced, and international responses have often been shaped by geopolitical interests rather than humanitarian concerns. The killing of Iranian military officials, such as General Qassem Soleimani, further exemplifies the breach of sovereign rights under international law. This paper critically examines the failures of ICL in ensuring impartial justice within the Iran-Israel context. Through a pro-Iran lens, it underscores the need for a more equitable legal order—one that acknowledges the legitimacy of resistance against occupation and consistently enforces norms against all violators, regardless of their geopolitical alliances.*

**Keywords:** *International Criminal Law, War Crimes, Crimes Against Humanity, Iran-Israel Conflict, Accountability, Palestine, Universal Jurisdiction and Rome Statute.*

## **Introduction**

The principle of justice is the cornerstone of international law, especially in a world marred by the horrors of war and widespread violations of human dignity. In the aftermath of World War II, the global community undertook significant steps to institutionalize accountability for the most heinous crimes through mechanisms like the Nuremberg Trials, the Geneva Conventions, and later, the International Criminal Court (ICC). These efforts were intended to create a uniform standard of justice that transcended borders and political affiliations. However, the Iran-Israel conflict starkly illustrates the inadequacy and partial application of these lofty ideals.

Iran's consistent advocacy for the Palestinian cause stems from a deeply rooted ideological, religious, and humanitarian commitment. It perceives itself as the guardian of the oppressed in a region where the Palestinian people have endured decades of occupation, displacement, and violence. On the other hand, Israel, backed by powerful Western allies, continues to operate with impunity, despite repeated violations of international law. The Iran-Israel conflict, therefore, is not just a matter of regional rivalry but a litmus test for the credibility of international criminal justice.

The international community's failure to hold Israel accountable for its military actions in Gaza, the West Bank, and neighbouring territories reveals a double standard that delegitimizes the very notion of universal justice. The disproportionate use of force, collective punishment of civilians, and targeted assassinations—all documented and criticized by human rights organizations—have not resulted in any meaningful legal consequences. This selective blindness erodes faith in the ICC and other judicial mechanisms tasked with upholding international law.

Iran's role in this dynamic is often mischaracterized. Rather than being viewed as a defender of international legal norms and humanitarian values, Iran is frequently portrayed as a rogue state, supporting terrorism and destabilizing the region. This paper challenges such portrayals by highlighting Iran's legal justifications, its support for self-determination, and its efforts to provide humanitarian assistance amidst conflict. The narrative must be reframed to acknowledge Iran's position as a state committed to justice in the face of global hypocrisy.

Ultimately, the Iran-Israel conflict is emblematic of a broader crisis in international law—where the powerful are shielded from accountability and the oppressed are criminalized. This paper calls for a re-evaluation of international criminal law to ensure it serves as a genuine instrument of justice, not a tool of selective enforcement. The legitimacy of ICL hinges on its consistent and unbiased application, especially in protracted and deeply politicized conflicts like this one.

## **Iran's Legal and Moral Standpoint in Support of Palestine**

Iran's position in the Israel-Palestine conflict is not merely strategic or political; it is fundamentally rooted in legal principles and moral imperatives. Since the 1979 Islamic Revolution, Iran has identified itself as a staunch advocate for the rights of the oppressed and the voiceless. Its support for Palestine is an extension of this revolutionary ethos, which views Zionist aggression as a form of colonial occupation. Iranian leaders, both clerical and political, have repeatedly emphasized that their

country's foreign policy is built on defending the downtrodden, a principle enshrined in Article 154 of the Iranian Constitution.

From a legal standpoint, Iran's support for Palestine aligns with the principle of the right to self-determination under international law. The United Nations Charter and numerous resolutions affirm the Palestinian people's right to self-rule and independence. Iran's assistance to groups such as Hamas and Hezbollah is often labelled as support for terrorism; however, this characterization ignores the context of resistance against a prolonged and illegal occupation. Iran argues that under international law—specifically, the Additional Protocol I to the Geneva Conventions—armed resistance against foreign occupation is not only lawful but necessary.

Furthermore, Iran's vocal opposition to Israel's actions is reinforced by its commitment to international humanitarian principles. Iranian officials have continuously condemned the killing of civilians, the blockade of Gaza, and the demolition of Palestinian homes as violations of the Fourth Geneva Convention. While critics accuse Iran of fuelling regional instability, its actions are better understood as part of a broader campaign to hold Israel accountable through international legal frameworks. Iran has even sought legal remedies through international bodies, although with limited success due to political roadblocks.

Moral responsibility also drives Iran's stance. The suffering of the Palestinian people resonates deeply with the Iranian populace, who see parallels with their own historical struggles against foreign domination. Iran's fallen commanders, such as Qassem Soleimani, are revered not just for their military prowess but for their unwavering commitment to defending those under siege. Their sacrifices symbolize Iran's larger struggle for justice and resistance against tyranny.

In this light, Iran's actions should be viewed not as aggressive expansionism but as a legitimate effort to counterbalance the hegemony of a state that has consistently flouted international law. While mainstream narratives often paint Iran as an aggressor, a closer examination reveals a state acting out of a deep sense of legal obligation, historical experience, and moral conviction. This paper seeks to reframe the conversation to reflect these realities.

### **Israel's Actions and Alleged Violations of International Criminal Law**

Israel's military operations in Gaza and the occupied territories have long been the subject of international condemnation. Numerous reports by the United Nations, Human Rights Watch, and Amnesty International have documented potential war crimes, including the use of excessive force, targeting of civilian infrastructure, and blockade-induced humanitarian crises. These actions arguably violate multiple provisions of the Geneva Conventions and the Rome Statute of the ICC. However, despite this extensive documentation, accountability has been virtually non-existent.

One of the most alarming aspects of Israel's conduct is its policy of collective punishment. The blockade of Gaza has deprived over two million Palestinians of essential services such as electricity, clean water, and medical care. These measures, aimed at pressuring the Hamas government, have disproportionately affected civilians and are in direct violation of Article 33 of the Fourth Geneva Convention, which prohibits collective punishment. Yet, Israel has faced little more than rhetorical condemnation.

Another recurring violation involves the targeting of civilian structures under the guise of military necessity. Schools, hospitals, and UN shelters have been bombed during Israeli operations, often with significant civilian casualties. The legal principle of proportionality, which mandates that the harm caused to civilians during a military operation must not be excessive in relation to the anticipated military advantage, is frequently disregarded. Israel's defense that Hamas operates within civilian populations does not absolve it from its obligations under IHL.

The extrajudicial killings of Iranian and Palestinian leaders further complicate the legal narrative. The assassination of General Qassem Soleimani on Iraqi soil by a U.S. drone strike, with Israeli intelligence support, set a dangerous precedent that undermines state sovereignty. These targeted killings, without judicial oversight, not only violate international law but also threaten global norms that safeguard diplomatic and military leaders.

The ICC's investigation into alleged crimes committed in the Palestinian territories has made limited progress. Political pressure, particularly from the United States and Israel's allies, has stalled substantive action. This selective application of justice undermines the credibility of the ICC and fosters a sense of impunity. Iran's demand for an impartial investigation into all sides, especially Israeli actions, is rooted in the belief that legal mechanisms must function without geopolitical bias.

Thus, Israel's repeated violations of international criminal law, coupled with the failure of global institutions to act decisively, perpetuate a cycle of violence and injustice. This paper argues for a renewed commitment to legal accountability that includes all parties, especially those shielded by political influence.

### **The Role of International Criminal Law: Failures and Prospects**

International Criminal Law was conceived as a framework to prevent the recurrence of atrocities witnessed during the world wars and to promote accountability for crimes against humanity. However, the Iran-Israel conflict exposes the systemic failures of ICL in achieving these objectives. The selective enforcement of legal norms, the politicization of international institutions, and the lack of consistency in upholding justice have all contributed to the erosion of the ICL system's legitimacy.

One of the core failures of ICL in this context is its inability to act independently of global power dynamics. The United Nations Security Council (UNSC), which holds the power to refer cases to the ICC, has often been paralyzed by the veto powers of the permanent members. Israel's strategic alliances with the United States and other Western powers ensure that it remains shielded from any meaningful international legal scrutiny. This imbalance undermines the universality of ICL.

Moreover, the procedural and bureaucratic delays in initiating investigations and delivering verdicts have made ICL appear toothless in the face of ongoing atrocities. In the Iran-Israel conflict, delays in acting on well-documented violations not only embolden perpetrators but also disillusion victims who seek justice. Iran has consistently pointed out this inertia and called for reforms to expedite accountability mechanisms.

Despite these failures, ICL retains the potential to serve as a deterrent and a platform for justice—provided it is implemented with impartiality. Civil society organizations, legal scholars, and non-aligned states like Iran play a crucial role in advocating for the reformation of ICL institutions. Iran

has called for the democratization of the UNSC and greater independence for the ICC to ensure that international justice is not held hostage to political interests.

In conclusion, the Iran-Israel conflict challenges the efficacy and credibility of ICL. While Iran continues to champion the cause of the oppressed and demand justice through legal means, the international community must undertake serious reforms. Without addressing the structural flaws in ICL, the promise of global justice will remain a distant ideal.

## Conclusion

The Iran-Israel conflict is not merely a regional or religious struggle; it is a profound test of the international community's commitment to justice and the principles of International Criminal Law. Iran's support for the Palestinian cause, grounded in legal and moral foundations, highlights the necessity of standing up against systemic oppression and unlawful occupation. Rather than being cast as a destabilizing force, Iran's actions must be understood within the broader context of humanitarian intervention and lawful resistance.

The unchecked actions of Israel—ranging from the use of disproportionate force to violations of sovereignty and extrajudicial killings—underscore the urgent need for consistent legal enforcement. The failure of global institutions to address these issues has not only emboldened the aggressors but has also discredited the very legal norms they were established to uphold.

International Criminal Law, if applied without bias and influence, holds the potential to transform conflict resolution and promote lasting peace. However, this ideal can only be realized through structural reforms that eliminate the geopolitical biases embedded within current legal frameworks. Iran's consistent advocacy for such reforms reflects its belief in a world where justice is not contingent on power but on principle.

In the final analysis, this research reaffirms the role of law as a tool for justice, not dominance. The path to peace in the Middle East—and indeed, across the globe—lies in the honest application of international legal standards. Until then, Iran's stand remains a beacon of resistance against a system that too often fails those it was designed to protect.

## References

1. Bassiouni, M. C. (2011). *Introduction to International Criminal Law*. Martinus Nijhoff Publishers.
2. Cassese, A. (2008). *International Criminal Law* (2<sup>nd</sup> ed.). Oxford University Press.
3. Schabas, W. A. (2017). *An Introduction to the International Criminal Court* (5<sup>th</sup> ed.). Cambridge University Press.
4. Akhavan, P. (2001). Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities? *American Journal of International Law*, 95(1), 7–31. <https://doi.org/10.2307/2642034>
5. United Nations. (1945). *Charter of the United Nations and Statute of the International Court of Justice*. <https://www.un.org/en/about-us/un-charter>

6. International Committee of the Red Cross. (1949). Geneva Conventions of 1949 and Additional Protocols. <https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/>
7. Rome Statute of the International Criminal Court, July 17, 1998, 2187 U.N.T.S. 90.
8. Human Rights Watch. (2021). Israel: Apparent War Crimes During May Fighting in Gaza. <https://www.hrw.org/news/2021/07/27/israel-apparent-war-crimes-during-may-fighting-gaza>