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DATA REPORT AUGUST 10, 2026

# Is Israel Committing War Crimes in Gaza? What the Legal Record and the Published Counts Hold

*No court has entered a verdict. What the warrants, the treaty standards, the named findings and the parties' own counts record.*

War Crimes

Gaza

Rome Statute

International Law

Antisemitism Research



No court has entered a verdict on war crimes in Gaza: the record holds zero trials and zero convictions, and the furthest any court has gone is the International Criminal Court's Pre-Trial Chamber I decision of 21 November 2024, which issued arrest warrants for Benjamin Netanyahu and Yoav Gallant on a finding of reasonable grounds to believe, the lowest of the three standards the Rome Statute of 1998 sets. Outside the courts, three named investigative bodies have published formal findings of war crimes, enumerating at least four distinct categories of conduct rather than one charge. Israel has published its own counts of what it says entered Gaza, including COGAT's figure of 1,778,363 metric tons of food between 10 October 2025 and 7 June 2026, a party's own reporting rather than an audited tally. Where the classification moves from war crimes to genocide, named organizations are on record on both sides.

## Key Findings

- The Rome Statute of the International Criminal Court, adopted in 1998, sets three ascending evidentiary standards before a war crime is established in law: reasonable grounds to believe (Article 58), substantial grounds to believe (Article 61), and proof beyond reasonable doubt (Article 66). No case arising from the war in Gaza has passed the first of the three.
- COGAT, a unit of Israel's Ministry of Defense and a party to the events it describes, recorded 1,778,363 metric tons of food entering Gaza between 10 October 2025 and 7 June 2026, on tonnages self-declared by suppliers rather than weighed at the crossings.
- The Israel Defense Forces reports delivering or coordinating over 1.9 million tons of aid from the start of the war to 19 August 2025, its own self-published count and stated as a floor rather than an exact total.
- The Palestinian Central Bureau of Statistics reported Gaza at about 2.13 million people at the end of 2025, a decline of approximately 254,000, which it states is a decrease of 10.6% against pre-aggression population estimates, attributing the change to war-related deaths, missing persons, reduced births and forced out-migration.

- Becker, Ascone and Troschke (2022, peer-reviewed) found 26.9% of 1,504 UK comments on leading media Facebook pages during the May 2021 escalation were antisemitic under an IHRA-based coding scheme, with the apartheid analogy appearing in 5.2% and the Nazi analogy in 4.2% of those comments.

## Has any court convicted Israel of war crimes in Gaza?

No court has convicted anyone of war crimes in Gaza. No trial has opened and no verdict has been entered. The furthest the legal record runs is the International Criminal Court's Pre-Trial Chamber I decision of 21 November 2024, which issued arrest warrants for Benjamin Netanyahu and Yoav Gallant on a finding of **reasonable grounds to believe**, the court's lowest evidentiary threshold.

Under Article 58 of the Rome Statute, a Pre-Trial Chamber issues a warrant where there are reasonable grounds to believe the person committed a crime within the court's jurisdiction and where arrest appears necessary to ensure appearance or to prevent obstruction. The provision is a mechanism for compelling a suspect before the court. It is not a determination of guilt, and the statute's own text says nothing about probability of conviction at that stage.

The warrants of 21 November 2024 concerned the war crime of starvation as a method of warfare and crimes against humanity. They are, as of this writing, unexecuted.

That matters procedurally. Article 63(1) of the Rome Statute requires that the accused be present during trial, so the court conducts no trial in absentia. A case in which warrants remain unexecuted cannot advance to the confirmation of charges under Article 61, and cannot reach the standard of proof the statute reserves for conviction. The distance between the warrant stage and a verdict is not a matter of time alone; it is two further evidentiary thresholds, each set higher than the last.

No national court judgment on these allegations appears in the record. The claim commonly framed as settled, that Israel has been found to have committed war crimes, corresponds in the judicial record to one set of warrants at the statute's lowest threshold, and to nothing further.

## **Which bodies have formally found war crimes in Gaza?**

Three named bodies have published formal findings of war crimes in Gaza: the UN Independent International Commission of Inquiry on the Occupied Palestinian Territory, in October 2024 and again in 2025; Human Rights Watch, on 14 November 2024; and Amnesty International, in October 2023 and again in December 2024. Each is a finding by an investigative body under its own mandate, not a judgment of a court.

The Commission of Inquiry was established by the UN Human Rights Council in May 2021 with an open-ended mandate covering the Occupied Palestinian Territory and Israel. Its October 2024 report stated findings of war crimes and the crime against humanity of extermination in connection with attacks on Gaza's health facilities and with the treatment of detainees. Its 2025 reporting stated findings of war crimes including disproportionate attacks and the destruction of cultural and religious sites without military necessity.

Human Rights Watch's statement of 14 November 2024 held Israeli authorities responsible for war crimes and crimes against humanity, centring on mass forced displacement of civilians. Amnesty International's October 2023 statement said specific Israeli attacks in Gaza must be investigated as war crimes; in December 2024 it published its conclusion that the threshold for genocide had been met.

The same Commission of Inquiry reported in June 2024 that Hamas had also committed war crimes. Findings against the parties to this conflict do not run in one direction in the investigative record, and a summary that names only one party is describing part of it.

What these bodies share is the form of the output. Each investigates under a mandate it holds, applies its own definitions and its own evidentiary standard, and publishes the result under its own name. None takes evidence under the rules of procedure that bind a criminal trial, and none carries the power to enter a verdict. The findings are dated, attributable and public. They are also, by their own terms, findings by investigative bodies rather than adjudications.

## **What specific conduct do those findings name?**

The findings name at least four distinct categories of conduct rather than one undifferentiated charge: **intentionally directing attacks against civilians, starvation as a method of warfare, forcible transfer, and cruel or inhuman treatment**, as the Commission of Inquiry set them out in October 2024. Each corresponds to a separate provision of the Rome Statute, with its own elements.

The mapping is worth stating precisely, because the four are not variations on a single accusation. Intentionally directing attacks against the civilian population as such, or against individual civilians not taking direct part in hostilities, is Article 8(2)(b)(i). Intentionally using starvation of civilians as a method of warfare, including by wilfully impeding relief supplies, is Article 8(2)(b)(xxv). Unlawful deportation or transfer is a grave breach under Article 8(2)(a)(vii). Torture or inhuman treatment is a grave breach under Article 8(2)(a)(ii).

Each provision carries different elements of proof. Article 8(2)(b)(i) turns on the object of the attack and on intent under Article 30, which requires that the perpetrator meant to engage in the conduct and meant to cause the consequence or was aware it would occur in the ordinary course of events. Article 8(2)(b)(xxv) turns on deprivation of objects indispensable to survival and on the purpose of that deprivation. The grave-breach provisions turn in part on the status of the person affected under the 1949 Geneva Conventions. A finding on one says nothing automatic about another.

The bodies also differ in emphasis. The ICC Prosecutor's application of May 2024 named starvation as a method of warfare and attacks against the civilian population. Human Rights Watch's November 2024 statement centred on mass forced displacement. The Commission of Inquiry's October 2024 report reached detention and treatment of detainees alongside attacks on health facilities.

Compressing these into the single phrase war crimes loses the information that distinguishes them: which conduct, which provision, which elements, and which body measured what.

## **What has to be proven before a war crime is established?**

Three ascending standards apply before a war crime is established in law, all set by the Rome Statute of 1998: **reasonable grounds to believe** at the arrest-warrant stage under Article 58, substantial grounds to believe at confirmation of charges under Article 61, and proof beyond reasonable doubt at conviction under Article 66.

Article 8 of the statute defines war crimes in two principal branches: grave breaches of the Geneva Conventions of 12 August 1949, and other serious violations of the laws and customs applicable in international armed conflict within the established framework of international law. The article then enumerates the individual offences, each with its own specified elements.

### The three evidentiary standards the Rome Statute sets

EACH STAGE REQUIRES A HIGHER SHOWING THAN THE ONE BEFORE IT



*No case arising from the war in Gaza has advanced past the first stage.*

*Source: Rome Statute of the International Criminal Court, 1998, treaty text.*

Two further provisions govern what a court has to find. Article 30 sets the mental element: unless otherwise provided, a person is criminally responsible only where the material elements are committed with intent and knowledge. Article 66(1) states that everyone is presumed innocent until proved guilty before the court in accordance with the applicable law, and Article 66(3) requires the court to be convinced of guilt beyond reasonable doubt.

Proportionality carries its own text. Article 8(2)(b)(iv) covers intentionally launching an attack in the knowledge that it will cause incidental loss of life or injury to civilians, or damage to civilian objects, which would be **clearly excessive** in relation to the concrete and direct overall military advantage anticipated. The word clearly, and the reference to the advantage anticipated rather than achieved, are both in the treaty text, and both are load-bearing at trial.

The gap between an investigative finding and a legal establishment is not a formality. It is the difference between a body publishing what it concluded and a court applying Articles 30, 61, 66 and 8 to a named individual on a specified charge.

## What does Israel's own reporting say about the aid allegations?

COGAT, the Israeli Ministry of Defense unit that coordinates aid, records **1,778,363 metric tons** of food entering Gaza between 10 October 2025 and 7 June 2026. That is COGAT's own count, published by a party to the events it describes and not independently verified, and its tonnages rest on self-declaration by humanitarian organizations and private suppliers rather than on weighing at the crossings.

Starvation as a method of warfare is one of the four categories named in the investigative findings, and it is the category on which Israel has published the most of its own data. The relevant figures, each attributed to the body that published it:

| Figure, as the publishing body reports it                                                  | Period                              | Publishing body                          |
|--------------------------------------------------------------------------------------------|-------------------------------------|------------------------------------------|
| <b>1,778,363 metric tons</b> of food recorded entering Gaza                                | 10 October 2025 to 7 June 2026      | COGAT, 2026                              |
| <b>Over 1.9 million tons</b> of aid delivered or coordinated                               | Start of the war to 19 August 2025  | Israel Defense Forces, 2025              |
| <b>More than 106,000</b> aid trucks, carrying over two million tons                        | 7 October 2023 to 14 September 2025 | Permanent Mission of Israel, 2025        |
| <b>Over 70,000 tons</b> of aid entered Gaza, including over 6,500 tons of medical supplies | To 16 December 2023                 | Israel Ministry of Foreign Affairs, 2023 |
| <b>Over 13,000</b> people the IDF describes as terrorists eliminated in Gaza               | To 29 February 2024                 | IDF Spokesperson, 2024                   |

Source: each figure is the publishing body's own self-reported count, produced by a party to the conflict and not independently verified. Figures written as over or more than are floors, not exact totals. The classification of those counted in the final row is the IDF's own characterisation.

COGAT's 2026 report also states more than 70,000 cubic meters of water per day facilitated through external lines and desalination, 18,000 tons of medical supplies since 10 October 2025, and a food entry it puts at nearly threefold the World Food Programme's monthly requirement benchmark, a ratio in which only the numerator is COGAT's own measurement. The same report does not identify the source of the Gaza food price data it cites.

These counts are what one party to the conflict has published about its own conduct. They are records of what that party states entered, not measurements of what reached households, and they are dated to their own windows.

## **How much of Gaza's civilian infrastructure do UN investigators record as damaged?**

The Commission of Inquiry reported in 2025 that **90%** of Gaza's schools and universities had been damaged or destroyed, its own assessment under its own methodology, alongside 53% of religious and cultural sites, and stated that destruction without military necessity could amount to war crimes.

Those two shares are the Commission's own published figures, not an official statistic and not an independently audited survey. The Commission does not publish a single civilian casualty total alongside them, and its findings are framed around patterns of attack rather than one aggregate count. The distinction between a damage share and a death toll runs through much of the reporting on [civilian harm in Gaza](#), and the two are not substitutes for one another.

The official statistical record documents the demographic change separately. The Palestinian Central Bureau of Statistics, the national statistical office, reported Gaza at about 2.13 million people at the end of 2025, a decline of approximately 254,000, which it states is a decrease of 10.6% against pre-aggression population estimates. The Bureau attributes that change to war-related deaths, missing persons, reduced births and forced out-migration. It is a net demographic estimate, not enumeration, and not a casualty count.

The same brief reports separately that roughly 2.2 million people were living in Gaza on the eve of the war, that nearly two million of them were displaced, and that roughly 100,000 have left the Strip. It also reports 70,942 deaths in Gaza by the end of December 2025, a figure it

attributes to the Palestinian Ministry of Health rather than measuring itself. Which body measured a number, and which body relayed it, is the difference between two very different claims, and it is one of the recurring reasons [published Gaza death counts diverge](#).

Damage shares, population estimates and ministry-attributed death tolls are three different measurements produced by three different methods. Each is dated and attributable; none of the three is derivable from the other two.

## **Where do the classifications disagree, war crimes or genocide?**

The classification is contested, and the dispute is arithmetic as much as legal. The Jerusalem Center for Security and Foreign Affairs published in 2025 a ceiling of **at most 41,000** civilians in Gaza dead of war-related causes, derived by its own subtraction of estimated natural deaths and Israel's count of fighters killed from a total reported by the Gaza Ministry of Health, against Amnesty International's December 2024 conclusion that the threshold for genocide had been met.

The Jerusalem Center states on the same page that neither the 67,000 total nor the 21,000 fighters estimate has been independently confirmed, and that the first has been challenged. Its 41,000 is a stated ceiling produced by arithmetic on inputs supplied by parties to the conflict, not a count.

On the classification itself, named organizations are on record on both sides and use different definitions. Amnesty International published its genocide conclusion in December 2024; the Commission of Inquiry reached a genocide finding in September 2025. Against that classification, the American Jewish Committee published "5 Reasons Why the Events in Gaza Are Not 'Genocide'" in 2025, and the Jerusalem Center published its 2025 essay comparing the Gaza death counts with those of two world wars, the Korean War and four historical genocides.

NGO Monitor, an organization with an explicit advocacy mission, disputes the methodology of the reporting network rather than the classification directly: its 2024 annual report states that it identified 157 groups in the United States and 111 in Canada as linked to what it calls an anti-Israel network, its own mapping on criteria it does not publish, and attributes \$28

million in funding cut off by government funders to its own work, a self-attributed figure rather than an audited total.

The legal terms are not interchangeable. Article 6 of the Rome Statute defines genocide as enumerated acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such. Article 8 defines war crimes without any such requirement of destructive intent toward a group. A finding under one article does not establish the other, and the two carry different elements of proof.

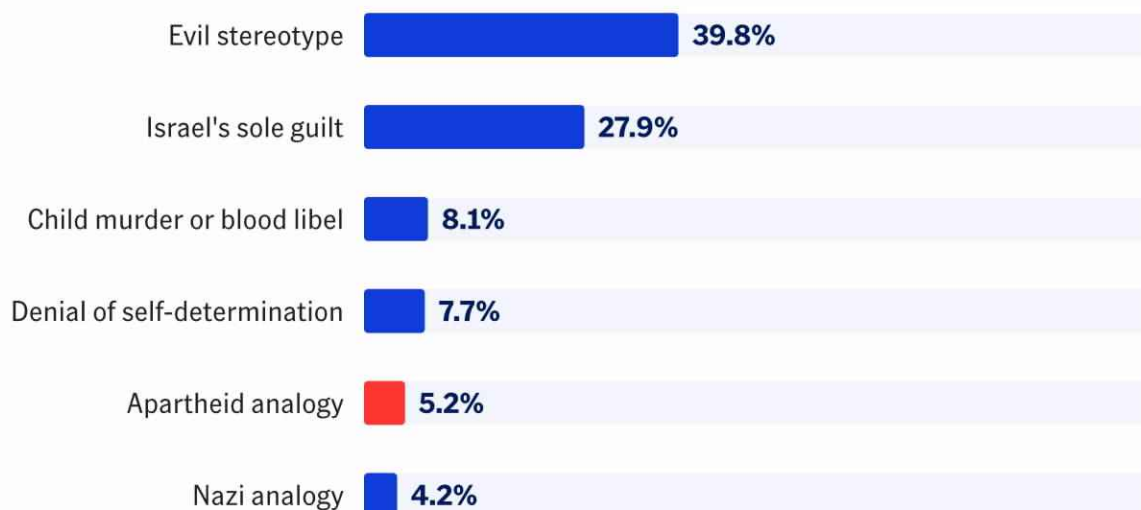
## Does this framing coincide with measured shifts in attitudes toward Jews?

Becker, Ascone and Troschke (2022, peer-reviewed) found **26.9%** of 1,504 UK comments on leading media Facebook pages reacting to the May 2021 escalation were antisemitic under an IHRA-based coding scheme.

The same study coded 12.6% of 1,500 French comments and 13.6% of 1,520 German comments as antisemitic, and recorded which framings the antisemitic comments used.

### Which themes appeared in antisemitic comments on UK media pages

SHARE OF THE ANTISEMITIC COMMENTS AMONG 1,504 UK COMMENTS CODED, MAY 2021 ESCALATION



Source: Becker, Ascone and Troschke, 2022, peer-reviewed. Categories are non-exclusive.

The study also reports that thread context was needed to infer the antisemitic meaning in 38.7% of the UK antisemitic comments, so a comment-level count without context understates the share.

Two survey programmes measure what accompanies particular framings. Enstad (2026, peer-reviewed, abstract-sourced) ran two nationally representative Norwegian surveys, Study 1 with 1,575 respondents and a preregistered replication with 1,653, measuring endorsement of Holocaust inversion, the belief that Israel treats Palestinians as badly as Jews were treated during the Second World War. In both studies, endorsement was associated with justification of harassment and violence against Jews, and with refusal to take a stance against such aggression. The design is cross-sectional and the association is correlational.

Ozer, Obaidi and Bergh (2025, peer-reviewed, abstract-sourced) ran two experiments with British samples, 354 and 490 participants, priming participants with war-in-Gaza material. They report two separate pathways to anti-Jewish hostility: one running through social dominance orientation, and one running through out-group identity fusion with the Palestinian people, which they describe as conflating attitudes toward Israel with prejudice toward Jews. Whether measured antisemitism [rises around conflict episodes](#) is a separate question with its own evidence.

None of these studies measures the accuracy of any legal characterisation. They measure what is said, by whom, and what it travels with.

## **Methodology and limitations**

This report assembles the record of what has been charged, found, defined and published on the question, and the peer-reviewed measurements of associated discourse. It does not measure the underlying conduct in Gaza.

Source types are labelled throughout. The treaty text is the Rome Statute of the International Criminal Court, adopted in 1998 and in force since 1 July 2002; article numbers and standards are quoted from it. Findings by investigative bodies are named and dated as findings published by those bodies under their own mandates and their own evidentiary standards, which are not the standards of a criminal trial. Figures published by Israeli

government bodies, COGAT, the Israel Defense Forces, and the Ministry of Foreign Affairs, are attributed as that party's own reporting; they are self-published by a party to the events, are not independently verified, and where written as over or more than are floors rather than exact totals. COGAT's tonnages rest on self-declaration by suppliers rather than weighing at the crossings.

The Palestinian Central Bureau of Statistics figures are estimates rather than enumeration. Its reported decline of approximately 254,000 people and its stated 10.6% decrease share a base of about 2.384 million; the 2.2 million pre-war residents it reports is a different quantity and is not the denominator of that percentage. The 70,942 deaths it reports are attributed by the Bureau to the Palestinian Ministry of Health and were not measured by the Bureau.

No national court judgment on these allegations appears in the record assembled here, and no international verdict exists to cite. The Jerusalem Center's 41,000 is a stated ceiling produced by its own arithmetic on inputs supplied by parties to the conflict, not a count, and the Center states on the same page that its inputs are unconfirmed. NGO Monitor's mapping counts and its \$28 million figure are its own self-reported and self-attributed numbers, published under an advocacy mission, with inclusion criteria not stated.

The three studies in the final section are correlational. Enstad (2026) and Ozer, Obaidi and Bergh (2025) are abstract-sourced, so reported detail is limited to what the abstracts state. None supports a causal claim, and none is presented as one.

## Conclusion

So: is Israel committing war crimes in Gaza? In law the answer sits at a precise and unfinished point. Three ascending standards separate an allegation from an established war crime, and one warrant decision of 21 November 2024, entered at the lowest of the three, is as far as any court has moved. No trial has opened, and Article 63 of the Rome Statute keeps one from opening while the warrants are unexecuted.

Outside the courts the record is fuller and it is dated. The Commission of Inquiry, Human Rights Watch and Amnesty International each published findings of war crimes between October 2023 and 2025; the same Commission published a finding of war crimes by Hamas in

June 2024. Those findings enumerate four separate categories of conduct mapping to four separate provisions of Article 8, each with different elements. Israel has published its own counts against the starvation allegation, 1,778,363 metric tons of food per COGAT for one eight-month window, over 1.9 million tons of aid per the IDF for another, and those counts are a party's own reporting. Where the classification moves to genocide, Article 6's requirement of intent to destroy a group as such is a different element of proof from anything in Article 8, and named organizations sit on both sides of whether it is met.

What the measured research adds is that this vocabulary does not stay inside the legal argument. Becker, Ascone and Troschke recorded the apartheid analogy in 5.2% and the Nazi analogy in 4.2% of the antisemitic UK comments they coded in 2021; Enstad recorded, across 3,228 Norwegian respondents in two surveys, that endorsement of Holocaust inversion travelled with justification of aggression against Jews.

That is the pattern worth putting to the reader. A legal term with elements, thresholds and a court behind it is circulating years ahead of any court's ability to apply it, and Becker and colleagues found it arriving in ordinary comment threads with older material attached to it. Which part of what spreads is the charge, and which part is the freight it picks up on the way?

## **Frequently Asked Questions**

### **How does an arrest warrant differ from a conviction at the International Criminal Court?**

Article 58 of the Rome Statute requires only reasonable grounds to believe a person committed a crime within the court's jurisdiction, while Article 66(3) requires the court to be convinced of guilt beyond reasonable doubt before conviction. Article 61 sets a third standard in between, substantial grounds to believe, at the confirmation of charges. Article 66(1) applies a presumption of innocence throughout.

### **Which body established the UN Commission of Inquiry, and what does its mandate cover?**

The UN Human Rights Council established the Independent International Commission of Inquiry on the Occupied Palestinian Territory in May 2021 with an open-ended mandate

covering the Occupied Palestinian Territory and Israel. It investigates and publishes findings under its own procedures; it does not take evidence under criminal rules of procedure and cannot enter a verdict.

### **Has any body found that Hamas committed war crimes?**

Yes. The same Commission of Inquiry reported in June 2024 that Hamas had committed war crimes, alongside its findings concerning Israel. Findings in the investigative record run against both parties to the conflict.

### **What does proportionality mean in the treaty text?**

Article 8(2)(b)(iv) of the Rome Statute covers intentionally launching an attack in the knowledge that it will cause incidental civilian loss or damage that would be clearly excessive in relation to the concrete and direct overall military advantage anticipated. Both the word clearly and the reference to anticipated rather than achieved advantage are in the text and are elements a court would have to apply.

### **Who counts the aid entering Gaza, and how is it counted?**

COGAT, a unit of Israel's Ministry of Defense, publishes the entry figures, including 1,778,363 metric tons of food between 10 October 2025 and 7 June 2026. Its own report states that tonnages rest on self-declaration by humanitarian organizations and private sector providers rather than weighing at the crossings, so the counts are a party's records of declared cargo.

### **Why is Gaza's reported population decline not a death toll?**

The Palestinian Central Bureau of Statistics attributes the approximately 254,000 decline it reported for the end of 2025 to four components: war-related deaths, missing persons, reduced births and forced out-migration. It separately reports that roughly 100,000 people have left the Strip. The figure is a net demographic estimate across those components, not a count of deaths.

### **How is genocide defined differently from a war crime?**

Article 6 of the Rome Statute requires that enumerated acts be committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such. Article 8, which defines war crimes, contains no equivalent requirement. A finding under one article does not establish the other.

### **What have researchers measured about how these framings spread?**

Becker, Ascone and Troschke (2022) coded 4,500 comments across three languages and found 26.9% of 1,504 UK comments antisemitic, with the apartheid analogy in 5.2% of those. Ozer, Obaidi and Bergh (2025) ran two British experiments, with 354 and 490 participants, identifying two separate pathways to anti-Jewish hostility after exposure to war-in-Gaza material. Both are correlational.

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