

The international criminal responsibility of a journalist for inciting the commission of war crimes and crimes against humanity: A case study on Ukraine and Palestine

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Abstract

The research aims to evaluate the criminal responsibilities at the international level of a journalist in cases inciting crimes mainly against humanity as well as the significant commission of war crimes by providing the case context of Palestine and Ukraine. For example, according to the literature review, it can be stated that within Ukraine, the war crimes committers, as well as the aggression crimes, are included within the similarity-worded provision of the “Ukrainian Criminal Code”. In the case of collecting the data to meet the research aim, mainly the “secondary qualitative data” collection and even the case study analysis by conduction of themes had been done. The result of this paper stated that due to the crime-related learnings among the journalists and not following the ICC law influenced them to incite the “crime against humanity” and even war crimes. In conclusion, this result recommends that they evaluate the crime in depth alignment with the “International Law” both in Palestine and in Ukraine.

Keywords: “International criminal responsibility”, “crimes against humanity”, “commission of war crimes”, Ukraine, Palestine, Civilians, violence

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1. Introduction

“International criminal responsibility” mainly holds a person who is accountable for the most serious level of crime like war crimes, genocide, as well as “crimes against humanity” through international law or even the courts like the “International Criminal Court” (ICC). In the case of the “commission of war crimes”, the journalists are highly protected, as they do not take a direct part in the hostilities (Bantekas, 2025). Such as News media, even when utilised for propaganda purposes, as well as enjoy immunity from attacks, except when they are significantly utilised for the purposes of the military as well as to incite genocides, war crimes, and even acts of violence.

For example, the “Criminal Code of Ukraine” has “Article 161” which provides a higher level of liability in case of violating citizen equality based on their national affiliation, race, disability, religious beliefs, as well as some other grounds (Ukraine.un.org, 2025). Following this code, the ICC alleged “Sergei Shoigu” as he was highly associated with war crimes due to the unlawful type of child deportation from Ukraine to Russia (Gozzi, 2024). Ukraine is not established as a member of the ICC but the country even has accepted the jurisdiction of the court over the alleged crime that happened on their territory. In that case, the journalists have played a greater role in publicly advocating and justifying the war crime, which incited the violence.

On the other hand, in the context of Palestine, the main target of journalists as well as media organisations violated the core right to life as well as “freedom of expression”. In that case, the cases elaborated to the prosecutor ICC are emblematic of the systematic, ongoing attacks as well as the utilisation of lethal force against the media and even journalists within Palestine through the security services in Israel (Bindmans.com, 2024). These media organisations and even the journalists were highly attacked and even targeted within the circumstances that provide rise to the stronger level of ground for suspecting that the crimes and even war crimes against the high humanity have been committed.

Focusing on this context, the research aims to execute the “international criminal responsibility” of a journalist for truly inciting the “crimes against humanity” and even the “commission of war crimes”.

2. Literature review

“International criminal responsibility” of a journalist in case of war crime commission

As per the statement of Frédéric Mégret and Camille Marquis Bissonnette, (2024), a number of problems and even violations are raised in regards to the attributable journalism practices within the Ukraine. In that case, the goal is to make depth focus on the prisoners of war who were mainly recognised as criminals. The allegation is mainly developed by the “Russian Federation” that the injury, death as well and destruction are mainly accomplished to Russia with the help of journalists, authorities, NGOs, and even the media of Ukraine. In contrast, White, (2024) has stated that under the “international law”, and “Article 19” of the “Universal Declaration of Human Rights”, the journalist mainly have their core rights for reporting on the conflict. In that case, according to “Article 20” of “The International Covenant on Civil and Political Rights”, the journalists within Palestine are denoted as the protected individuals in the armed level of conflict under “The Geneva Conventions” and “International Humanitarian Law (IHL)”.

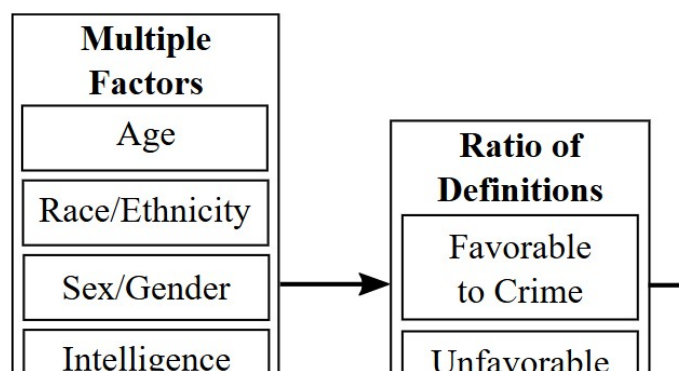


Figure 1: Perspective of “differential association theory” of crime Source: (Ioffe, 2023)

Along with this, Ioffe, (2023) from the perspective of the “differential association theory” of crime, journalists within Ukraine following the ICC were protected generally and did even not participate directly in engaging in the actions, which highly facilitated the “commission of war crimes” due to the lack of opportunities for the deviance. However, in that case, a journalist leads to activities like direct involvement in incitement, and combat to violence, as well as aiding the perpetrators of the crime of war leads to facing “international criminal responsibility”. In contrast, within Palestine, journalists lead to cover the conflict between Palestine as well as Israel. On the other hand, Weatherall, (2022) has stated that in Palestine, in the case of the “war crime commission”, the “criminal responsibility” of the journalists is based on their proper engagement in illegal activities. Moreover, the journalists are even can be accused of inciting higher violence and hatred and even spreading propaganda, which helps in encouraging war crimes.

“International criminal responsibility” of a journalist in case of crime against humanity

As per the statement of Ioffe, (2023), the ICC denotes that crimes against humanity are followed by some attacks against the population which are included rape, torture, murder, and even some others. In that case, both in Ukraine as well as in Palestine, the preliminary role of the journalists is to facilitate, encourage, as well as incite actions that can be able to directly contribute to the conduction of the “crime against humanity”. Ukraine is mainly not denoted the state party to the ICC but also accepted the jurisdiction of the ICC over the crimes created within the territory. This leads to a focus on the ongoing level of conflict means that the ICC can prosecute and investigate the crimes committed within the entire Ukraine including the “crimes against humanity”. In contrast, Sato, (2021) has stated that within Palestine, the situation is highly contentious and politically admired. In the case of the conflict between Israel and even Palestine conflict, a number of crime allegations have been noticed against humanity as per the perspective of “labelling theory” due to the deviant individuals. In that case, a journalist who reported on this with incendiary content and disseminated it in hateful ways contributed to the higher level of international security.

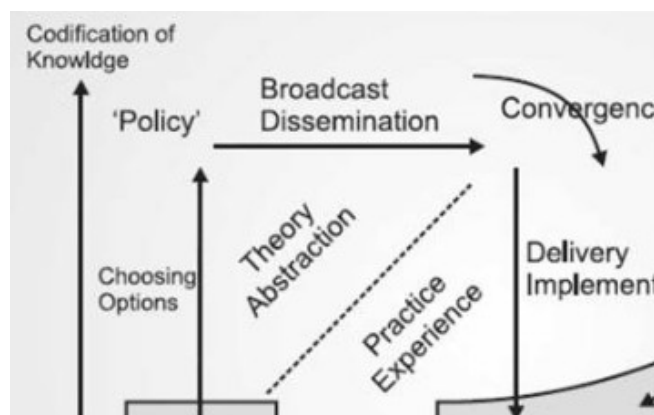


Figure 2: Perspective of social learning theory Source: (Senthan Selvarajah and Fiorito, 2023)

On the other hand, in the case of the “Gaza war (2014)”, it was even claimed that certain levels of media outlets both in the international context and in Gaza incited a higher level of violence (Tasseron, 2023). In that case, from the perspective of the “social learning theory” of crime, the journalists mainly spread hateful and misleading rhetoric like the killing of civilians as well as some other crimes highly against humanity as per their learning related to crime. This led to the conduct of crimes like civilian attacks that increased the conflict situations and led to the conducting of more crimes. In contrast, Senthan Selvarajah and Fiorito, (2023) have stated that during the time of the conflict between Ukraine and even Russia, journalists published such kind of content that encouraged negative comments against Ukraine. This led to the mistreatment or even the deduction of the civilians, as well as targeted military that led to incitement of crime.

Literature gap

The literature review has created some gaps by not evaluating some case studies in depth in order to execute the “international criminal responsibility” of the journalist in case of inciting a higher level of crime against the people as well as the conduction of war crimes. The literature review has even created some gaps on not executing the ways journalists can be protected under the ICC during the time of any conflict situation.

Research objectives

Following the literature gap, the research objectives are stated below,

- To evaluate the “international criminal responsibility” of the journalists
- To highlight the ways of “international criminal responsibility” of the journalists in case of inciting the “crime against humanity” within Palestine and Ukraine
- To find out the ways international criminal responsibility” of the journalists in case of inciting the “commission of war crimes” within Palestine and Ukraine

Research questions

- What are the major “international criminal responsibility” of journalists?
- How does the “international criminal responsibility” of the journalists incite the “crime against humanity” both within Ukraine and within Palestine?
- How does the “international criminal responsibility” of the journalists incite the commission of war crimes” both within Ukraine and Palestine?

3. Method

This study is mainly focused on evaluating the contributions of the “International Criminal responsibility” of the journalist and, at the same time, their role in inciting violence. Choosing the appropriate philosophy is essential and will help to identify the complexity of social phenomena and understand the relationship between the variables. Therefore, choosing the realism philosophy would be appropriate as it has been creating advantages to recognize the importance of social structures and even power dynamics to shape the outcomes (Putnam, 2020). On the other hand, the research approach will ensure that data-driven decisions are made and understand the pre-existing hypothesis. It is required to use the inductive approach as this study mainly starts with observation and collecting data, which again moves towards developing the theories (Varpio et al., 2020). Therefore, the non-

numerical data are used in this study where the inductive approach is an appropriate choice to evaluate the complexity of the topic and understanding of the context that could be helpful to achieve the objectives. Aiming to confirm the hypothesis rather than developing the new phenomenon is associated with a deductive approach, which might not be effective for this particular research.

The qualitative study is employed where using the uh case study analysis such as documentary analysis and media analysis are adopted to gather data. The multiple case study design is based on the conflict in eastern Ukraine and the Israeli-Palestinian. Using these case studies helped to explore the criminal responsibility of the journalist for inciting war crimes in both Ukraine and Palestine. As a result, it will ensure to collection of necessary data for analyzing them and ensure the research outcomes by achieving its objectives. The review of the existing literature, including academic articles, adopts the documentary analysis, and the news articles are also used to understand the role of the journalist. After the collection of data, choosing the appropriate analysis method will help to enhance the quality of the research. In this case, the thematic analysis is an appropriate choice to analyse the qualitative data by identifying encoding themes (Squires, 2023). Six themes were developed by examining journalist freedom, threats to speech, and many more, and it has ensured analysis of the proper case study for developing the themes. Furthermore, this study has contributed to maintaining ethics by adhering to the principles of confidentiality and anonymity. The information was not shared with any other people who were not related to the research, and at the same time, the data were stored in a secure place. It will help to maintain academic integrity, and this research will be free from plagiarism and the use of any AI content (Kumar et al., 2024). Ethical consideration has been maintained, and this research will create opportunities to identify the challenges faced by journalists while reporting on a conflict situation and the role of international organisations in saving their protections.

4. Result

Theme 1: War crimes in Ukraine

According to this case, i.e. the *Ukraine and Russia war*, some journalists are highly concerned about the evidence and even reports of the human rights abuses as well as war crimes within Ukraine as the result of the 2020 invasion of Russia. In that case, the violating information of the journals incited the Russian forces for conducting a number of war crimes including the international level of civilians (Congress.gov, 2025). Wide ranges of human rights violations and war crimes highly alleged have rapidly shifted due to the involvement within the conflicts. Thus, it can be stated that within Ukraine the criminal responsibilities of journalists at the international level led to the violation of human rights and war crimes that led to the Russia-Ukraine war which met both the second and third objectives.

Theme 2: Israel and Palestine war

In the case of the Palestine and even Israel war, “*Reporters Without Borders (RFS)*” provided a core complaint mainly to the ICC in the context of stating that the commission of war crimes against the journalists in Palestine and even Israel. It cited death mainly for the nine journalists (United Nations, 2023). According to the documents of the journalists, also three “Palestine Human rights organisations” which are the “Palestinian Centre of Human Rights”, Al Mezan, and even Al-Haq filled complaints to the ICC for this war crime and requested to take immediate arrest warrants for those Israeli leaders. Thus, it can be stated that the journalist has taken a core action against the creation of war crimes, which during the Palestine and Israel war even helped in meeting both the third and second objectives.

Theme 3: Criminal responsibilities

In case context of the “*Ukraine Assessment*” of the “*Draft Law (11538)*”, Ukraine journalists after and before inciting the “crime against humanity” and even war crime conduction, need to revise the international crime in whole detailed in alignment with the “international law” coordinated by ICC (Chlevickaite, 2025). At a time when Ukraine has made high strides in case of incorporating the provision of international crimes with the legal framework then it leads to make significant gap in the case of hindering the effective level of procession of “crime against the humidity” as well as war crimes. Thus, at the international level, the key responsibility of journalists is to follow the internal law to strengthen the commitment of the state to international justice, which helps in meeting the first objective positively.

Theme 4: Protecting Journalist Freedom

Based on the case study of Oxford University, discusses the complex issues of holding the accountability of journalist, particularly for their role in inciting violence. Application of international laws is essential to journalists who incite crimes during the war and against humanity. It has highlighted the tension between preventing incitement and protecting the journalist's Freedom (Jacob, 2024). Emphasizing the need for holding journalist accountable for their action is an essential role played by them to share the necessary information with the public. This case study highlighted the importance of the cooperation of the international authorities to address the issues of incitement. It has demonstrated the operations of the journalist in the context of wars and identified the risk in Ukraine that represented human protection based on global governance. The multilateral system needs to be protected, and focusing on the protection accountability of the journalist is one of the important criteria for emergent the "Human Protection Transnational Legal Order" (Jacob, 2024). The diverse international efforts and the pursuit of accountability occurred during the geopolitical tension that is directly associated with the protection interventions.

Theme 5: Global threats to freedom

The report of the United Nations on the protection of the right to freedom highlighted the global threats to express opinion that has created conflict. It has emphasized the threat of freedom while sharing the expression about the global crisis that has attacked the journalists and the media restrictions. More than 113 Palestinian journalists have been killed, and some of them are injured, which stated the actions of the military of Israel in Gaza (UN, 2024). It was one of the deadliest conflicts for media and journalists who worked globally, and it highlighted the facilities of media in Gaza had been destroyed. Internet access was disrupted, and access to the information for the journalists and shared with the public. As a result, public protests to support the people of Palestine have been disrupted or banned in several countries. Attacking the journalist endangered the access to information and suppressed the protest, which undermined the artistic freedom to share opinions about the political environment. Therefore, the inappropriate and even discriminatory restrictions destroyed the freedom of the journalist, and it has emphasized the importance of the "freedom to share opinions", which is considered an effective way to fight hate the same time, encourage mutual respect (UN, 2024). The legal standards of the international organisation should be monitored and ensure equal opportunities for freedom of expression and also provide media freedom that was criticized.

Theme 6: Importance of safeguarding

The "International Committee of the Red Cross" case study highlighted the effectiveness of providing safeguarding to the safety of journalists, particularly during conflict situations. The "international humanitarian law" is considered to protect the journalist. The ineffective application of this law has created difficulties for the journalists to ensure their safety, and it emphasized the need for the safety process to ensure their freedom to report. They faced various challenges, including killing detention torture, which has resulted in hindering their ability to report on any conflict situation (Balguygallois, 2023). The ICRC also highlighted that journalists faced danger in Ukraine, where they faced violence and intimidation. The safety protocol needs to be improved to minimize the risk, and the international organization should work together to promote journalist protection. The working conditions of journalists have deteriorated, and it needs to be prohibited that can provide opportunities for reporting. However, the ICRC worked to promote the protection of journalists, and it is essential to increase awareness about the safety of journalists and provide independence for developing reports and ensuring their safety.

5. Discussion

From the case study analysis with the help of the conduction of the themes, it can be derived that the main responsibility of a journalist at the international level of crime is to provide each statement against humanity-based crimes or war crimes in alignment with the international law supported by ICC. This helps in increasing the ability of a state to properly prosecute crimes at the international level and even leads to highly weakened commitments to the entire international justice. This data mainly executes the role of the journalists at the international crime level, which helps in meeting the first objective properly.

Apart from this, it is even found that the high concern and violating information of the human rights abuses within Russia about Ukraine led to the war crime along with the violation of human rights, which led to the "Ukraine and Russia war" in 2020. In contrast, it is even identified that in the case of Palestine, the application of the complaint to the ICC by the journalists regarding the death of the nine journalists in Palestine for the arrest of Israeli leaders led to the conduction of Palestine and even the Israel war. According to the collected data, it is

even derived that negative comments of the journalist led to the violation of human rights within the Ukraine like the civilian attacks and even in the Palestine war form of the Gaza war. It leads to meeting the second objective significantly by stating that at the international crime level, the journalists highly incite the crime against the civilians. In contrast, it can be significantly stated that the international responsibility related to crime among journalists leads to influence the war crime that helps in meeting the third objective significantly.

6. Conclusion

Based on the entire discussion of this research, it is concluded that at the international level of crime like the Ukraine-Russia war, Israel-Palestine war, Gaza war as well as some others, journalists are highly inciting the “crime against humanity” as well as the war crimes both in Ukraine and in Palestine. This helps in meeting the aim of the research properly. Following this conclusion, it is even recommended that in order to focus on the responsibility of the journalists during the international crime level, they need to revise the international crimes in total alignment with the ICC laws to strengthen the relationship with the civilians by weakening the crime commission.

7. Future work

Conducting a competitive analysis of various jurisdictions can help to identify the strategies adopted for ensuring the protection of journalists. Investigating the impact of criminal responsibility on the safety of the journals and examining the role of media regulation can also help to prevent incitement to violence. The mixed method approach can be used by combining the quantitative and qualitative methods by using the survey and interview, respectively, where the potential advantages can be provided to gain in-depth knowledge on this topic. Interviews and surveys with the journalists and policymakers can collect the first-hand data which will be used for developing the policy and designing the training program for the journalist on the criminal law and ethics while reporting on international issues.

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