

PALESTINE GENOCIDE APARTHEID & OCCUPATION

ISLAMOPHOBIA AND RACISM HAVE LED TO THE GENOCIDE
AND PERSECUTION OF PALESTINIANS

فلسطين

Palestine: Genocide, Apartheid, and Occupation

Authored by: Aiden Alexio

ISBN # 978-1-960709-09-7

Copyright © 2024 Justice For All

All rights reserved.

No part of this publication may be reprinted, reproduced, or utilized in any form or by any electronic, mechanical, or other means, without permission in writing from the publishers.

This report contains some copyrighted material. The material is distributed without profit to advance human rights education. We understand any such reproduction to be fair use under Section 107 of the Copyright Act 1976.

Justice For All Canada
100-4310 Sherwoodtowne Boulevard,
Mississauga, Ontario, L4Z 4C4, Canada
info@JusticeForAllCanada.org

Justice For All
27 E. Monroe St., #700, Chicago, IL 60603, USA
JusticeForAll.org
info@JusticeForAll.org

What is happening in Gaza right now is a textbook case of how genocide happens. The dehumanization of Palestinians is leading to their annihilation. We ask for an immediate ceasefire, the restoration of water, food, and fuel, the end of apartheid, and freedom for the Palestinian people. We ask the USA and its European allies to commit to freedom, equal rights, and dignity for both Palestinians and Israelis.

At the request of Justice For All the following three Nobel Peace Laureates signed the above statement.



Mairead Maguire

Nobel Peace Prize 1976, Ireland



Tawakkol Karman

Nobel Peace Prize 2011, Yemen



Adolfo Pérez Esquivel

Nobel Peace Prize 1980, Argentina



Preface

We are witnessing a genocide live in Palestine. As a result of the persecution experienced by Palestinians, a couple of cases have been commenced in the International Court of Justice (ICJ), who have deemed the current genocide “plausible” and implemented several preventative measures against the state of Israel.

The Genocide Convention has been ratified or acceded to by 153 countries, including the United States, Canada, Israel, and Palestine, who are thus subject to its provisions and obligations. In addition, the ICJ has ruled that the Genocide Convention embodies principles that are part of international customary law, and thus such principles are actually binding on all countries, whether or not they have ratified/acceded to the Genocide Convention.

The Genocide Convention requires countries to prevent and punish the crime of genocide. We hope there are no exemptions to this treaty.

This report outlines the growing consensus that what is happening in Palestine is a genocide, and how this is linked to Islamophobia and Anti-Palestinian racism. It will conclude with recommendations for the United States, Canada, and the United Nations.

I hope this report is of benefit to ending the suffering of Palestinians, as well as combatting genocides across the globe.

Taha Ghayyur
Executive Director
Justice for All Canada

Table of Contents

| | |
|---|----|
| 1. Executive Summary | 3 |
| 2. Introduction | 5 |
| 3. Genocide, War Crimes, Ethnic Cleansing, and Crimes Against Humanity Explained | 11 |
| 4. The Genocide of Palestinians | 17 |
| 5. The Ten Stages of Genocide | 34 |
| 6. The Impact on Palestinian Children | 46 |
| 7. Conclusion | 50 |
| 8. Policy Recommendations | 51 |
| 9. Endnotes | 60 |

1. Executive Summary

1.1 Introduction

Palestinians have been subjugated to decades of persecution by the Israeli government, including mass killings, displacement, military occupation, and a discriminatory legal regime.¹ Various UN human rights experts and international human rights organizations have found that by imposing a system of oppression and domination against Palestinians, Israel is committing the crime of apartheid.² Moreover, there is a long history of human rights scholarship and legal analysis that supports the assertion that Israel has been committing an “incremental genocide” against Palestinians for decades.³ Palestinians have long been advocating for the international community to take action against Israel’s oppression, and such calls have been significantly amplified in recent times.⁴

Since October 2023 violence towards Palestinians has escalated dramatically as Israel launched “Operation Swords of Iron” in response to a military offensive by Hamas, in which approximately 1,200 Israelis and foreign nationals were killed and 240 hostages were captured.⁵ Since this time Israel’s military campaign has killed over 30,000 Palestinians and injured over 72,000, with these numbers rising daily.⁶

1.2 The Growing Consensus of Genocide

There is a growing consensus that Israel is committing a genocide as part of its military campaign. Moreover, the persecution and discrimination faced by Palestinians arguably meets every stage of the “10 stages of genocide”, a common method of categorizing genocidal situations across the globe.⁷ In light of the foregoing, there is an urgent responsibility on the international community to shift its approach and alleviate the situation for Palestinians.

The manner in which Israel has conducted its military operations, combined with public statements from various Israeli officials evidencing genocidal intent, suggests that the Genocide Convention has been breached.⁸ Notably, South Africa has launched a case at the International Court of Justice (ICJ) charging Israel with genocide.⁹ In a provisional Order, the ICJ has confirmed that a plausible genocide is occurring in the Gaza Strip.¹⁰ Similarly, the Center for Constitutional Rights has released an emergency legal briefing paper outlining that there is a plausible and credible case, based on powerful factual evidence, that Israel is attempting to commit, if not actively committing, the crime of genocide in the occupied Palestinian territory, and specifically against the Palestinian people in Gaza.¹¹ Moreover, 880 scholars and practitioners of international law, conflict studies, Holocaust and genocide studies support this position and have signed a public statement to “sound the alarm” of the serious risk of genocide being committed by the Israeli forces against Palestinians in Gaza.¹²

The argument of “self-defense” has been used by some as a means of justification for Israel’s military actions. However, it must be remembered that self-defense is never a justification for genocide. Moreover, the ICJ has previously clarified that under international law Israel does not have a right to self-defense against a territory that it occupies.¹³

It is also worth noting that the human rights abuses committed by Israel are raising growing concerns with respect to war crimes and crimes against humanity. Some notable violations include the collective punishment of Palestinian civilians by Israel’s siege of food, water, medical supplies, electricity, and fuel;¹⁴ the order for 1.1 million Palestinians to relocate from northern to southern Gaza, amounting to forcible transfer;¹⁵ and Israel’s use of highly flammable white phosphorus against densely populated civilians.¹⁶

1.3 The Link to Islamophobia and Anti-Palestinian Racism

At the core of Israel’s actions lie Islamophobic beliefs as well as anti-Palestinian racism. Prejudice, hatred, and the exercise of power has caused Palestinians to be dehumanized to the point where civilian casualties and maiming is justified. This becomes especially apparent when analyzing the many troubling statements by Israeli officials. For example, as proclaimed by Israel’s Prime Minister Benjamin Netanyahu, “This is a struggle between the children of light and the children of darkness, between humanity and the law of the jungle.”¹⁷ Similarly, as proclaimed by the Israeli Army’s Major General Ghassan Alian: “Human animals must be treated as such. There will be no electricity and no water, there will only be destruction. You wanted hell, you will get hell”.¹⁸

1.4. The Effects on Palestinian Children

What is also deeply troubling is the effects this crisis has had on children.

Half of the Gaza Strip's population are children, who have grown up under the shadow of recurrent violence and crushing poverty.¹⁹ This has impacted every aspect of their lives, including their safety, development, psychosocial well-being, and mental health.²⁰ Since October 2023 over 12,000 Palestinian children have been killed, and over 8,000 have been injured.²¹ Moreover, it is estimated that over 4,700 children and women, have been reported missing and are presumed either: (1) dead under the rubble of destroyed buildings, (2) dying slow deaths, or (3) decomposing in the streets where they were killed by Israeli forces.²² It has come to the point where parents have long resorted to writing their children's names on their bodies so they can be identified if they are killed or injured.²³

1.5. Conclusion

The absence of meaningful consequences as well as the diplomatic support from various countries has emboldened Israel to continue its human rights abuses for over 5 months.²⁴ There has been a fundamental disregard for thousands of Palestinians who have been killed, injured, and traumatized. Without holding perpetrators accountable, we will all be condemned to repeat this cycle of violent repression, with ripple effects across the world. Parties to the Genocide Convention, and in fact all States under customary international law, have an obligation to prevent and punish the crime of genocide. United Nations experts have expressed their profound concern about "the failure of the international system to mobilize to prevent genocide" against Palestinians, and have called on the international community to "do everything it can to immediately end the risk of genocide against the Palestinian people."²⁵ It is thus critical that the international community, including the United States and Canada, take action on an urgent basis to prevent and punish the crimes committed by Israel as part of this conflict.

2. Introduction

2.1 Overview

2.1.1 The Historical Persecution of Palestinians

In order to properly understand the current persecution of Palestinians, it is critical to understand the history of the region. Palestinians have been the subject of persecution by Israel for decades. Notably, Israel is classified as a “settler colonial” regime, currently perpetrating the longest military occupation in modern history (57 years, since 1967), which has been administered through extreme levels of violence and suppression.²⁶ Settler colonial regimes are structured, through their policies and expansionist planning, to facilitate the commission of genocide, and often commit “genocidal moments” against colonized people.²⁷

As mentioned at the outset, Palestinians have been subjugated to decades of persecution at the hands of Israel, including mass killings, displacement, military occupation, a discriminatory legal regime, repeated military assaults, and official Israeli statements calling for the elimination of Palestinians.²⁸ The state of Israel was created in 1948, the same year in which Zionist armed groups destroyed approximately 700 Palestinian towns, villages and cities, and forcibly expelled over 750,000 Palestinians from their homeland.²⁹ Multiple massacres were committed, and approximately 15,000 Palestinians were killed in that very year.³⁰ A mass exodus ensued, and today the Palestinians’ descendants are living as 6 million refugees in squalid camps throughout Palestine, as well as neighboring countries of Lebanon, Syria, Jordan, and Egypt, unable to access their original homeland.³¹

There have been many further instances of attacks against Palestinians in the last few decades. For example, Israel had previously launched four protracted military assaults on the Gaza Strip: in 2008, 2012, 2014, and 2021.³² Between 2008 to 2022, Israeli attacks in the Gaza Strip and West Bank killed over 6,400

Palestinian civilians, more than half of whom were killed by Israeli bombs and missiles.³³ Moreover, tens of thousands of Palestinian homes, schools, and office buildings were destroyed by Israeli forces.³⁴

The summer of 2014 was a particularly brutal time, when Israel launched “Operation Protective Edge” against Gaza. During this 50-day military assault, dozens of Holocaust survivors and victims accused Israel of the crime of genocide for the death of more than 2,100 Palestinians in Gaza, including close to 500 children.³⁵ Moreover, approximately 11,000 Palestinians were wounded, 20,000 homes were destroyed, and 500,000 people were displaced.³⁶

In 2022 Israel Defense Forces (IDF) had killed over 200 Palestinians, the highest Palestinian death toll since 2005.³⁷ In January 2023, the IDF raided the Jenin Refugee Camp in the West Bank, the largest raid on refugees since 2002.³⁸ Moreover, in April 2023, during the Islamic holy month of Ramadan, Israeli troops invaded the Al Aqsa Mosque in Jerusalem.³⁹

It is also worth noting that today UN human rights experts, international human rights organizations, Palestinian civil society, and Israeli human rights organizations have found that by imposing a system of oppression and domination against Palestinians, Israel is committing apartheid in contravention of international law.⁴⁰

The above facts demonstrate that the persecution of Palestinians did not start on October 7, 2023, but rather what has ensued is a continuation of decades of persecution. On this note, UN Secretary-General Antonio Guterres has stated:

It is important to recognize the attacks by Hamas did not happen in a vacuum. The Palestinian people have been subjected to 56 years of suffocating occupation. They have seen their land steadily devoured by settlements and plagued by violence; their economy stifled; their people displaced and their homes demolished.⁴¹

Similar statements were made by Craig Mokhiber, the New York Director of the United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR), who resigned after three decades of service due to the international community’s inaction with respect to the ongoing genocide of Palestinians.⁴² Mr. Mokhiber stated that there has been a failure to prevent mass atrocities, protect the vulnerable, and ensure accountability for perpetrators through the successive waves of murder and persecution against Palestinians throughout the entire life of the UN.⁴³

2.1.2 The Current Crisis

On October 7, 2023 a military incursion entitled “Operation Al Aqsa Flood” was launched against Israel by two Palestinian armed groups – the military wing

of Hamas (known as Izz ad-Din al-Qassam Brigades) and Palestinian Islamic Jihad.⁴⁴ The armed groups breached the Israeli fence besieging Gaza and attacked Israeli military and towns.⁴⁵ Approximately 1,200 Israelis and foreign nationals were killed and 240 hostages were captured, in circumstances which are currently under investigation by the International Criminal Court.⁴⁶ Over 110 of the hostages have been released to date in exchange for 240 Palestinians who were imprisoned or “administratively detained” by Israel, 57 hostages are reported to have been killed during Israel’s bombing of Gaza, and three are confirmed to have been shot and killed by Israeli soldiers.⁴⁷ Since October 2023 Israel has declared that it is in a state of war and launched operation “Swords of Iron”, a large-scale military assault by land, air, and sea which included a aerial bombing campaign resulting in over 30,000 Palestinians being killed and 72,000 being injured.⁴⁸ Moreover, Israeli settler violence has dramatically increased in the West Bank, resulting in over 420 Palestinians being killed and over 4,600 being injured.⁴⁹ It is critical to note that this report has been produced in the midst of an ongoing conflict, and given Israel’s proclamations and the trajectory of the conflict, there is a possibility that the unfolding genocide may well intensify.

2.1.3. Growing Consensus on Palestinian Genocide

There is a growing consensus that the manner in which Israel is conducting its military campaign constitutes a genocide. Critically, in an Order imposing six provisional measures pending a full trial, the ICJ has confirmed that a plausible genocide is occurring in the Gaza Strip.⁵⁰ Similarly, the Center for Constitutional Rights has released an emergency legal briefing paper outlining that:

There is a plausible and credible case, based on powerful factual evidence, that Israel is attempting to commit, if not actively committing, the crime of genocide in the occupied Palestinian territory, and specifically against the Palestinian people in the Gaza Strip.⁵¹

In addition, over 880 scholars and practitioners of international law, conflict studies, Holocaust and genocide studies signed a public statement to “sound the alarm” of the serious risk of genocide being committed by the Israeli forces against Palestinians in Gaza.⁵²

Moreover, leading experts such as Raz Segal, associate professor of Holocaust and genocide studies at Stockton University, have called the current situation a “textbook case of genocide unfolding in front of our eyes”, a statement which was repeated by the now resigned Craig Mokhiber.⁵³ Similar sentiments have also been expressed by various UN Special Rapporteurs.⁵⁴

2.1.4 Thesis and Outline of this Report

This report will argue that Islamophobia and anti-Palestinian racism are causing the genocide of Palestinians. Firstly, important definitions will be

presented, followed by an account of how Islamophobia has been fueled by the global “War on Terror.” The concept of genocide will be defined with specific reference to the Genocide Convention⁵⁵ as well as the “10 stages of genocide”, a common method of categorizing and describing genocidal situations across the globe.⁵⁶ In addition, the concepts of war crimes, ethnic cleansing, and crimes against humanity will be outlined.

Next, an analysis of the current conflict against the definition as well as 10 stages of genocide will be explored, along with an outline of the impacts of this crisis on children. Finally, an overall conclusion will be presented with specific recommendations for the United States, Canada, the United Nations, and Civil Society.

2.2 Explanation of Core Concepts

2.2.1 Islamophobia

First, it is important to define key terms, beginning with Islamophobia. Islamophobia has been studied and defined in various ways in the academic literature. Some academics have linked Islamophobia to power, and define it as a dominant group of individuals seizing, stabilizing and widening their power by means of defining a scapegoat (real or invented) and excluding this scapegoat from the resources, rights, or definition of a constructed “we”.⁵⁷ In this definition, Islamophobia operates by constructing a static “Muslim” identity, which is portrayed in negative terms and generalized for all Muslims.⁵⁸

The UN has linked the concept of Islamophobia to fear, prejudice, and hatred, as follows:

Islamophobia is a fear, prejudice and hatred of Muslims that leads to provocation, hostility and intolerance by means of threatening, harassment, abuse, incitement and intimidation of Muslims and non-Muslims, both in the online and offline world. Motivated by institutional, ideological, political and religious hostility that transcends into structural and cultural racism, it targets the symbols and markers of being a Muslim.⁵⁹

This definition emphasizes the link between institutional levels of Islamophobia and the manifestations of such attitudes, which are triggered by the visibility of the victim’s perceived Muslim identity.⁶⁰ This approach also interprets Islamophobia as a form of racism, whereby Islamic religion, tradition and culture are seen as a ‘threat’ to Western values.⁶¹ Underlying Islamophobic narratives promote the belief that Islam is an alien and foreign religion that is incompatible with the beliefs of the majority.⁶² In essence, the more alien Muslims are perceived, the less Muslims are seen as citizens and human beings by the rest of society.⁶³

The various framings of the term Islamophobia are important, and add

different dimensions when discussing this concept. This report will rely primarily on the definition of Islamophobia presented by the UN, discussing Islamophobia and its links to prejudice, hatred, and hostility. Where relevant however, elements of power and exclusion will also be discussed.

2.2.2 Anti-Muslim Racism

Academics in this field of study have also identified a related term called Anti-Muslim racism. Anti-Muslim racism is defined as the actual manifestation of Islamophobia that is evident through the violence, hatred, and discrimination enacted towards Muslim bodies.⁶⁴ Since these acts rely upon the demonization of Islam to sustain and reproduce their racial logic, one concept does not exist without the other.⁶⁵ For simplicity purposes, this report will utilize the term Islamophobia to encompass both concepts.

2.2.3 Anti-Arab Racism

Anti-Arab racism is another related concept, defined as the discrimination, profiling, surveillance, stereotyping, prejudice, and violence against people of Arab origin that is based on their ethnicity, national origin, language, name, culture, or appearance.⁶⁶ Anti-Arab racism can permeate various aspects of life, from negative stories about Arabs in the news, to surveillance of Arab communities and violence against Arabs.⁶⁷

2.2.4 Anti-Palestinian Racism

Another important concept to explore is Anti-Palestinian racism, which is defined as a specific type of anti-Arab racism that silences, erases, excludes, stereotypes, defames or dehumanizes Palestinians or their narratives.⁶⁸ Anti-Palestinian racism takes various forms including:

- Denying the Nakba, and justifying violence against Palestinians;
- failing to acknowledge Palestinians as an Indigenous people with a collective identity, rights and belonging in relation to occupied and historic Palestine;
- erasing the human rights and equal worth and dignity of Palestinians;
- excluding or pressuring others to exclude Palestinian perspectives, Palestinians and their allies;
- defaming Palestinians and their allies with slander such as being inherently antisemitic, a terrorist sympathizer/threat or opposed to democratic values.⁶⁹

While the primary target of Anti-Palestinian racism is Palestinians and those of Palestinian descent, it is also worth noting that Anti-Palestinian racism

can also impact those who are perceived to be Palestinian due to their skin tone, ethnicity, or religion.⁷⁰ Moreover, it is also important to acknowledge that although the majority of Palestinians are Muslim, there are Palestinians of different faiths such as Christians who can also be subjected to Anti-Palestinian racism.⁷¹

The definition of Anti-Palestinian racism provides a useful tool to describe the discrimination and struggles faced by Palestinians, as well as their allies.⁷² Thus throughout this report, relevant links will be made between the persecution of Palestinians and Islamophobia as well as Anti-Palestinian racism.

2.2.5. Antisemitism

Antisemitism is defined as “a pernicious ideology that poses real harm to Jewish communities around the world and requires meaningful action to combat it.”⁷³ The Jerusalem Declaration on Antisemitism has been adopted by hundreds of scholars of antisemitism, Holocaust studies, Jewish studies, and Middle East Studies, and defines antisemitism as “discrimination, prejudice, hostility or violence against Jews as Jews (or Jewish institutions as Jewish).”⁷⁴ This definition is accompanied by several guidelines and examples.⁷⁵ Crucially, as noted by various international human rights organizations, it is important to note that legitimate criticism of the policies and practices of the Israeli government is not antisemitic.⁷⁶

2.2.6. Palestinians Viewed as an Inferior, Non-Jewish Racial Group

Amnesty International has engaged in a thorough analysis of the system of laws, policies, and practices which demonstrate that Israel has established and maintained an institutionalized regime of oppression and domination of the Palestinian people for the benefit of Jewish Israelis (in other words a system of apartheid) wherever Israel has exercised control over Palestinians’ lives since 1948.⁷⁷ Critically, Amnesty International has concluded in their report that the State of Israel considers and treats Palestinians as an inferior, non-Jewish racial group.⁷⁸

This helps inform the crisis we see today. It is this same ideology which established a brutal system of apartheid which fuels the plausible genocide of Palestinians. By viewing Palestinians as an inferior, non-Jewish racial group, their dehumanization is facilitated.

2.3 How the Global “War on Terror” Has Fueled Islamophobia Globally

Given that Israel has justified much of its violence against Palestinian civilians as self-defense against terrorism, it is crucial to note the origins and ongoing impact of this sort of framing on Muslims, particularly how Muslims have been affected by the “War on Terror”. The “War on Terror” was built on hostility towards the Palestinian liberation movement.⁷⁹ In fact, one of the first laws that Israel passed in 1948 was the Prevention of Terrorism Ordinance, and

the first and only organization that the United States Congress declared to be a “terrorist organization” was the Palestinian Liberation Organization immediately after the first Intifada in Palestine.⁸⁰

As a result of the War on Terror globally, institutional suspicion of Muslims and those perceived to be Muslim has escalated to epidemic proportions.⁸¹ Numerous states, as well as regional and international bodies, have adopted measures that disproportionately target Muslims and define Muslims as being at risk of radicalization.⁸² Concurrently, widespread negative representations of Islam, and harmful stereotypes that depict Muslims and their culture and beliefs as a threat have served to perpetuate discrimination, hostility and violence toward Muslim communities.⁸³

The Global “War on Terror” has become an easy justification used by nation-states to mask Islamophobia.⁸⁴ Xenophobic perceptions that Muslims represent a national security and terrorism threat have led to persecution and violence.⁸⁵ However, despite this fact, it must always be remembered that the targeting of innocent, unarmed Muslim civilians cannot ever be justified as counter-terrorism operations.⁸⁶

Studies have also demonstrated that inflammatory political rhetoric can exacerbate hate crimes against Muslims, as rhetoric is one of the most significant variables that contributes to hate crimes.⁸⁷ This report will outline the plethora of hateful and concerning rhetoric expressed by Israeli officials historically and through the current conflict.

3. Genocide, War Crimes, Ethnic Cleansing, and Crimes Against Humanity Explained

This section will outline the concepts of genocide, war crimes, crimes against humanity, and ethnic cleansing, all four of which are arguably occurring in Palestine. The first three crimes are legally defined in various international documents, such as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), the 1949 Geneva Conventions (Geneva Conventions), and the 1998 Rome Statute.⁸⁸ Their status as international crimes are based on the fundamental belief that the acts associated with these crimes affect the core dignity of human beings.⁸⁹

It's also worth noting that these concepts are not mutually exclusive. For example, acts that fall under the category of ethnic cleansing, such as murder, can also constitute war crimes, and may also be considered crimes against humanity.⁹⁰ Moreover, such acts could also fall within the purview of genocide.⁹¹ The connection between these crimes was well articulated by the United Nations Secretary-General:

The prevention of the crime of genocide is intrinsically connected to the prevention of crimes against humanity and war crimes. I have been referring to these crimes as "atrocities crimes" as they reveal extreme forms of human rights violations of a deeply violent and cruel nature, that typically, but not always, occur on a massive scale. These crimes also tend to occur concurrently in the same situation rather than as isolated events [...] Consequently, initiatives aiming at preventing one of

the crimes will, in most circumstances, also cover the others.⁹²

Therefore, while the focus of this report is primarily on genocide, it will also be highlighted where a certain action may also be classified under other categories as well. A comparison table will be presented at the end of this section to highlight the similarities and differences between these different concepts.

3.1 Genocide

3.1.1 The Crime of Genocide Explained

The Genocide Convention is the first human rights treaty adopted by the United Nations General Assembly, and signified the international community's commitment to "never again" witness genocides across the globe.⁹³ The convention is also considered to be a building block of the international human rights system.⁹⁴ Article 2 of the Genocide Convention sets out the definition of the crime of genocide, which has been widely adopted at both national and international levels:⁹⁵

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.⁹⁶

This definition is reproduced in Article 6 of the Rome Statute. As per the above definition, the commission of *any* of the five prohibited acts listed above combined with the intent to destroy a particular group constitutes genocide. Furthermore, Article I of the Genocide Convention clarifies that genocide is a crime that can take place both in times of war as well as times of peace.⁹⁷

Under the Genocide Convention not only is the commission of genocide a crime, but also conspiracy to commit genocide, direct and public incitement to commit genocide, attempts to commit genocide, and complicity in genocide.⁹⁸ In fact, on this point the Center for Constitutional Rights has noted that the United States, Canada, and Israel, as well as their citizens up to their leaders can be held liable for their role in furthering genocide, whether domestically or before the ICC.⁹⁹ It is also worth noting that the Russel Tribunal on Palestine, a non-governmental body made up of human rights experts and advocates, has previously concluded that certain Israeli citizens and leaders may have been guilty in several instances of the crime of incitement to genocide.¹⁰⁰

Importantly, the Genocide Convention establishes an obligation to take measures to *prevent and punish* the crime of genocide, including by enacting the necessary legislation and punishing the persons responsible, whether they are constitutionally responsible rulers, public officials, or private individuals.¹⁰¹ Therefore states have an obligation to prevent genocides even before they occur.

3.1.2 Cases of Genocide at the International Criminal Court

Both the International Criminal Court (ICC) and the International Court of Justice (ICJ) address cases of genocide.¹⁰² The ICC works under the framework of the Rome Statute, which as mentioned above reproduces the definition of in Article 6.¹⁰³ Unlike the ICJ, the ICC prosecutes individuals, not states.¹⁰⁴ The focus is upon individuals who bear the greatest responsibility for the crimes committed within the jurisdiction of the ICC, and can include heads of state or government.¹⁰⁵ Due to Palestine's accession to the Rome Statute in 2015, the ICC has jurisdiction over crimes occurring in whole or in part in Palestinian territory.¹⁰⁶ While Israel is not one of the ICC's 123 member states, ICC judges have ruled that the ICC does in fact have jurisdiction over the territories occupied by Israel, namely the Gaza Strip, West Bank, and East Jerusalem.¹⁰⁷ The Court's territorial jurisdiction attaches as long as part of the crime occurs on the territory of an ICC state party.¹⁰⁸ As a state party, Palestine referred the situation in Palestine to the ICC, and after a thorough preliminary examination, the ICC prosecutor announced on December 20, 2019 that "there is a reasonable basis to proceed with an investigation into the situation in Palestine", being satisfied that "war crimes have been or are being committed in the West Bank, including East Jerusalem, and the Gaza Strip".¹⁰⁹ The ICC's jurisdiction applies to Israel's military actions inside or impacting occupied Palestine, including Gaza, West Bank, and East Jerusalem, since June 13, 2014.¹¹⁰ After receiving referral from five other state parties (South Africa, Bangladesh, Bolivia, Comoros, and Djibouti) the ICC prosecutor confirmed that their office is presently conducting an ongoing investigation into crimes in the state of Palestine, which includes all crimes within the ICC's jurisdiction (genocide, war crimes, crimes against humanity, and aggression).¹¹¹ Those facing charges at the ICC can incur criminal responsibility under international criminal law.¹¹²

3.1.3 Cases of Genocide at the International Court of Justice

The ICJ is known as the "World Court" and is empowered to resolve disputes between signatory states to the Genocide Convention.¹¹³ The ICJ also has the power to issue provisional measures to ensure compliance with the Genocide Convention in the case of an unfolding genocide if it finds that breaches of the Genocide Convention are "plausible".¹¹⁴

The Genocide Convention, administered by the ICJ, has been ratified or acceded to by 153 countries, including the United States, Canada, Israel, and Palestine, who are thus subject to its provisions and obligations.¹¹⁵ Moreover,

the ICJ has stated that the Genocide Convention embodies principles that are part of international customary law, and thus such principles are actually binding on all countries, whether or not they have ratified/acceded to the Genocide Convention.¹¹⁶

Importantly, in the case of *Bosnia and Herzegovina v Serbia and Montenegro*, the ICJ has clarified that:

[A] State's obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed. From that moment onwards, if the State has available to it means likely to have a deterrent effect on those suspected of preparing genocide, or reasonably suspected of harbouring specific intent (*dolus specialis*), it is under a duty to make such use of these means as the circumstances permit.¹¹⁷

Moreover, the ICJ has clarified that States are required to employ all means reasonably available to them to prevent genocide, as far as possible.¹¹⁸ Responsibility is incurred if a State manifestly fails to take all measures to prevent genocide which are within its power, and which might have contributed to preventing the genocide.¹¹⁹ In addition to preventing genocide, States must also ensure they are not *complicit* in the genocide, which includes the provision of means to enable or facilitate the commission of the crime.¹²⁰

Thus both the United States and Canada have been obligated, from the time of learning of the serious risk of the genocide of the Palestinian people, to employ all means as far as possible to prevent this crime from further being perpetrated.¹²¹ They must also ensure that they are not complicit in the crime. With the ICJ now ruling that a genocide in the Gaza Strip is plausible, these countries must at the minimum exert diplomatic pressure on Israel to comply with the ICJ order for provisional measures, as well as halt their financial, political, and military support. On this point it is worth noting that the Center for Constitutional Rights has concluded that:

The United States is not only failing to uphold its obligation to prevent the commission of genocide, but there is a plausible and credible case to be made that the United States' actions to further the Israeli military operation, closure, and campaign against the Palestinian population in Gaza, rise to the level of complicity in the crime under international law.¹²²

3.2 War Crimes

While the prohibition of certain acts during war can be traced back many centuries, the concept of "war crimes" was particularly developed at the end of the 19th and beginning of the 20th century as international humanitarian

law and the law of armed conflict was codified.¹²³ There is no single international law document which codifies all war crimes; rather, lists of war crimes can be found in various international humanitarian treaties (such as the Hague and Geneva Conventions), international criminal law treaties (the Rome Statute), as well as international customary law.¹²⁴ War crimes incur individual criminal responsibility under international criminal law, and unlike genocide or crimes against humanity, war crimes must always take place in the context of an armed conflict, whether international or domestic.¹²⁵ Suspects may be brought before the ICC at the Hague, ad hoc tribunals, or before a court at the national level.¹²⁶ An international arrest warrant may be executed by any of the ICC member nations.¹²⁷

In the case of domestic conflict, protection is afforded to persons who are taking no active part in the hostilities as well as medical, religious, and humanitarian personnel.¹²⁸ War crimes in non-international armed conflicts include serious violations of Article 3 of the Geneva Conventions, such as murder of all kinds, mutilation, cruel treatment and torture of persons taking no active part in the hostilities, intentionally directing attacks against the civilian population or against individual civilians not taking direct part in hostilities, and intentionally directing attacks against buildings dedicated to religion, amongst others.¹²⁹

Israel has been accused of various war crimes against Palestinians, particularly due to its indiscriminate bombing campaign which has killed thousands of innocent Palestinians and caused significant destruction, which will be elaborated upon later in this report.

3.3 Crimes Against Humanity

The first use of the term “crimes against humanity” or similar terms has been traced back as early as the late 18th or early 19th centuries in the context of slavery and the slave trade, and particularly to describe the atrocities associated with European colonialism in Africa and elsewhere.¹³⁰ Since this time, the concept has evolved under international customary law and through international courts such as the ICC, the International Criminal Tribunal for the Former Yugoslavia (ICTY), and the International Criminal Tribunal for Rwanda (ICTR).¹³¹ Many states have also criminalized crimes against humanity in their domestic legislation.¹³²

While crimes against humanity have not yet been codified into a dedicated treaty of international law like genocide and war crimes have, the prohibition against crimes against humanity is a peremptory norm of international law from which no derogation is permitted by any state.¹³³ The Rome Statute reflects the latest document of consensus of the international community on this concept.¹³⁴ It is also the treaty that offers the most extensive lists of specific acts that may constitute crimes against humanity.¹³⁵ This includes any of the following actions when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: murder, extermination, deportation or forcible transfer of the population, torture, persecution on the basis of religion, other inhumane acts of a similar character intentionally

causing great suffering, or serious injury to body or mental or physical health, amongst others.¹³⁶ An “attack directed against any civilian population” means a course of conduct involving the commission of the above-mentioned acts against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack.¹³⁷

Crimes against humanity do not necessarily need to be linked to an armed conflict and can also occur in peacetime, similar to the crime of genocide.¹³⁸ Crimes against humanity involve either large-scale violence in relation to the number of victims, extension over a broad geographic area, or a methodical/systemic type of violence.¹³⁹ Thus, random, accidental or isolated acts of violence are excluded.¹⁴⁰ Moreover, as mentioned above, crimes against humanity must be committed in furtherance of a State or organizational policy to commit an attack.¹⁴¹ The plan or policy does not need to be explicitly stipulated or formally adopted and can be inferred from the totality of the circumstances.¹⁴² In contrast with the crime of genocide, crimes against humanity do not need to target a specific group, rather the victims of the attack can be any civilian population regardless of affiliation or identity.¹⁴³

3.4 Ethnic Cleansing

While the term “ethnic cleansing” is not an independent crime under international law, it has been used in resolutions of the UN General Assembly and Security Council as well as acknowledged in judgements and indictments of the ICTY.¹⁴⁴ The UN has described the concept of ethnic cleansing as “rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area”.¹⁴⁵ Ethnic cleansing has similarly been defined by the UN as “a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas.”¹⁴⁶ The coercive practices that can be employed to remove a particular civilian population include murder, torture, arbitrary arrests and detention, extrajudicial executions, severe injury to civilians, confinements of civilians into ghetto areas, displacement and deportation, destruction and robbery of personal property, amongst others.¹⁴⁷

While not technically an independent crime under international law, it is nevertheless an incredibly serious matter for a nation to be accused of ethnically cleansing another population. We will conclude the topic of ethnic cleansing with a statement of Francesca Albanese, UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territory occupied, who stated:

Israel has already carried out mass ethnic cleansing of Palestinians under the fog of war. Again, in the name of self-defence, Israel is seeking to justify what would amount to ethnic cleansing.¹⁴⁸

3.5 Comparison Table – Genocide, War Crimes, Crimes Against Humanity, and Ethnic Cleansing

| | Genocide | War Crimes | Crimes Against Humanity | Ethnic Cleansing |
|-------------------------------------|--|---|--|---|
| Definition | Specific acts when committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. | Serious violations of international law which are criminalized. | Specific acts when committed as part of a widespread or systematic attack directed against a civilian population, pursuant to or in furtherance of a state or organizational policy to commit the attack. | Rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area. In other words, a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas. |
| Prohibited Acts | <ul style="list-style-type: none"> - Killing - Causing serious bodily or mental harm - Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part - Imposing measures intended to prevent births within the group - Forcibly transferring children of the group to another group. | <ul style="list-style-type: none"> - Murder of all kinds - Mutilation - Cruel treatment and torture of persons taking no active part in the hostilities - Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities - Intentionally directing attacks against buildings dedicated to religion - amongst other crimes. | <ul style="list-style-type: none"> - Murder - Extermination - Deportation or forcible transfer of the population - Torture - Grave forms of sexual violence - Persecution on the basis of religion - Other inhumane acts of a similar character intentionally causing great suffering - Serious injury to body or mental or physical health - amongst other crimes. | <ul style="list-style-type: none"> - Murder - Torture - Arbitrary arrests and detention - Extrajudicial executions - Sexual violence - Severe injury to civilians - Confinements of civilians into ghetto areas - Displacement and deportation - Destruction and robbery of personal property - amongst other crimes. |
| Context | War or peace circumstances | Requires war circumstance/ armed conflict (international or domestic) | War or peace circumstances | War or peace circumstances |
| Victims | A protected group (national, ethnic, racial, or religious) | Combatants or non-combatants | Civilian population | Civilian population of an ethnic or religious group |
| Sources in International Law | 1948 Convention on the Prevention and Punishment of the Crime of Genocide | Statutes of tribunals including the Rome Statute | Statutes of tribunals including the Rome Statute | Informally defined in international law |

4. The Genocide of Palestinians

4.1 The Devastation Experienced by Palestinians Since October 2023

Since October 7th, 2023 Israel has launched a large-scale military assault by land, air, and sea on the Gaza Strip.¹⁴⁹ Israel's military offensive against the Gaza strip has been unprecedented in scale and severity, subjecting Palestinians to an incessant and indiscriminate bombing by Israeli forces, and has been described as one of the "heaviest conventional bombing campaigns" in the history of modern warfare.¹⁵⁰ These genocidal acts come against the background of apartheid, expulsion, ethnic cleansing, annexation, discrimination, occupation, and the denial of the right of Palestinians to self-determination.¹⁵¹

4.1.1. Context Regarding the Occupied Palestinian Territories

The Gaza Strip is a narrow strip of land which is approximately 365 square kilometers, and is one of the most densely populated places in the world with approximately 2.3 million residents.¹⁵² Over half of the residents of the Gaza Strip are children. 80 percent of the Palestinians in Gaza are refugees as well as their descendants, after having been expelled during the mass expulsion of 750,000 Palestinians during the 1948 "Nakba" perpetrated by Israel.¹⁵³

The Gaza Strip, along with the West Bank (including East Jerusalem) is one of the two constituent territories of the occupied Palestinian territory which was occupied by Israel in 1967. Although the Israeli military had previously disengaged from Gaza by dismantling its military bases and relocating Israeli settlers back to Israel and into the occupied West Bank, Israel has continued to exercise control over Gaza's airspace, territorial waters, land crossings, water, electricity, civilian infrastructure as well as key governmental functions such as the Palestinian population registry in Gaza.¹⁵⁴ Therefore, given that Israel has continued to exercise effective control of the region, the Gaza Strip is considered

by the international community to be under illegal belligerent occupation by Israel.¹⁵⁵ The current situation is well summarized by Michael Lynk, the former UN Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied: "Israel's occupation has been conducted in profound defiance of international law and hundreds of United Nations resolutions, with scant pushback from the international community."

4.1.2. The Growing Humanitarian Crisis in Palestine

While it is impossible to completely describe the suffering of Palestinian civilians, the below overview will attempt to highlight some of the deeply troubling figures since October 7th, 2023. These figures are current to the time of writing, and increase daily.¹⁵⁶

Palestinians Massacred – In the illegally occupied Gaza strip, at least 30,000 Palestinians were brutally massacred, including at least 12,300 children and 8,400 women.¹⁵⁷ Palestinians are being killed in their homes, hospitals, UN-run schools, churches, mosques, and other places Israel has declared as "safe routes." In short, due to Israel's brutal military campaign, "Gaza has become a place of death and despair."¹⁵⁸

In the illegally occupied West Bank, at least 420 Palestinians have been murdered due to settler violence.¹⁵⁹

Palestinians Injured and Maimed – Israel's indiscriminate bombing campaign has wounded and maimed over 72,000 Palestinians, including 8,663 children and 6,327 women.¹⁶⁰ Children have lost limbs and will require lifetimes of physical and mental rehabilitation. The use of extremely flammable white phosphorus has caused innocent civilians 4th-degree burns.¹⁶¹ Inadequate medical facilities in Gaza have led to slow, agonizing deaths.

In the illegally occupied West Bank, over 4,600 Palestinians have been injured due to settler violence.¹⁶²

Palestinians Missing or Trapped Under Rubble – More than 8,000 Palestinians are reported missing.¹⁶³ These individuals are presumed to be trapped under the rubble or dead.

Deprivation of Access to Food and Water – Extremely limited aid, insufficient for the population's needs, has pushed Gaza to the brink of famine. The use of starvation as a weapon of war has led to rising levels of severe hunger, dehydration, and food insecurity, affecting 93% of Gaza's population.¹⁶⁴

Palestinians Displaced – Approximately 85% of Gaza's population, over 1.9 million Palestinians, have been forcibly displaced from their homes.¹⁶⁵ Israel's evacuation process has been criticized heavily by experts as "unspeakably cruel" and a violation of international humanitarian and criminal law.¹⁶⁶

Palestinian Property Destroyed – The widespread destruction of Palestinian homes, estimated at 360,000 units, renders significant parts of Gaza unlivable, making many displacements permanent. In addition, 406 educational

facilities have been damaged, as well as 616 places of worship, including mosques and churches.¹⁶⁷

Attack on Healthcare – The Israeli military’s relentless attacks on Gaza’s healthcare system has caused its collapse.¹⁶⁸ Hospitals and medical facilities, termed “death zones” have been systematically targeted and cut off from essential resources such as electricity, fuel, and medical supplies.¹⁶⁹ There have been several attacks on healthcare facilities in Gaza, with 28 hospitals and 65 healthcare facilities damaged or destroyed.¹⁷⁰ This situation in Gaza has had a catastrophic impact on Palestinians’ health, with the healthcare system overwhelmed.¹⁷¹ Israel’s deliberate targeting of healthcare infrastructure, medical personnel, and patients is a direct assault on the right to health and a violation of international law.¹⁷² At least 756 health workers have been killed or injured and 163 ambulances have been damaged.¹⁷³

Gender-Specific Violence – 70% of casualties in Gaza are women and children.¹⁷⁴ Pregnant women face significant risks, including inadequate access to healthcare. About 5,500 of the approximate 52,000 pregnant Palestinian women in Gaza are giving birth each month under unsafe conditions due to a shortage of medical supplies.¹⁷⁵ Lack of essential equipment, medical support, and fuel for hospital generators has resulted in infant deaths.¹⁷⁶ Newborns were even found decomposing in hospitals which were forced to be evacuated by Israeli forces.¹⁷⁷ Finally, the World Health Organization has warned of long-lasting and severe consequences for the reproductive health of Palestinians in Gaza.¹⁷⁸

Journalists Killed – Over 130 journalists and media workers have been killed in Gaza, and many injured.¹⁷⁹ Hundreds more and their families were forcibly displaced to the south.¹⁸⁰ More than 173 media offices in Gaza have been completely or partially destroyed by Israeli attacks.¹⁸¹

United Nations Relief and Works Agency (UNRWA) Workers Killed – More than 130 UNRWA workers have been murdered, the highest number of UN aid workers who have been killed in this length of time.¹⁸²

4.1.3. Exacerbating Factors of the Crisis

50% of Palestinians who are subjected to this crisis are children. Children do not start conflicts and are powerless to stop them. Every 10 minutes one Palestinian child is killed and two are injured. As stated by the UN Secretary-General, Gaza is now a “graveyard for children”.¹⁸³ UNICEF’s spokesperson similarly called Israel’s attacks on Gaza a “war on children.”¹⁸⁴ Over 1,000 children having lost one or both of their legs.¹⁸⁵

Israel’s illegal siege will cause many more Palestinians to die in the near future due to starvation, thirst, lack of medicine, spread of disease, infection, and/or lack of adequate treatment for fatal injuries.¹⁸⁶ “The Gaza Strip is poised to witness an explosion in preventable child deaths which would compound the already unbearable level of child deaths in Gaza”, stated UNICEF Deputy Executive Director for Humanitarian Action and Supply Operations.¹⁸⁷ Rising

malnutrition is compounded by inadequate safe water available for drinking, cooking, and hygiene.¹⁸⁸

Thousands of people, including children, are trapped under rubble and waiting for help to arrive, which will never come due to lack of resources and ongoing attacks that make it difficult for rescue teams to reach, especially in areas blocked off by Israeli forces.¹⁸⁹ Specialized equipment is not available due to the illegal blockade, 80% of rescue equipment was destroyed during Israel's bombing, and what remains is dependent upon fuel, and there is a fuel crisis. Children have witnessed their parents and families being killed, been orphaned, and will require a lifetime of reconstructive surgery and mental health support.

Huge swathes of neighborhoods have been destroyed, and entire families across Gaza have been killed.¹⁹⁰

Women have been widowed. Elders have seen their entire family including grandchildren whom they used to play with killed. Entire family trees have been eliminated.¹⁹¹

The identity of a nation has been uprooted. Intergenerational trauma is likely to ensue.

Hospitals in Gaza are so overwhelmed that doctors are forced to perform surgery on the floor without anesthesia.¹⁹² Many hospitals have shut down and become morgues.¹⁹³

The amount of human suffering and damage to psychosocial well-being that has occurred in the past months of terror is unquantifiable.

In the occupied West Bank, where there is no Hamas presence, settler violence has increased and Palestinians are killed and persecuted on a regular basis.¹⁹⁴ The bodies of those killed in Israel's airstrikes are being stored in ice cream trucks as the cemeteries are short of space, and transporting the bodies to the hospitals is too dangerous.¹⁹⁵

To help illustrate the scale of devastation during the conflict, Michael Bueckert, vice president of Canadians for Justice and Peace in the Middle East, stated:

We're watching in horror as Israel has launched an attack on the people of Gaza, which is unprecedented in scale, and the measures of collective punishment that it is imposing on the civilians there [...] The speed at which Israel is killing civilians is just absolutely shocking and alarming.¹⁹⁶

4.2 Growing Consensus of Genocide, and Its Elements

There is a growing consensus that Israel is committing genocide against Palestinians. Various court proceedings have been commenced, including a

case launched by South Africa at the ICJ charging Israel with genocide.¹⁹⁷ In its Order imposing provisional measures pending a full trial, the ICJ has confirmed that a genocide in the Gaza Strip is plausible.¹⁹⁸ To summarize the order of the ICJ on South Africa's request for provisional measures, Israel is required to:

1. *Take all measures within its power to immediately stop killing, causing serious bodily and mental harm, inflicting on Palestinians in Gaza conditions of life calculated to bring about its physical destruction in whole or in part, and imposing measures intended to prevent births within the protected group;*
2. *Ensure its military does not commit any of the above mentioned acts;*
3. *Prevent and punish the direct and public incitement to commit genocide;*
4. *Allow humanitarian aid into Gaza;*
5. *Preserve evidence; and*
6. *Report back to the ICJ within a month on the measures it has taken.*

It is also worth noting that Nicaragua has instituted proceedings at the ICJ against Germany citing violations of the Genocide Convention, namely its political, financial, and military support for Israel, as well as for defunding UNWRA.¹⁹⁹ Nicaragua has also sought provisional measures from the ICJ in proceedings which are ongoing.

The Center for Constitutional Rights has released a full emergency legal briefing paper outlining that:

There is a plausible and credible case, based on powerful factual evidence, that Israel is attempting to commit, if not actively committing, the crime of genocide in the occupied Palestinian territory, and specifically against the Palestinian people in the Gaza Strip.²⁰⁰

The Center for Constitutional Rights has also filed a case in the United States District Court for the Northern District of California against the President as well as Secretaries of Defense and State of the United States for a preliminary injunction, alleging they failed to prevent a genocide, and that by providing diplomatic, financial, and military support to Israel, they are complicit in the commission of genocide in violation of the Genocide Convention.²⁰¹ While the District Court ultimately granted a Motion to Dismiss on procedural grounds, the Judge noted with strong language:

It is every individual's obligation to confront the current siege in Gaza [...] as the ICJ has found, it is plausible that Israel's conduct amounts to genocide. The Court implores Defendants to examine the results of their unflagging support of the military siege against the Palestinians in Gaza.²⁰²

On October 15, 2023, 880 scholars and practitioners of international law, conflict studies, Holocaust and genocide studies signed a public statement to "sound the alarm" of the serious risk of genocide being committed by the Israeli forces against

Palestinians in Gaza.²⁰³ Various UN human rights experts have also echoed these sentiments, and have pointed out a failure of the international system to mobilize to prevent genocide.²⁰⁴

Moreover, leading experts such as Raz Segal, associate professor of Holocaust and genocide studies at Stockton University, have called the current situation a “textbook case of genocide unfolding in front of our eyes”, a statement which was repeated by the now resigned Craig Mokhiber.²⁰⁵ Similar sentiments have also been expressed by various UN Special Rapporteurs.²⁰⁶

As mentioned above, Article 2 of the Genocide Convention sets out the definition of the crime of genocide, which has been widely adopted at both national and international levels:²⁰⁷

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.²⁰⁸

The crime of Genocide has two main elements: (1) intent, and (2) the specific underlying acts.²⁰⁹ Each of these elements will be dealt with in turn below.

4.3 Israel’s Sharp Increase of Racist and Dehumanizing Rhetoric, and Indications of Genocidal Intent

Firstly, it is clear that the Palestinian people in Gaza constitute a “national group” for the purposes of Article 2 of the Genocide Convention, a substantial part of whom are being targeted for destruction.²¹⁰ The Palestinians of the Gaza Strip form a substantial portion of the Palestinian nation, and are being killed en masse indiscriminately.²¹¹

The specific intent to destroy a group can be inferred from the general context.²¹² In other words, the requisite intent can be inferred from the nature and conduct of Israel’s military actions in Gaza. In addition, there has been a sharp increase in racist and dehumanizing statements of Israeli officials explicitly declaring their genocidal intent. It has been noted by scholars that the language used by Israeli political and military figures indeed constitutes rhetoric associated with genocide as well as incitement to genocide.²¹³ Many of these statements call for the destruction of Palestinians in Gaza as a whole, and justify the targeting of civilians.

While many propagators of historical atrocities claim they were misunderstood and their statements were taken out of context, in this case the reiteration and repetition of genocidal intent by various Israeli officials has been incredibly

frequent and abundantly clear. In fact, the genocidal rhetoric of Israeli political and military figures has been so numerous and explicit that Law for Palestine has strikingly released a database with over 500 such statements.²¹⁴ Below is a chart containing some of the genocidal language of Israeli officials, going back to the very foundation of Israel.

It is worth reiterating that these statements are not open to neutral interpretations or after-the-fact reinterpretations and rationalizations by Israel. As demonstrated below, the statements were made by persons in control of state policy and in command of the state, and if these statements were not intended to be acted upon, they would not have been made. Moreover, we have seen Israeli soldiers carrying out these policies and reiterating them.

It is also worth noting that in addition to controlling its own actions, the government of Israel is legally bound to prevent and punish others who engage in, incite, or actively support conduct that violates the Genocide Convention. On this point, Israeli authorities have done little to halt the flow of genocidal rhetoric in Israeli society. This has led to the toleration and even normalization of this type of speech.

Statements with Genocidal Intent

| | |
|--|---|
| <p>"[L]eave now because we will operate forcefully everywhere", speaking to Palestinians in Gaza</p> <p>"This is a struggle between the children of light and the children of darkness, between humanity and the law of the jungle"</p> <p>[Speaking to Israelis] "You must remember what Amalek has done to you, says our Holy Bible. And we do remember, and we are fighting." According to the Hebrew Bible, the nation of Amalek was an ancient archenemy of the Israelites whose extermination was commanded by God to Saul via the Prophet Samuel. The Old Testament, 1 Samuel 15:3 states "Now go and smite Amalek, utterly destroy all that they have, and spare them not; but kill both man and woman, infant, ox and sheep, camel and donkey"</p> <p>Gazans will pay an "immense price" for the actions of Hamas fighters, and Israel will turn parts of Gaza's densely populated urban areas "into rubble"</p> <p>"They [Hamas] want to return the Middle East to the abyss of the barbaric fanaticism of the Middle Ages, whereas we want to take the Middle East forward to the heights of progress of the 21st century."</p> | <p>Israel's Prime Minister Benjamin Netanyahu, October 2023²¹⁵</p> |
| <p>"We are fighting human animals and we are acting accordingly"</p> <p>"Gaza won't return to what it was before. We will eliminate everything"</p> <p>"I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed"</p> <p>Israel is moving to "a full-scale response", and they have "removed every restriction".</p> | <p>Israel's Defence Minister Yoav Gallant, October 2023²¹⁶</p> |
| <p>"Human animals must be treated as such. There will be no electricity and no water, there will only be destruction. You wanted hell, you will get hell," addressing Gaza residents.</p> | <p>Israeli Army Major General Ghassan Alian, October 2023²¹⁷</p> |

| | |
|--|--|
| <p>"There is one and only one solution, which is to completely destroy Gaza before invading it, and when I talk about destruction, I mean destruction like it was in Dresden and Hiroshima, without a nuclear weapon."</p> <p>"I don't recall that the Americans provided safe humanitarian passageways for the residents of Nagasaki and Hiroshima. On the contrary, they looked for the weakest cities and over there they dropped their rockets to make it clear that they were serious."</p> | <p>Israeli politician and former Knesset member, Moshe Feiglin²¹⁸</p> |
| <p>[In response to being asked about the collective punishment of Palestinian people and Israel's blockade of Gaza] "I am very puzzled by the constant concern which the world is showing for the Palestinian people and is actually showing for these horrible inhuman animals who have done the worst atrocities that this century has seen"</p> <p>"I don't remember people shedding tears for the Taliban and Al-Qaeda"</p> <p>"All of a sudden when it comes to Israel everybody is becoming a great humanitarian, totally forgetting what happened two weeks ago, which is unforgettable and unforgivable"</p> | <p>Former Israeli ambassador to the United Nations, Dan Gillerman, October 2023²¹⁹</p> |
| <p>"It's time to be cruel."</p> | <p>Israel's Finance Minister Bezalel Smotrich, October 2023²²⁰</p> |
| <p>"All the civilian population in Gaza is ordered to leave immediately. We will win. They will not receive a drop of water or a single battery until they leave the world."</p> | <p>Israel's Minister of Energy and Infrastructure, Israel Katz, October 2023²²¹</p> |
| <p>"It's an entire nation out there that is responsible. This rhetoric about civilians not aware, not involved, it's absolutely not true. They could've risen up, they could have fought against that evil regime", claiming that Palestinians are collectively responsible for the attack by Hamas.</p> | <p>Israel's president, Isaac Herzog, October 2023²²²</p> |
| <p>"Right now, one goal: Nakba! A Nakba that will overshadow the Nakba of 1948", referring to the mass killing and expulsion of Arabs in 1948 known as the "Nakba" or catastrophe.</p> | <p>Member of Prime Minister Benjamin Netanyahu's Likud party, Ariel Kallner, October 2023²²³</p> |
| <p>"Bring down buildings!! Bomb without distinction!! Stop with this impotence. You have ability. There is worldwide legitimacy! Flatten Gaza. Without mercy! This time, there is no room for mercy!"</p> | <p>Member of the Knesset for the ruling Likud Party, Revital Gottlieb²²⁴</p> |
| <p>"You either stand with Israel or you stand with terrorism"</p> | <p>Israel Defence Forces, October 2023²²⁵</p> |
| <p>"We need a disproportionate response ... If all the captives are not returned immediately, turn the strip into a slaughterhouse. If a hair falls from their head - execute security prisoners. Violate any norm, on the way to victory"</p> | <p>Prominent Israeli Journalist and Radio Presenter David Mizrahy Verthaim October 2023²²⁶</p> |
| <p>Palestinians are "repugnant", "disgusting", and calling for the "wiping out" of the entire Palestinian village of Huwwara in the West Bank</p> | <p>Israel's Finance Minister Bezalel Smotrich, March 2023²²⁷</p> |
| <p>"Gaza is part of our Land and we will remain there forever. Liberation of parts of our land forever is the only thing that justifies endangering our soldiers in battle to capture land. Subsequent to the elimination of terror from Gaza, it will become part of sovereign Israel and will be populated by Jews. This will also serve to ease the housing crisis in Israel. The coastal train line will be extended, as soon as possible, to reach the entire length of Gaza."</p> | <p>Former deputy speaker of the Israeli Knesset and member of Prime Minister Benjamin Netanyahu's ruling Likud Party, Moshe Feiglin, August 2014²²⁸</p> |

| | |
|--|---|
| <p>"The entire Palestinian people is the enemy", calling for the destruction of Palestine, "including its elderly and its women, its cities and its villages, its property and its infrastructure." Moreover, calling for the killing of Palestinian mothers who give birth to "little snakes."</p> | <p>Israeli Justice Minister Ayelet Shaked, June 2014²²⁹</p> |
| <p>"The more Qassam [rocket] fire intensifies and the rockets reach a longer range, they will bring upon themselves a bigger shoah [holocaust] because we will use all our might to defend ourselves."</p> | <p>Israel's former deputy defense minister, Matan Vilnai February 2008²³⁰</p> |
| <p>"It is not as though there was a Palestinian people in Palestine considering itself as Palestinian people and we came and threw them out and took their country away from them, they did not exist."</p> | <p>Israeli Prime Minister, Golda Meir, 1969²³¹</p> |
| <p>"Let us not today fling accusations at the murderers. Who are we that we should argue against their hatred? For eight years now they sit in their refugee camps in Gaza, and before their very eyes, we turn into our homestead the land and the villages in which they and their forefathers have lived."</p> | <p>Israeli Military Chief, Moshe Dyan, 1953²³²</p> |
| <p>"With compulsory transfer we [would] have a vast area [for settlement]... I support compulsory transfer. I don't see anything immoral in it."</p> <p>"We adopt the system of aggressive defense; with every Arab attack we must respond with a decisive blow: the destruction of the place or the expulsion of the residents along with the seizure of the place."</p> <p>"In my heart, there was joy mixed with sadness: joy that the nations at last acknowledged that we are a nation with a state, and sadness that we lost half of the country, Judea and Samaria, and, in addition, that we [would] have [in our state] 400,000 [Palestinian] Arabs."</p> <p>"The Arabs of the land of Israel [Palestinians] have only one function left to them -- to run away."</p> <p>"We must do everything to ensure they [the Palestinian refugees] never do return."</p> | <p>David Ben Gurion, national founder of the State of Israel, 1937-1948²³³</p> |
| <p>"We have forgotten that we have not come to an empty land to inherit it, but we have come to conquer a country from people inhabiting it, that governs it by the virtue of its language and savage culture Recently there has been appearing in our newspapers the clarification about "the mutual misunderstanding" between us and the Arabs, about "common interests" [and] about "the possibility of unity and peace between two fraternal peoples." [But] we must not allow ourselves to be deluded by such illusive hopes for if we ceases to look upon our land, the Land of Israel, as ours alone and we allow a partner into our estate- all content and meaning will be lost to our enterprise."</p> | <p>Moshe Sharett, later to become the Prime Minister of Israel, 1914²³⁴</p> |
| <p>"We must expropriate gently the private property on the state assigned to us. We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it employment in our country. The property owners will come over to our side. Both the process of expropriation and the removal of the poor must be carried out discretely and circumspectly. Let the owners of the immoveable property believe that they are cheating us, selling us things for more than they are worth. But we are not going to sell them anything back."</p> | <p>Founder of Zionism, Theodor Herzl, 1895²³⁵</p> |

A review of the above statements reveals clear Islamophobic and anti-Palestinian notions expressed by Israeli officials, including during the current crisis. An irrational fear, prejudice, and hatred of Muslims and Palestinians has developed to the point where innocent civilians are demonized, dehumanized, and worthy of violence and death.

4.4 Israel's Genocidal Acts

Genocide also requires certain acts, found in Article 2 of the Genocide Convention.

Specifically, Israel's brutal military assault appears to be in direct violation of articles 2(a), (b), (c), and (d). Before exploring each of these categories further, a few statements from UN officials will be listed below to help illustrate what the Israeli military has done in Gaza:

Palestinians in Gaza are "living in utter, deepening horror" as they "continue to be relentlessly bombarded by Israel and collectively punished – suffering death, siege, destruction and deprivation of the most essential human needs such as food, water, lifesaving medical supplies and other essentials on a massive scale"; it is "apocalyptic" – United Nations High Commissioner for Human Rights²³⁶

What is unfolding in Gaza is a "crisis of humanity" – United Nations Secretary General²³⁷

Gaza is "the most dangerous place in the world to be a child" – United Nations International Children's Emergency Fund (UNICEF) Executive Director²³⁸

"Gaza has become a graveyard for thousands of children" – UNICEF Spokesperson James Elder²³⁹

"There is nowhere to feel safe in Gaza" and "it is a living hell". "The people of Gaza are running out of time and options, as they face bombardment, deprivation, and disease in an ever-shrinking space. They are facing the darkest chapter of their history since 1948." It is "a war of all the superlative, everything is unprecedented" and "[w]e are out of words to describe what is going on" – United Nations Relief and Works Agency for Palestine Refugees in the Near East Commissioner-General²⁴⁰

4.4.1 Violations of Genocide Convention Article 2(a): Killing members of the group

Throughout its violent military campaign, Israel has been dropping "dumb" (i.e. unguided) bombings on Gaza, as well as heavy bombs weighing up to 900 kgs with huge radiuses of impact.²⁴¹ This is all occurring in a geographic location that, as outlined earlier, is one of the most densely populated areas of the world. Israel's thousands of air bombardments have caused horrific destruction and killed entire families.²⁴² The bombings have struck residential buildings, refugee camps, family homes, public markets, ambulances (including those containing relief workers), and hospitals, amongst others.²⁴³ Given the size, scale, and indiscriminate nature of Israel's bombing campaign, it has been suggested that the bombs are being dropped without adequate military intelligence.²⁴⁴

Oftentimes Israel's military does not provide any information regarding their targeting nor any evidence of the presence of military targets.²⁴⁵ Moreover, warnings to civilians are inadequate, or civilians are not warned at all.²⁴⁶ In certain instances, a single person was informed about a strike which affected entire buildings or streets full of people, or Israeli forces issued unclear "evacuation" orders in which the timeframe was confusing.²⁴⁷ Moreover, Israeli forces do not ensure civilians have a safe place to evacuate to.²⁴⁸ In one horrifying example, Palestinians left their homes in an "evacuation" order, only to be killed in the place to which they fled.²⁴⁹ In another disturbing example, a warning was provided to a building without a timeframe, and after 5 hours had elapsed the families thought it would be safe to return, only to have the building bombed, killing an entire family and trapping children under the rubble.²⁵⁰ It was clear that the Israeli army did not check to see if civilians were present before proceeding with the attack, and it appears this was a direct attack on a civilian object.²⁵¹

In addition to relentless and indiscriminate bombing, there are increasing reports of Israeli soldiers performing summary executions of men, women, and the elderly.²⁵² There are also reports of unarmed individuals (including Israeli hostages) who were shot dead while waving white flags.²⁵³ Moreover, Palestinians in Gaza are facing imminent risk of death by starvation, dehydration, disease, and lack of medicine as a result of Israel's ongoing siege.²⁵⁴

The number of Palestinians who have been killed in the current crisis is over 30,000 thus far, and rises daily.²⁵⁵ Strikingly, at least 70 percent of those who are believed to be killed are innocent women and children.²⁵⁶ Moreover, it is estimated that over 8,000 people, which includes at least 4,700 women and children, have been reported missing and are presumed either: (1) dead under the rubble of destroyed buildings, (2) dying slow deaths, or (3) decomposing in the streets where they were killed by Israeli forces.²⁵⁷ The level of Israel's killing has been so extensive that Palestinian bodies are being buried in mass graves, and are often unidentified.²⁵⁸

The Indiscriminate Killing of Civilians Likely also Constitutes War Crimes

It should also be noted that article 8(2) of the Rome Statute contains many provisions protecting civilians in times of war. Specifically, intentionally directing an attack against a civilian population is a war crime.²⁵⁹ Under international humanitarian law all parties to the conflict must, at all times, distinguish between civilians/civilian objects and fighters/military objectives, and direct attacks appropriately.²⁶⁰ Indiscriminate attacks (i.e. attacks which fail to distinguish their targets as required) are prohibited, and when these indiscriminate attacks kill or injure civilians this amounts to a war crime.²⁶¹

In the context of war crimes, it is incumbent upon the aggressor to prove the legitimacy of their military conduct.²⁶² Even if there is a military objective in targeting a residential building, for example, targeting the building when it is full of civilians in a densely populated civilian neighborhood in a manner that causes civilian casualties and destruction would be considered "indiscriminate",

and indiscriminate attacks that kill and injure civilians are war crimes.²⁶³ It is also worth noting that Hamas is a political group, and mere membership in a political group does not in and of itself make an individual a military target.²⁶⁴ Even if such an individual was a combatant in this conflict, the presence of that combatant in a civilian building does not render the building nor any of the civilians therein into a valid military objective.²⁶⁵ International humanitarian law requires that Israel take all feasible precautions to minimize harm to civilians and civilian property, including by postponing or cancelling the attack if it becomes apparent that it would be indiscriminate or otherwise unlawful.²⁶⁶ Finally, it is perhaps worth stating the obvious, that international humanitarian laws are not optional.²⁶⁷

Amnesty International has indicated that there is significant evidence of Israel's war crimes during their large-scale assault on the occupied Gaza strip causing mass civilian casualties, and has pleaded for the investigation of these war crimes.²⁶⁸

Amnesty International notes:

...Israeli attacks [have] violated international humanitarian law, including by failing to take feasible precautions to spare civilians, or by carrying out indiscriminate attacks that failed to distinguish between civilians and military objectives, or by carrying out attacks that may have been directed against civilian objects. In their stated intent to use all means to destroy Hamas, Israeli forces have shown a shocking disregard for civilian lives...

The Israeli army claims it only attacks military targets, but in a number of cases Amnesty International found no evidence of the presence of fighters or other military objectives in the vicinity at the time of the attacks. Amnesty International also found that the Israeli military failed to take all feasible precautions ahead of attacks including by not giving Palestinian civilians effective prior warnings – in some cases they did not warn civilians at all and in others they issued inadequate warnings.²⁶⁹

UN human rights experts have similarly noted that the indiscriminate killing of civilians without regard to the principles of proportionality, precaution, distinction, and unnecessary suffering constitutes war crimes.²⁷⁰ Moreover, they have noted that the willful and systematic destruction of civilian homes and infrastructure, otherwise known as “domicide”, is clearly prohibited under international law.²⁷¹

The above-described disregard for human life is intrinsically linked to Islamophobia and anti-Palestinian racism. As outlined above, Israeli authorities treat Palestinians as an inferior race group who are defined by their status as non-Jewish and Arab.²⁷² If Hamas leaders were amongst Israeli societies, Israeli forces would not bomb entire apartment buildings killing thousands of Israelis. Rather, in this case hatred and prejudice has fueled the dehumanization of Palestinians, to the point where innocent civilian lives are considered

expendable and justified. As highlighted above, Israel's Defense Minister Yoav Gallant has not minced words and made the intent clear: "Gaza won't return to what it was before. We will eliminate everything".

4.4.2 Violations of Genocide Convention Article 2(b): Causing serious bodily or mental harm to members of the group

Israel's Use of White Phosphorus

Human Rights Watch has verified Israel's multiple airbursts of artillery-fired white phosphorus over Gaza, which can have a significant incendiary effect and can cause horrific burns to individuals.²⁷³ Specifically, white phosphorus can cause serious injury and death when it comes in contact with the skin, is inhaled, or swallowed.²⁷⁴ Burns caused by white phosphorus on less than 10% of the body can be fatal because of damage to the liver, kidneys, and heart.²⁷⁵ Even small amounts of white phosphorus can cause deep and severe burns which can penetrate through bone and are capable of reigniting after initial treatment.²⁷⁶ Doctors in Gaza have even reported witnessing 4th degree burns due to white phosphorus.²⁷⁷ It can also set structures, fields, and other civilian objects in the area on fire.²⁷⁸

As the Gaza Strip is one of the most densely populated areas of the world, the risk to civilians is magnified.²⁷⁹ By firing the white phosphorus from artillery and air-bursting it, this maximizes the impact, which affects civilians indiscriminately.²⁸⁰ As noted by Human Rights Watch, the dangers posed by white phosphorus to civilians are well known to Israeli commanders, who have actually used this munition for many years.²⁸¹ For example, in a 22-day military operation in Gaza from December 2008 to January 2009, the IDF repeatedly exploded white phosphorus munitions in the air over populated areas, which ended up killing and injuring civilians as well as damaging civilian structures including a hospital, school, humanitarian aid warehouse, and market.²⁸² Moreover, the IDF readily had available a non-lethal alternative, specifically smoke shells, which could have been used to achieve the same tactical goal as an obscurant but dramatically reduced the harm to civilians.²⁸³

It is worth noting that while incendiary weapons are not explicitly banned by international humanitarian law as an obscurant to hide military operations or as an incendiary weapon, customary international law requires countries to take all feasible precautions in order to avoid harm to civilians and civilian property caused by these weapons.²⁸⁴ Customary laws of war also prohibit the anti-personnel use of incendiary weapons if weapons less likely to cause unnecessary suffering are available.²⁸⁵ Individuals who plan, order, or conduct indiscriminate attacks willfully – either deliberately or recklessly – are responsible for war crimes.²⁸⁶ Widespread and repeated use of white phosphorus in an unlawful manner (i.e. air-burst over densely populated areas when the alternative of non-lethal smoke is available) is indicative of criminal intent.²⁸⁷

Mental Trauma Caused by Israeli Forces

In addition to serious bodily injuries, Israeli forces have also caused significant mental harm. Extreme levels of bombardments and lack of any safe areas are causing mental trauma for Palestinians in Gaza.²⁸⁸ Moreover, it is estimated that there are tens of thousands of Palestinian children who have lost at least one parent, or are the sole surviving members of their families.²⁸⁹ The mental effect on children was recognized in UN Security Council 2712 from November 2023, where the council expressed its “deep concern that the disruption of access to education has a dramatic impact on children, and that conflict has lifelong effects on their physical and mental health”.²⁹⁰

The disregard for human life with respect to severe bodily injuries and mental trauma is intrinsically linked to Islamophobia and anti-Palestinian racism. Such actions can only be perpetrated on a population that has been dehumanized to a point where their suffering is justified. For example, Israeli forces would never use white phosphorus on Israeli societies, even if Hamas members were amongst them. Rather, Israeli forces have shown a deeply troubling disregard for Palestinian lives, particularly as non-lethal alternatives such as smoke screens are available. Moreover, as per the above, there is significant bodily and mental harm being caused to Palestinians, which appears to violate Article 2(b) of the Genocide Convention.

4.4.3 Violations of Genocide Convention Article 2(c): Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part

While killing and causing serious bodily/mental harm are certain means by which genocide is committed, they are not the only method by which a group is considered exterminated or “destroyed for the purposes of the Genocide Convention.”²⁹¹ Article 2(c) of the Genocide Convention also includes deliberately inflicting on a group the conditions of life calculated to bring about their physical destruction. For example, subjecting a group of people to a subsistence diet, systematic expulsion from their homes, and the reduction of essential medical services below the minimum requirement also constitutes the crime of genocide.²⁹² These are methods of destruction by which the perpetrator does not immediately kill the members of the group, but ultimately seeks their physical destruction.²⁹³

The Israeli Siege on Gaza

Since October 2023, Israel has imposed a siege on the population of Gaza, severely limiting the entry of water, food, medication, supplies, electricity, and fuel.²⁹⁴ As a result of Israel’s siege on Gaza, food, water and essentials are scarce, and the Palestinian people have been pushed to the brink of famine.²⁹⁵ Nearly 500,000 Palestinians are unable to access food rations due to the closure of UN-run food distribution centers.²⁹⁶ There are over 50,000 pregnant women in Gaza who have been denied access to essential health services,

and over 1 million children are amongst the Palestinians trapped in Gaza who now are having trouble accessing basic necessities.²⁹⁷

After 17 years of operating under Israel's illegal blockade, Gaza's healthcare system is already close to ruin.²⁹⁸ The hospitals are collapsing, unable to cope with the vast number of wounded individuals and desperately lacking in life-saving medication and equipment.²⁹⁹ It has gotten to the point where medical professionals are forced to choose who to save.³⁰⁰ UN humanitarian offices have warned that Gaza hospitals' remaining fuel reserves will run out soon, placing thousands of patients at serious risk.³⁰¹ Officials from UNRWA have stated that "Israeli raids have created an unprecedented humanitarian catastrophe."³⁰²

Various UN human rights experts have raised serious humanitarian and legal concerns about this decision, and have noted that the UN Security Council has repeatedly condemned the use of starvation of civilians as a method of warfare, which is impermissible under international humanitarian and criminal law.³⁰³ They have also noted that the cutting off of drinking water, medicine, and essential food is "clearly prohibited" under international criminal law.³⁰⁴ Specifically, UN human rights experts have acknowledged that the intentional starvation of a civilian population is a war crime, and may amount to a crime against humanity.³⁰⁵ Moreover, as noted by Amnesty International, Israel's blockade on Gaza amounts to collective punishment of Gaza's civilian population, is a war crime, and is a key part of Israel's system of apartheid.³⁰⁶

This extreme disregard for human life, along with grave human rights violations can only be explained by an ideology of hatred against the oppressed. Specifically, Islamophobia and anti-Palestinian racism help inform current events. Palestinians are viewed as an inferior race group who are defined by their status as non-Jewish and Arab, and this is used to justify such troubling actions against them as a population. The statement of Israeli Minister of Defense Yoav Gallant listed above is telling: "I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed [...] We are fighting human animals and we are acting accordingly". Here we see a clear instance of the dominant group of individuals seizing, stabilizing and widening their power by excluding Muslims and Palestinians from resources.

The Forced Displacement of 1.1 Million Palestinians

Another incredibly concerning action of Israel is the demand that 1.1 million Palestinians, UN staff, as well as humanitarian and medical workers relocate from the northern portion of Gaza to the southern portion of Gaza. The UN has urged Israel to withdraw its evacuation order due to its "devastating humanitarian consequences".³⁰⁷ The order has been called "clearly impossible", and caused panic among the Palestinians who are already experiencing a loss of family members, injuries due to the bombing, extreme

hunger, and lack of medical care.³⁰⁸ Notably, the World Health Organization published a warning that forcing medical patients to relocate to southern Gaza, where the health facilities are already running at maximum capacity and are not able to absorb a drastic rise in patients, “could be tantamount to a death sentence.”³⁰⁹ It is also critical to note that Palestinians who started to evacuate south reported that both civilians and ambulances were targeted and hit by Israeli airstrikes on the stipulated “safe route”.³¹⁰ In one particularly disturbing incident, a convoy of civilians trying to escape the chaos on a “safe route” were hit by an attack, killing 70 people, including children.³¹¹

Various UN human rights experts have criticized Israel’s evacuation order as “unspeakably cruel” and a violation of international humanitarian and criminal law, specifically crimes against humanity or war crimes.³¹² The International Committee of the Red Cross has similarly stated that Israel’s evacuation order is incompatible with international humanitarian law.³¹³

It is worth noting that simply directing an entire population to leave in order to avoid further harm does not allow the military to escape responsibility for killing civilians, and whether or not the individuals comply with the warning does not change their status.³¹⁴ In other words, if the civilians do not move and choose to remain in that location, their civilian status endures and has the same weight in the context of proportionality if no warning had been issued at all.³¹⁵ In fact, civilians do not lose their protected civilian status by declining to leave their homes or their homeland, as such a decision does not amount to participating directly in hostilities.³¹⁶

The evacuation order yet again shows Israel’s disregard for human life, knowing the hardship this has caused for over 1 million Palestinians. This is especially so given the fact that Palestinians were bombed while escaping on so-called “safe routes”.³¹⁷ Palestinians have been herded into ever-shrinking areas without adequate shelter, where they continue to be subjected to attack. As mentioned above, Israeli authorities treat Palestinians as an inferior race group who are defined by their status as non-Jewish and Arab.³¹⁸ The effects of Islamophobia and anti-Palestinian racism are apparent in Israel’s actions as it treats Palestinians in such a prejudicial and undignified manner. The insensitive nature of Israeli Prime Minister Benjamin Netanyahu’s words to Gazans are telling: “[L]eave now because we will operate forcefully everywhere.”

4.4.4 Violations of Genocide Convention Article 2(d) Imposing measures intended to prevent births within the group

Another genocidal act defined by the Genocide Convention is imposing measures intended to prevent births within a target group. The UN Special Rapporteur on Violence Against Women and Girls, its Causes and Consequences, has summarized the issue in the current context:

[T]he reproductive violence inflicted by Israel on Palestinian women, newborn babies, infants, and children could be qualified as [...] acts of genocide under Article 2 of the Convention on the Prevention of Genocide [...] including “imposing measures intended to prevent births within a group” States must prevent and punish such acts in accordance with their responsibilities under the Genocide Convention”.³¹⁹

As outlined above, 70 percent of those killed in the current crisis are estimated to be women and children, with two mothers estimated to be killed every hour. Eyewitness accounts have even reported pregnant women being killed by Israeli soldiers, including while they were trying to access healthcare.³²⁰

Pregnant women and children (including newborn babies) are also severely impacted by displacement, as well as restricted food, water, shelter, clothing, hygiene, sanitation, and health services. Each month, approximately 5,500 pregnant Palestinian women in Gaza undergo childbirth in poor conditions.³²¹ These women often lack access to clean water and medical assistance, delivering their babies in various challenging settings such as shelters, homes, or amidst rubble in the streets.³²² In overwhelmed healthcare facilities, where sanitation is deteriorating, the risk of infection and medical complications is escalating.³²³ Additionally, those who manage to reach functional hospitals are compelled to undergo cesarean sections without the availability of anesthesia.³²⁴

Due to the severe scarcity of essential medical resources, physicians find themselves compelled to perform hysterectomies on young women as a desperate measure to preserve their lives, consequently rendering them incapable of bearing more children.³²⁵ Palestinian women in Gaza facing life-threatening hemorrhages post-childbirth have no alternative but to undergo hysterectomies for their survival.³²⁶ The unavailability of crucial medications, such as the anti-D injection given to Rhesus-negative women following the birth of a Rhesus-positive baby, further exacerbates the plight, significantly diminishing the prospects of future healthy pregnancies for the affected women.³²⁷ This grim scenario underscores the humanitarian crisis and profound impact on the reproductive rights and health of women in the region.

Moreover, there has been a notable surge of 25–30 percent in premature births, attributed to the heightened stress and trauma experienced by pregnant women grappling with various challenges.³²⁸ These challenges include being forced to traverse long distances in pursuit of safety, evading bomb threats, and seeking refuge in crowded shelters under frequently unsanitary conditions.³²⁹ The northern Gaza region, in particular, has witnessed a significant increase in cases of placental abruption – a grave childbirth complication that poses potential threats to both the mother and the baby – with reported instances more than doubling.³³⁰ This alarming trend underscores the severe impact of the ongoing crisis on the

reproductive health of pregnant women in the affected areas.

Finally, a rising number of Palestinian infants in Gaza are tragically succumbing to entirely avoidable circumstances attributed to the actions of Israel. Newborns, particularly those up to three months old, are perishing from preventable causes such as diarrhea and hypothermia.³³¹ The absence of crucial equipment and medical assistance leaves premature and underweight infants with minimal to no prospects of survival.³³² The scarcity of fuel to power hospital generators has contributed to the untimely demise of Palestinian newborns, while others have been discovered in a state of decomposition in their hospital cribs, as medical personnel responsible for their care were compelled to evacuate under Israeli directives.³³³ This distressing situation underscores the devastating impact of external actions on the vulnerable lives of newborns in the region.

The immense suffering of innocent Palestinian women, children, and infants is intrinsically linked to Islamophobia and anti-Palestinian racism. The conditions described above can only be perpetrated on a population that has been dehumanized on the basis of prejudice and hatred. In the words of Israel's President Isaac Herzog: "It's an entire nation out there that is responsible. This rhetoric about civilians not aware, not involved, it's absolutely not true. They could've risen up, they could have fought against that evil regime."

4.5 Self-Defense Is Never a Justification for Genocide

As noted by the Center for Constitutional Rights, Israel's justification of "self-defense" for the military offensive it has launched against the Palestinians does not negate genocidal intent, nor serve as a justification for its crimes under international law.³³⁴ International law is clear that no State or individual can ever be permitted to justify genocide in the name of self-defense, especially given the gravity and specificity of the crime of genocide.³³⁵ As noted by South Africa in its genocide proceedings against Israel, no armed attack on a State's territory, no matter how serious, can be used to justify genocide.³³⁶ The prohibition of genocide is absolute in nature and not subject to qualifications, and always applicable whether in war or peace times. Furthermore, the fact that a party may be in an armed conflict can in no way be considered as an extenuating circumstance for genocide.³³⁷

The ICJ has already noted that Israel, as an occupying power, cannot exercise control over a territory and simultaneously claim that it is attacking that territory in self-defense under Article 51 of the UN Charter, once a threat originates from that territory.³³⁸ In other words, Israel is currently committing atrocities in territories under its control, and its actions are enforcing its occupation.³³⁹ Therefore, the law of self-defense under Article 51 of the UN

Charter does not apply as per the ICJ's ruling.

4.6 Conclusion Regarding the Current Genocide of Palestinians

In summary, Israel's indiscriminate bombing of Gaza, killing and maiming of Palestinian civilians, creating the conditions of life calculated to bring about their destruction, and preventing births within the group are genocidal acts. The statements by Israeli officials in conjunction with their actions are evidence of their intent to physically destroy a sizable portion of the Palestinian population.³⁴⁰ The number of Palestinian civilian casualties and suffering in this conflict is impossible to ignore. Leading experts such as Raz Segal, associate professor of Holocaust and genocide studies at Stockton University, have called this a "textbook case of genocide unfolding in front of our eyes".³⁴¹ This statement was repeated by Mr. Mokhiber, the former New York Director of OHCHR, who has since resigned from his position due to the international community's inaction with respect to the ongoing genocide.³⁴² Similar sentiments have also been expressed by various UN Special Rapporteurs.³⁴³

As mentioned above, Israeli authorities treat Palestinians as an inferior race group who are defined by their status as non-Jewish and Arab.³⁴⁴ Underlying the genocide of Palestinians are notions of Islamophobia and Anti-Palestinian Racism, where Palestinians are dehumanized as being "human animals", terrorist sympathizers, the children of darkness and legitimate victims worthy of slaughter as part of a perceived holy war. When a group is dehumanized to this extent, it renders it easier for perpetrators to persecute them on the basis of them being considered inferior, even to the point of them being seen as unworthy of life. This explains why we see such a large scale of violence with little remorse as part of the conflict.

5. The Ten Stages of Genocide

- | | | | |
|---|----------------|----|---------------|
| 1 | Classification | 2 | Polarization |
| 3 | Symbolization | 4 | Preparation |
| 5 | Discrimination | 6 | Persecution |
| 7 | Dehumanization | 8 | Extermination |
| 9 | Organization | 10 | Denial |

As can be inferred from these ten stages, genocide does not occur in a vacuum. Hate speech is an integral part of state-organized persecution, and serves the function of preparing the population psychologically for crimes planned by state leaders.³⁴⁵ Hate speech regularly, if not inevitably, precedes and accompanies instances of ethnic conflict, including genocide.³⁴⁶ In fact, in many of the world's recent cases of mass atrocities, hate speech has been identified as a precursor to genocide.³⁴⁷ Without the incitement to hatred and the perpetration of xenophobic or racist sentiments, hate-mongering campaigns would rarely garner support and genocide would not be possible.³⁴⁸ Thus, in order to prevent genocidal crimes and violence, it is important to address the problem of systematic incitement of hatred.³⁴⁹

Moreover, genocide inevitably forms part of a continuum, and thus it is

critical to contextualize Israel's acts of genocide in light of its conduct towards Palestinians through its 76-year-long apartheid, 57-year-long belligerent occupation of Palestinian territory, and 17-year blockade of Gaza, along with other serious and ongoing violations of international law.³⁵⁰ It is also important to note that Israel's current human rights violations in the West Bank are intrinsically linked to its actions in the Gaza Strip, and provide important context for its violation of the Genocide Convention.

It is critical to note that Palestinians are indigenous to the land, whose forefathers had inhabited the land for millennia, and that the ongoing crisis is occurring in light of the Zionist goal of establishing a Jewish national home in Palestine.³⁵¹ Mr. Mokhiber has described the problem as an ethno-nationalist settler-colonial ideology, and similar statements have been made by the Center for Constitutional Rights which has described Israel as a settler colonial regime.³⁵² Thus it is crucial to understand the history of the region in order to understand the context behind the human rights abuses suffered by Palestinian people. While analyzing the ten stages of genocide below, relevant history will be outlined to help provide context for the suffering of Palestinians.

5.1 Stage 1: Classification

This stage of genocide is characterized as the division of "us" and "them."³⁵³ The differences between people are not respected, which can be carried out by using stereotypes or excluding those who are perceived to be different.³⁵⁴ Classifications are made which promote division as opposed to tolerance, understanding, and common ground amongst civilians.³⁵⁵

Despite their status as indigenous inhabitants of the land, Palestinians have been subjected to the deeply problematic narrative that portrays Arabs as inherently different and in need of assimilation. Such manufactured conceptions are used to strike fear amongst the population with little effort required by the ruling regime, as Israeli news media are relied upon to sensationalize government rhetoric.³⁵⁶

Today, Israel has been classified by UN human rights experts, international human rights organizations, Palestinian civil society, and Israeli human rights organizations as an apartheid state that is imposing a system of oppression and domination against Palestinians, in contravention of international law.³⁵⁷ This system is based on race and ethnicity, and is intrinsically linked to Islamophobia and Anti-Palestinian racism. Notably, Israel's system of laws and policies have classified Palestinians as a group, resulting in them being restricted to enclaves, segregated from Jewish Israelis, and subjected to discriminatory policies such as unequal rights to nationality and restricted freedom of movement.³⁵⁸ These discriminatory policies will be expanded upon in Stage 3: Discrimination below.

5.2 Stage 2: Symbolization

This stage includes visual manifestations of hatred, such as by forcing the persecuted population to wear certain markers which are linked with dehumanization and hatred.³⁵⁹ For example, Jews in Nazi-occupied Europe were forced to wear the yellow Star of David.³⁶⁰ In Cambodia, the Khmer Rouge forced those from the Eastern Zone to wear blue scarves.³⁶¹

As part of the system of apartheid mentioned above, Palestinians have been explicitly symbolized in Israeli society. For example, Palestinians have color-coded identity documents and vehicle license plates in the West Bank, where settlers display yellow plates while Palestinians have white ones.³⁶² Palestinians are required to carry ID cards to navigate a striking number of Israeli-managed checkpoints, which segments the populations and develops hatred which is reinforced by politicians and news media.³⁶³

The symbolization in Israel has also taken on more subtle undertones. For example, when Israelis were plotting to recruit and organize attacks against Palestinians in “mixed cities” of Jewish and Arab populations, such as Haifa, Acre, Nazareth and Lod, those recruited were told what kind of clothing to wear to avoid confusing Jews of Middle Eastern heritage with Palestinian Arabs.³⁶⁴

This type of symbolization occurs due to Islamophobia and anti-Palestinian racism, as Palestinians are singled out and “symbolized” amongst Israeli society due to their race and religion. By symbolizing Palestinians in this manner (e.g. unique ID cards), it becomes easier to segregate and discriminate against them.

5.3 Stage 3: Discrimination

At this stage the dominant group utilizes the law, customs, and political power to deny the rights of another group.³⁶⁵ The dominant group is driven by an exclusionary ideology which seeks to deprive the less powerful group of their rights and monopolize or expand the power of the dominant group.³⁶⁶ This has the effect of legitimizing the victimization of weaker groups.³⁶⁷ Oftentimes, the advocates of exclusionary ideologies are charismatic, and express the resentments of their followers.³⁶⁸ Powerless groups may be deprived of civil rights, voting rights, or citizenship.³⁶⁹ For example, the 1935 Nuremberg Laws stripped Jews of their German citizenship, and made it illegal for them to work in the government or universities, as well as marry German non-Jews.³⁷⁰

Discriminatory policies have affected Palestinians across the region, including those in Gaza, the West Bank, Jerusalem, as well as those with Israeli citizenship. It is for this reason that UN human rights experts, international human rights organizations, Palestinian civil society, and Israeli human rights organizations have called Israel an apartheid state. Israel’s system of oppression and domination operates with varying levels of intensity and repression based on the victims’ status in separate enclaves.³⁷¹

Examples of Israeli discriminatory policies include:

Constraints on Palestinian political parties and trade unions;

Discriminatory land zoning and planning policies;

Punitive and administrative demolition of Palestinian homes;

The forced removal of Palestinian families and the expropriation of their land; The promotion of Jewish settlements in place of Palestinian homes through "The Nationality Bill";

The deprivation of essential services such as electricity, water, and roads in the Naqab desert;

The denial of medical care;

The denial of permits for the construction of wells;

The restriction on Palestinians to travel on certain roads;

The implementation of segregated school systems;

The denial of access to agricultural land;

Palestinian separation from family members;

Violent incursions by the Israeli army into Palestinian villages, towns, cities, and refugee camps; Routine violent raids by into Palestinian homes; Subjected to violence by armed settlers;

Arbitrary arrest and indefinite renewable administrative detention;

A dual legal system where Palestinians are tried under Israeli military legislation in Israeli military courts without basic protections of

international human rights and humanitarian law, while Israeli settlers who live in the same territory are subjected to a completely different legal regime and are tried in Israeli civilian courts with full due process; and extrajudicial killings.³⁷²

The deep discrimination experienced by Palestinians is exemplified by the following excerpt of a report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, describing the situation in the West Bank:

53. [...] Palestinians are subject to a harsh and arbitrary legal system quite unequal to that enjoyed by the Israeli settlers. Much of the West Bank is off-limits to Palestinians, and they regularly endure significant restrictions on their freedom of movement through closures, roadblocks, and the need for hard-to-obtain travel permits.

54. Access to the natural resources of the occupied territory, especially

to water, is disproportionately allocated to Israel and the settlers. Similarly, the planning system administered by the occupying power for housing and commercial development throughout the West Bank, including East Jerusalem, is deeply discriminatory in favour of settlement construction, while imposing significant barriers on Palestinians, including ongoing land confiscation, home demolitions and the denial of building permits. Israel employs practices that in some cases may amount to the forcible transfer of Palestinians, primarily those living in rural areas, as a means of confiscating land for settlements, military weapons training areas and other uses exclusive to the occupying power that have little or nothing to do with its legitimate security requirements.

55. As for East Jerusalem, the occupation has increasingly detached it from its traditional national, economic, cultural and family connections with the West Bank because of the wall, the growing ring of settlements and related checkpoints, and the discriminatory permit regime. It is neglected by the municipality in terms of services and infrastructure, the occupation has depleted its economy and the Palestinians have only a small land area on which to build housing.³⁷³

Another aspect of discrimination is the destruction of the cultural heritage of Palestinians. In the current crisis alone, over 100 heritage sites in Gaza have been damaged or destroyed by Israeli attacks, including the Great Omari Mosque, which is one of the most important and ancient mosques in historical Palestine.³⁷⁴ The cultural discrimination against Palestinians is not new, as Palestinians have been subjected to raids by settlers upon the sacred Al-Aqsa mosque in the past, the invasion of Palestinian villages, the cutting down and uprooting of Palestinian olive trees, as well as the spraying of chemical toxins on their land.³⁷⁵

While such discriminatory policies and practices may be surprising to an outsider, as mentioned above Israeli authorities treat Palestinians as an inferior race group who are defined by their status as non-Jewish and Arab.³⁷⁶ Because Palestinians are characterized in this manner, it facilitates their discrimination and persecution in Israeli society.

5.4 Stage 4: Dehumanization

At this stage one group denies the humanity of another group, who are equated with animals, vermin, insects, or diseases.³⁷⁷ The majority group is taught to regard the other group as less than human, and even alien to their society.³⁷⁸ Powerless groups may also be reduced to numbers rather than names.³⁷⁹

Those perceived as “different” are thus treated with no human rights or personal dignity, and their dehumanization overcomes the normal human revulsion against murder.³⁸⁰ Hate speech and propaganda may be spread

on social media, news media, or even school textbooks, and the society is indoctrinated to believe that “we are better off without them”.³⁸¹ For example, the Nazis referred to the Jews as “vermin”, and during the genocide in Rwanda the Tutsis were referred to as “cockroaches”.³⁸²

Here, as proclaimed by Israel’s Prime Minister Benjamin Netanyahu, “This is a struggle between the children of light and the children of darkness, between humanity and the law of the jungle.” He has also stated that, in speaking to Israelis, “You must remember what Amalek has done to you, says our Holy Bible. And we do remember, and we are fighting.” According to the Hebrew Bible, the nation of Amalek was an ancient archenemy of the Israelites whose extermination was commanded by God to Saul via the Prophet Samuel. The Old Testament, 1 Samuel 15:3 states “Now go and smite Amalek, utterly destroy all that they have, and spare them not; but kill both man and woman, infant, ox and sheep, camel and donkey.”

Moreover, as proclaimed by the Israeli Army’s Major General Ghasan Alian, “Human animals must be treated as such. There will be no electricity and no water, there will only be destruction. You wanted hell, you will get hell,” addressing Gaza residents. Such statements by Israeli officials demonstrate a complete disdain for Palestinians, and demonstrate genocidal intent.

Furthermore, Telegram channels and social media are replete with memes and posts mocking the massacre of Palestinians, exaggerating their Arab features, and referring to Palestinians as cockroaches, microbes, and pigs.³⁸³ As mentioned above, this type of propaganda plays a powerful role in indoctrinating society to believe they are “better off without them.”³⁸⁴

5.5 Stage 5: Organization

Genocides are always organized, usually by the state, and involve plans for genocidal killings.³⁸⁵ This may be combined with state organization to spy on, arrest, torture, and murder people of suspected opposition.³⁸⁶ The motivations for targeting a group are transmitted through mass media, and special training is employed for those who go on to carry out genocide.³⁸⁷ Special army units or militias may be used, which may be supported by arms flows in violation of UN Arms Embargoes.³⁸⁸

It is worth noting that during the current crisis Israel has distributed weapons to militant settler groups, incited violence toward Palestinians, and allowed Israeli forces to act with impunity.³⁸⁹ However, the destruction of Palestine and Palestinians has been orchestrated by Israel for several decades, a troubling history which will be covered now.

5.5.1 The 1948 Creation of Israel and the Nakba

In 1948, the state of Israel was created, the same year in which Zionist armed groups destroyed approximately 700 Palestinian towns, villages and cities, and

forcibly expelled over 750,000 Palestinians from their homeland.³⁹⁰ Multiple massacres were committed, and approximately 15,000 Palestinians were killed.³⁹¹ A mass exodus ensued, and today the Palestinians' descendants are living as 6 million refugees in squalid camps throughout Palestine, as well as neighboring countries of Lebanon, Syria, Jordan, and Egypt, unable to access their original homeland.³⁹² The exodus was so chaotic that in December 1948 the UN general assembly passed Resolution 194, which called for the right of return for Palestinian refugees.³⁹³

Through this violent movement Zionists captured 78% of historic Palestine, and the remaining 22% was divided into the West Bank and besieged Gaza Strip.³⁹⁴ Approximately 150,000 Palestinians remained in the newly created state of Israel and were subjected to a tightly controlled military occupation.³⁹⁵ Palestinians who remained in Israel have faced significant discrimination, dispossession, persecution, and the erasure of their cultural heritage.³⁹⁶

Since its establishment in 1948, Israel has pursued a policy of establishing and maintaining a Jewish demographic majority, as well as maximizing control over the land and resources in order to benefit Israelis.³⁹⁷ Francis Boyle, professor of international law, has argued that:

For over the past six and one-half decades, the Israeli government and its predecessors in law – the Zionist agencies, forces, and terrorist gangs – have ruthlessly implemented a systematic and comprehensive military, political, religious, economic, and cultural campaign with the intent to destroy in substantial part the national, ethnical, racial, and different religious group (Jews versus Muslims and Christians) constituting the Palestinian people.³⁹⁸

5.5.2 Israeli Illegal Occupation and the 1967 Naksa

On June 5, 1967 during a Six-Day War against a coalition of Arab armies, Israel took effective control of the West Bank, Gaza, the Syrian Golan Heights, the Egyptian Sinai Peninsula, and expanded its discriminatory policies to these territories.³⁹⁹ Essentially all of historic Palestine became occupied, and 100% of land control was held by the Jewish population.⁴⁰⁰ The UN has not recognized these territories as parts of Israel, and legally they are considered "occupied territories".⁴⁰¹ This conflict led to a second forced displacement of Palestinians, which is called the Naksa or "setback" in Arabic.⁴⁰² In response to Israeli occupation, The Palestine Liberation Organization and Hamas were founded.⁴⁰³

Subsequently, many settlement constructions began in the occupied West Bank and Gaza Strip.⁴⁰⁴ Israel set up a two-tier system in which Jewish settlers were granted all the rights and privileges of being Israeli citizens, whereas Palestinians were forced to live under a military occupation which discriminated against them and also barred them from any form of political or civic expression.⁴⁰⁵ Currently, up to 750,000 Israelis have established illegal

settlements in the West Bank, expropriating more than 100,000 hectares (390 square miles) of land from Palestinians.⁴⁰⁶ This is in contravention of Article 49 of the Fourth Geneva Convention which prohibits a country from the “transfer [of] parts of its own civilian population into the territory it occupies.”⁴⁰⁷ Israeli settlers have an ideology akin to the American doctrine of “manifest destiny”, believing that God gave Jews the right to settle in the lands of Judah and Israel.⁴⁰⁸ This ideology is supported by Prime Minister Netanyahu, who is committed to further expansion of the Israeli settlements.⁴⁰⁹ This is in contrast to the Palestinian claim that they have been living in these lands for millennia.⁴¹⁰ In other words, the settler ideology of the Israelis is used to justify the forced displacement of Palestinians who have lived in these territories for thousands of years. As mentioned above, Israel has subjected Palestinians to military occupation in the West Bank as well as Gaza.⁴¹¹ Problematically, Israel has imposed movement restrictions and discriminatory policies which prevent normal life for the Palestinian population.⁴¹²

For context, when international law regulating the actions of occupying powers while also protecting the rights of the occupied peoples and nations was developed, it was understood that such military occupation would be a short-lived necessity during armed conflict, with such occupying forces being withdrawn at the end of such conflict.⁴¹³ Israel’s prolonged and “belligerent” occupation of the West Bank, including East Jerusalem and the Gaza Strip for several decades, far exceeds the type of occupation which was contemplated when these international laws were created, and has become illegal.⁴¹⁴ It is also worth noting that the ICJ is currently in the process of issuing an advisory opinion requested by the UN General Assembly regarding the legal consequences arising from the policies and practices of Israel in the occupied Palestinian territory, including East Jerusalem.⁴¹⁵ In February 2024 historic proceedings occurred, in which 49 Member States of the UN and three international organizations presented oral statements.⁴¹⁶ The Court has begun its deliberation, and is expected to deliver its advisory opinion later in 2024.

In light of the seemingly permanent nature of the Israeli occupation, human rights experts, including Israeli historian Ilan Pappé, have written about what is called the “incremental genocide” of Palestinians as well as the ultimate destruction of Palestinians as a national group.⁴¹⁷ This “incremental genocide” is accomplished through the normalization of Israeli annexation of Palestinian territory as well as the exile or absorption of the national group of individuals who identify as Palestinian.⁴¹⁸ As per international law, an occupying power may not annex the people nor territory it occupies.⁴¹⁹ As stated by the late human rights lawyer and Board President of the Center for Constitutional Rights Michael Ratner:

There’s no doubt again here this is ‘incremental genocide,’ [...] It’s been going on for a long time, the killings, the incredibly awful conditions of life, the expulsions that have gone on from Lydda in 1947 and ‘48, when 700 or more villages in Palestine were destroyed, and in the expulsions that continued from that time until today. It’s correct and important to

label it for what it is.⁴²⁰

[...] [T]hese killings are part of a broader set of inhuman acts by Israel constituting international crimes, carried out by Israel over many years, going back to at least 1947 and 1948. They include crimes that aren't talked about that much in the media or the press, the crimes of genocide, crimes against humanity, and apartheid. These crimes can be prosecuted in the International Criminal Court and are defined there.⁴²¹

Similarly, other scholars in academia have labelled the historic persecution of Palestinians as a "slow-motion" genocide.⁴²² As such, it is crucial to recognize that the events we are witnessing in modern times are a continuation of Islamophobia and anti-Palestinian racism which has been going on for decades, through which Israel has been systematically organizing the "incremental genocide" of Palestinians. Such acts can only be carried on a population which has been subjected to prejudice, hatred, and dehumanization.

5.6 Stage 6: Polarization

In this stage, extremists work to drive the groups apart and hate groups spread polarizing propaganda.⁴²³ Those from the perpetrator's own group who are moderates are intimidated, silenced, arrested, or possibly killed.⁴²⁴ Next, leaders of the persecuted group are arrested and murdered.⁴²⁵ Those from the targeted group are disarmed to render them incapable of self-defense, and ensure that the dominant group has total control.⁴²⁶ Emergency laws may be passed that grant the dominant group sweeping powers, and erode fundamental civil rights and liberties.⁴²⁷ Laws may even forbid intermarriage or social interactions.⁴²⁸ As an example of polarization, the Nazis used the newspaper 'Der Stürmer' to spread and incite messages of hate about Jewish people.

Israel has launched a significant hate propaganda campaign and simultaneously implemented emergency regulations which targeted foreign news channels.⁴²⁹ Examples of foreign news channels targeted include the Lebanese Al-Mayaden, as well as the Qatari Al-Jazeera.⁴³⁰ Independent journalists, including Israeli citizens, are targeted for damaging national morale.⁴³¹ For example, Israel has targeted the Israeli newspaper Haaretz for undermining "the war's objectives and weaken[ing] the military effort and our social resilience", as claimed by Israeli Communications Minister Shlomo Karhi, who seeks to sanction the news outlet.⁴³² The content condemned by Karhi included articles that accused Israel of crimes against humanity in the Gaza strip, as well as compared the attacks on October 7th to the "decades-long routine of Palestinians".⁴³³

Moreover, protestors of the Palestinian genocide have also been threatened by Israeli police.⁴³⁴ Israel has become extremely polarized, to the point where crowds of Israelis can be heard openly chanting "death to Arabs".⁴³⁵

5.7 Stage 7: Preparation

At this stage the populace is indoctrinated with fear of the victim group, coupled with a sudden increase in inflammatory rhetoric and hate propaganda.⁴³⁶ Perpetrators often claim to their populations that “if we don’t kill them, they will kill us”, disguising genocide as self-defense.⁴³⁷ The perpetrators may cloak their intentions, such as referring to “counter-terrorism” or “purification.”⁴³⁸ For example, the Nazis used the phrase “The Final Solution” to cloak their intentions.⁴³⁹ Armies are built, weapons are bought, and troops and militias are trained.⁴⁴⁰

In preparation for its military operations, Israel has called more than 300,000 reservist soldiers and the United States has sent various warships to Gaza. The IDF, together with militant settlers, have also perpetrated crimes against Palestinians in the West Bank.⁴⁴¹ At this time it is also critical to look at the history of the region, which will be outlined below.

5.7.1 The Persecution of Palestinians between 2008 – 2022

There have been many instances of attacks against Palestinians in the last few decades. For example, prior to the current crisis Israel launched four protracted military assaults on the Gaza Strip: in 2008, 2012, 2014, and 2021.⁴⁴² Between 2008 to 2022, Israeli attacks in the Gaza Strip and West Bank killed over 6,180 Palestinian civilians, more than half of whom were killed by Israeli bombs and missiles.⁴⁴³ Moreover, tens of thousands of Palestinian homes, schools, and office buildings were destroyed by Israeli forces, and rebuilding is extremely difficult as the Israeli blockade prevents construction materials from entering Gaza.⁴⁴⁴

Notably, in the summer of 2014, Israel launched “Operation Protective Edge” against Gaza, causing various human rights authorities to express concern that the campaign was a violation of international humanitarian law. During this 50-day military assault, dozens of Holocaust survivors and victims accused Israel of the crime of genocide for the death of more than 2,100 Palestinians in Gaza, including close to 500 children.⁴⁴⁵ Moreover, approximately 11,000 Palestinians were wounded, 20,000 homes were destroyed, and 500,000 people were displaced.⁴⁴⁶

5.7.2 Escalating Violence Against Palestinians in 2022, Preceding the Current Conflict

In 2022, the IDF had killed over 200 Palestinians, the highest Palestinian death toll since 2005.⁴⁴⁷ In January 2023, the IDF raided the Jenin Refugee Camp in the West Bank, which was the largest raid on refugees since 2002.⁴⁴⁸ Moreover, in April 2023, during the Islamic holy month of Ramadan, Israeli troops invaded the Al Aqsa Mosque in Jerusalem.⁴⁴⁹

The above analysis serves to add context to the statement of UN Secretary-

General Antonio Guterres, that the October 7th attacks “did not happen in a vacuum”.⁴⁵⁰ A quote from Francesca Albanese, the Special Rapporteur on the situation of human rights in the Palestinian Territory occupied, mirrors this sentiment:

The occupation has been the vehicle to colonise, brutalise, arbitrarily arrest and detain and to carry out summary executions against the Palestinian people [...]

Has the international community ever stopped this protracted illegality? No. This is why I keep on saying the international community has a huge, huge responsibility in the catastrophe that is now unfolding.⁴⁵¹

The Israeli motives for the above atrocities become apparent when understood in the context of Islamophobia and Anti-Palestinian racism. As mentioned above, Israeli authorities treat Palestinians as an inferior race group who are defined by their status as non-Jewish and Arab.⁴⁵² When a group such as Palestinians are dehumanized in this manner, it renders it easier for perpetrators to discriminate against them on the basis of them being considered inferior. This is why we see such a large scale of violence, as well as racial and religious discrimination that is cemented in laws which affect Palestinians across Israel and the occupied territories.⁴⁵³

5.8 Stage 8: Persecution

At this stage victims are identified and separated based on their national, ethnic, racial, or religious identity.⁴⁵⁴ Basic human rights of the victim group are violated through forced displacement, torture, and extrajudicial killings, and their property is often expropriated.⁴⁵⁵ Victims may be segregated into ghettos, deported to concentration camps, or confined to a famine-struck region and starved.⁴⁵⁶ The victim group is deliberately deprived of resources such as food and water in order to destroy the group slowly.⁴⁵⁷ Children are forcibly removed from their parents.⁴⁵⁸ In addition, genocidal massacres begin.⁴⁵⁹ All of these are considered acts of genocide because they intentionally destroy part of the group, which is prohibited by the Genocide Convention.⁴⁶⁰

As these acts are occurring, the perpetrators watch for whether such massacres are opposed by any effective international response.⁴⁶¹ If there is no reaction, the perpetrators realize they can get away with genocide.⁴⁶² In other words, the perpetrators know that the UN, regional organizations, and those nations with powerful militaries will once again be bystanders and permit another genocide.⁴⁶³

This report has outlined various means of persecution the Palestinians have been subjected to at the hands of Israel. Notably, mirroring the blockade Israel has imposed for the past 16 years, a siege has been placed on Gaza with food, water, medical supplies, electricity, and fuel being deprived for over 2 million Palestinians. Moreover, there has been a systematic confiscation of Palestinian

land, forcible displacement, and forced confinement of the Palestinian population into confined areas.⁴⁶⁴

5.8.1 Unlawful Detention and Torture

Israeli authorities have dramatically increased the arbitrary detention of Palestinians in the occupied West Bank in addition to the inhuman and degrading treatment of prisoners.⁴⁶⁵ Between October 7th and November 1st, Israel had doubled the number of Palestinians in its custody, from 5,200 to more than 10,000, including thousands of Palestinians who were granted work permits outside of Gaza, as well as Palestinians in the West Bank.⁴⁶⁶ Palestinians have even been arrested for social media posts in relation to the situation in Gaza.⁴⁶⁷ Reports of beatings, electric chairs, dog attacks, urination on prisoners, denial of necessities, deaths in Israeli custody, and more have emerged.⁴⁶⁸ Several Palestinian detainees from the West Bank have actually died in Israeli custody since October 7, 2023.⁴⁶⁹ Women, children, the sick, disabled, and elderly have not been spared from abuses by Israeli forces.⁴⁷⁰

Families of Israeli citizens who have been captured have actually been in favor of the Hamas demand that all hostages will be released in exchange for the Palestinian prisoners held in Israeli detention centers. They have even championed the slogan “everyone for everyone”.⁴⁷¹

Amnesty International has noted that torture and other ill-treatment committed against protected persons in an occupied territory is a war crime. In addition, the detention of protected persons outside the occupied territory held in Israel is a violation of international humanitarian law and amounts to forcible transfer.⁴⁷²

5.9 Stage 9: Extermination

At this stage extermination begins, and quickly becomes mass killing which is legally called “genocide”.⁴⁷³ It is considered an “extermination” to the killers because they do not believe their victims to be fully human.⁴⁷⁴ There is a deliberate and systematic campaign of violence. While the goal of total genocide is to kill all members of the targeted group, most genocides happen “in part”.⁴⁷⁵ Mass rapes of women have become a characteristic of modern genocides, and are used as a means to genetically alter and destroy the victim group.⁴⁷⁶ The destruction of cultural and religious property is also employed to annihilate the victim group’s existence from history.⁴⁷⁷

“Total war” between nations or ethnic groups is inherently genocidal as it does not differentiate civilians as well as non-combatants.⁴⁷⁸ “Carpet bombing”, firebombing, bombing hospitals, and the use of chemical or biological weapons are war crimes as well as acts of genocide.⁴⁷⁹ Terrorism makes no differentiation between civilians and combatants, and when intended to destroy members of a national, ethnic, racial or religious group is genocidal.⁴⁸⁰

We are currently witnessing the extermination of Palestinian people through Israel's indiscriminate bombing campaign, which has already killed over 30,000 Palestinians in Gaza, with the numbers rising daily. To exemplify the magnitude of Israel's attacks, it is worth noting that by October 29, 2023 Israel had dropped an average of 6,000 bombs on the Gaza strip per week. The bombings have targeted hospitals, schools, refugee convoys, mosques, churches, and residential buildings. The siege, mentioned above, has collectively punished Palestinians and deprived them of basic necessities. The incredibly flammable white phosphorus has been used on civilians in the most densely populated geographic territory on earth. Moreover, Israeli settlers have been increasingly attacking Palestinians in the West Bank.⁴⁸¹

5.10 Stage 10: Denial

Denial lasts throughout and follows genocide, and is one of the surest indicators of further genocidal massacres.⁴⁸² Perpetrators dig up mass graves, burn bodies, try to cover up evidence and intimidate witnesses.⁴⁸³ The investigations of crimes are blocked.⁴⁸⁴ There is a denial of crimes committed, and often the victims are blamed for what happened to them by the perpetrators and possibly later generations.⁴⁸⁵ If there is an ongoing armed conflict of civil war, acts of genocide are disguised as counter-insurgency.⁴⁸⁶ Perpetrators continue to govern until driven from power by force, when they flee into exile and remain there with impunity unless they are captured and a tribunal is established to try them.⁴⁸⁷

Moreover, during and after genocide, lawyers, diplomats, and others who oppose forceful action often deny that such crimes meet the definition of genocide.⁴⁸⁸ Rather, euphemisms like "ethnic cleansing" are used instead.⁴⁸⁹ They question whether an intent to destroy a group can be proven, ignoring thousands of murders, and overlooking the deliberate imposition of conditions that destroy part of a group.⁴⁹⁰ In addition, they claim that only courts can determine whether there has been a genocide, demanding "proof beyond a reasonable doubt", when prevention of genocide only requires action based on compelling evidence.⁴⁹¹

Israel has refused to take accountability or acknowledge the crimes being committed against Palestinians, rejecting accusations of genocide brought by South Africa as false and "grossly distorted".⁴⁹² On the contrary, the absence of meaningful consequences and the presence of support and endorsement from various countries has emboldened Israel to continue its human rights abuses.⁴⁹³ The guise of "self-defense" has been propagated and used as a means of justification for Israel's shocking actions, including its indiscriminate bombing and siege on Gaza.⁴⁹⁴ There has been a fundamental disregard for the thousands of Palestinians who have been killed, injured, and traumatized. In all, Israel's denial of accountability has been largely successful, and an urgent shift in approach from the international community is needed.

6. The Impact on Palestinian Children

6.1 Introduction

This section will outline the suffering of Palestinian children. Strikingly, over half of the Palestinians who are subjected to this crisis are children. Children do not start conflicts, and are powerless to stop them. This is not the first time these children have experienced trauma, as even before the current crisis, children in the Gaza Strip faced recurrent violence and debilitating poverty.⁴⁹⁵ For example, in the summer of 2014, Israel launched “Operation Protective Edge” against Gaza, causing various human rights authorities to express concern that the campaign was a violation of international humanitarian law. During this 50-day military assault, dozens of Holocaust survivors and victims accused Israel of the crime of genocide for the death of more than 2,100 Palestinians in Gaza, including close to 500 children.⁴⁹⁶

Growing up under military occupation and conflict has had a profound effect on Palestinian children.⁴⁹⁷ It has impacted every aspect of their lives, including their safety, development, psychosocial well-being, and mental health.⁴⁹⁸ The below sections will attempt to highlight their suffering.

6.2 Children Killed or Injured by Israel

Strikingly, at least 70 percent of those who were killed in this crisis are women and children.⁴⁹⁹ Children and their families have been attacked in places which should be the safest, including their homes, shelters, hospitals, places of worship, as well as “safe routes” for evacuation.⁵⁰⁰ Children have suffered severe burns and other serious injuries, including injuries requiring amputation.⁵⁰¹ Moreover, it is estimated that over 8,000 people, which includes at least 4,700 children and women, have been reported missing and are presumed either: (1) dead under

the rubble of destroyed buildings, (2) dying slow deaths, or (3) decomposing in the streets where they were killed by Israeli forces.⁵⁰² It has come to the point where parents have long resorted to writing their children's names on their bodies so they can be identified if they are killed or injured.⁵⁰³ When the identity cannot be determined, hospitals send out alerts on social media networks with the hopes that relatives can come forward, however sometimes a child's injuries are so severe that even their own families cannot recognize them.⁵⁰⁴ The level of Israel's killing has been so extensive that Palestinian bodies are being buried in mass graves, and are often unidentified.⁵⁰⁵ Every 10 minutes one Palestinian child is killed, and two are injured. More than 10 children a day lose one or both of their legs.⁵⁰⁶

Violence against children is not limited to the Gaza Strip. As noted by the Chair of the UN Child Rights Committee, "We also emphasize our grave concern about the situation of children living in the West Bank including East Jerusalem, who are facing arbitrary arrests, extra-judicial killing, and violence committed by occupying forces and settlers."⁵⁰⁷

6.3 Disproportionate Effects of Israel's Forced Siege and Displacement on Children

No child should be cut off from essential services, nor fall beyond the scope of humanitarian aid. Sadly, there are over 1 million children amongst the Palestinians trapped in Gaza who now are having trouble accessing basic necessities.⁵⁰⁸ Children and newborn babies are severely impacted by displacement, as well as restricted food, water, shelter, clothing, hygiene, sanitation, and health services.⁵⁰⁹ Lack of essential equipment, medical support, and fuel for hospital generators has resulted in infant deaths.⁵¹⁰ Newborns were even found decomposing in hospitals which were forced to be evacuated by Israeli forces.⁵¹¹

Children in the Gaza Strip face a deadly triple threat to their lives as disease rises, nutrition plummets, and the hostilities continue.⁵¹² The ability to produce water has drastically declined, reaching only a fraction of its usual capacity, as numerous water, sanitation, and hygiene facilities lie in ruins.⁵¹³ Reliable access to safe water, toilets, and washing amenities has been severed, leaving displaced children and their families unable to uphold crucial hygiene standards essential for averting diseases, particularly chronic diarrhea, which remains a significant threat to young children during crises.⁵¹⁴

6.4 Mental Trauma Suffered by Children due to this Crisis

Children have witnessed their parents and families being killed, been orphaned, and will require a lifetime of reconstructive surgery and mental health support. Moreover, it is estimated that there are tens of thousands of Palestinian children who have lost at least one parent, or are the sole surviving members of their families.⁵¹⁵ Children's homes have been destroyed, and their families torn apart.⁵¹⁶

Even preceding the current crisis, over half a million children in Gaza were identified as requiring mental health and psychosocial support.⁵¹⁷ The current crisis has only served to worsen this situation, with UNICEF reporting that every child in Gaza has been exposed to deeply distressing events and trauma, which are marked by widespread displacement and destruction.⁵¹⁸ The mental effect on children was recognized in UN Security Council 2712 from November 2023, where the council expressed its “deep concern that the disruption of access to education has a dramatic impact on children, and that conflict has lifelong effects on their physical and mental health”.⁵¹⁹

As stated by an Emergency Coordinator for Médecins sans Frontières who worked in Gaza for 5 weeks of the crisis:

[I]t’s even worse in reality than it looks. It’s – the amount of suffering is just some thing [...] incomparable. It’s really unbearable. [...] I’m speechless when I try and think of the future of [these] children. It’s generations of children who will be handicapped, who will be traumatized. The very children in our mental health program are telling us that they would rather die than continue living in Gaza now.⁵²⁰

6.5 Israel’s Persecution of Palestinian Children and Teenagers in the Detention System

While all Palestinian children face a wide array of risks, one sub-set of these children that are uniquely vulnerable and suffer from consistent violations of their fundamental rights are children who endure the Israeli military system.⁵²¹ For several years, lawyers from across the world, human rights organizations, and UN experts have been sharing the growing evidence of ill-treatment of children in the Israeli military detention system.⁵²²

Specifically, Palestinian children are the only children in the world who are systematically persecuted in military courts, which are lacking in fair trial rights and fail to meet juvenile justice standards.⁵²³ The most common charge brought against children is stone-throwing, which carries a maximum sentence of 20 years in prison despite evidence showing the prevalence of physical injuries arising from stone-throwing is very low.⁵²⁴ A study by Save the Children found that most Palestinian children had been subjected to a distressing or violent arrest or detention, in most cases at night.⁵²⁵ They were also subjected to a coercive interrogation environment, physical and emotional abuse in detention, and the denial of essential services, all of which are breaches of international law.⁵²⁶ In addition, most of the children were denied access to support or comfort from their families, and in certain cases, they were told their families had abandoned them which threatened their psychological health and ability to recover.⁵²⁷ Many were denied a meaningful opportunity to defend themselves against the allegations against them and were denied timely access to legal services.⁵²⁸ It is for this reason that Save the Children concludes:

In every respect, the Israeli military detention system appears designed

to render Palestinian children defenceless.

[...]t is clear from their testimony that military detention has profound and far-reaching repercussions on children's lives.⁵²⁹

The above persecution of children serves to highlight the political climate and persecution Palestinians have been suffering for decades.

6.6 Conclusion on the Impact on Palestinian Children

In light of the foregoing, it is unsurprising that many UN experts have decried the suffering of children during this crisis, some of which will be listed below:

"Gaza is becoming a graveyard for children." - UN Secretary-General Antonio Guterres⁵³⁰

"Gaza has become a graveyard for thousands of children" - UNICEF Spokesperson James Elder⁵³¹

Gaza is "the most dangerous place in the world to be a child." - United Nations International Children's Emergency Fund (UNICEF) Executive Director⁵³²

"[T]oday, no child in Gaza is free from fear, pain and hunger. In fact, they will be considered lucky if they can even survive this war and have the chance to grow up." - Chair of the UN Child Rights Committee⁵³³

"All children living in the Gaza Strip have lost their childhood. They are traumatized, and will forever live with a permanent impact on their mental health." - Chair of the UN Child Rights Committee⁵³⁴

"The rights of children living under the State of Israel's effective control are being gravely violated at a level that has rarely been seen in recent history." - Chair of the UN Child Rights Committee⁵³⁵

In all, the situation faced by children in Gaza is dire, and in urgent need of attention and amelioration by the international community. The suffering imposed on children can only be understood in light of the fact that Palestinians are viewed as an inferior race group who are defined by their status as non-Jewish and Arab.⁵³⁶ Thus, underlying the genocide of Palestinians, and the suffering imposed on their children, are notions of Islamophobia and Anti-Palestinian racism. It is through this lens that children, who have no hand to play in the conflict and are always deserving of protection, are viewed as necessary casualties as part of a perceived holy war. When a group is dehumanized to this extent, it renders it easier for perpetrators to discriminate and dehumanize them on the basis of them being considered inferior, even to the point of them being seen as unworthy of life. This explains why we see such a large scale of violence with little remorse as part of the conflict, including with respect to children.



7. Conclusion

In conclusion, this report has focused on Islamophobia and Anti-Arab racism and their relation to the genocide of Palestinians by Israel. In particular, emphasis has been placed on the dehumanization, prejudice, hatred, and exclusion faced by Palestinians. It is important to note that, as this report has outlined, the current conflict did not start in a vacuum. There is a long history of human rights scholarship and legal analysis that supports the assertion that Israel has been committing an “incremental genocide” against Palestinians for decades. This comes in the wake of the 1948 mass killing and displacement of Palestinians, decades-long military occupation, a discriminatory legal regime, repeated military assaults, and official Israeli statements calling for the elimination of Palestinians.

Through their violent campaign affecting thousands of Palestinian citizens, Israel is arguably committing genocide, war crimes, as well as crimes against humanity. In an ongoing trial commenced by South Africa, the ICJ has already determined that a genocide in the Gaza Strip is plausible. Similarly, in a lawsuit filed in a US federal court by the Center for Constitutional Rights against President Biden, Secretary of State Blinken, and Secretary of Defense Austin for failure to prevent and complicity in Israel’s genocide, the federal court also found that Israel’s assault on Gaza is a plausible case of genocide based on powerful factual evidence. 880 scholars and practitioners of international law, conflict studies, Holocaust and genocide studies have signed a public statement to “sound the alarm” of the serious risk of genocide being committed by the Israeli forces against Palestinians in Gaza.

Other human rights abuses committed by Israel are deeply problematic and are raising growing international law concerns, such as the collective punishment of Palestinian civilians by Israel’s siege of food, water, medical supplies, electricity, and fuel; the forcible relocation of 1.1 million Palestinians to southern Gaza, an order which experts have called “unspeakably cruel”; as well as Israel’s reckless use of highly flammable white phosphorus against the

civilian population.

The above are incredibly serious matters which require immediate attention by the international community. The absence of meaningful consequences and the presence of support and endorsement from various countries has emboldened Israel to continue its human rights abuses. Without holding perpetrators accountable, we will all be condemned to repeat this cycle of violent repression, with ripple effects across the world. Parties to the Genocide Convention, and in fact all States under customary international law, have an obligation to prevent and punish the crime of genocide. United Nations experts have expressed their profound concern about “the failure of the international system to mobilize to prevent genocide” against Palestinians, and have called on the international community to “do everything it can to immediately end the risk of genocide against the Palestinian people.”⁵³⁷ It is thus critical that the international community, including the United States and Canada, take action on an urgent basis to prevent and punish these heinous crimes committed by Israel as part of this conflict.

8. Policy Recommendations

8.1 Policy Recommendations for Canada

1. Freedom for All – The ongoing struggle for freedom in Palestine underscores the urgent need for concerted international efforts to address the systemic injustices and human rights violations faced by Palestinians. All countries have an interest in preventing and punishing the crime of genocide, as well as combatting repression and supporting the freedom of persecuted minorities across the globe.

It is imperative that Canada prioritize the promotion and protection of human rights in Palestine. This entails addressing the root causes of the conflict, including Israel's 76-year-long apartheid, 57-year-long occupation of Palestinian territories, and 17-year blockade of Gaza. A just and lasting solution should guarantee the rights and freedoms for all peoples, irrespective of religion or ethnicity. Muslims, Jews, Christians, and all communities of the region should have the ability to live and thrive in an environment of peace and dignity. Canada's historical track record of prioritizing Israel's sovereignty during peace negotiations and supporting Israel at the United Nations has often been criticized as perpetuating the imbalance of power, and contributing to the ongoing injustices and human rights violations faced by Palestinians. In summary, Canada should employ serious diplomatic efforts to pressure Israel to end the root causes of the current crisis, and work towards a just solution for all.

2. Permanent Ceasefire – Canada must take all available measures to secure an immediate, durable, and permanent ceasefire in order to prevent further loss of life and suffering. Israel has conducted indiscriminate and

unlawful attacks in violation of international humanitarian law, and as such Canada must take concrete measures to protect Palestinian civilians, humanitarian personnel, persons hors de combat, civilian objects, and humanitarian facilities from such attacks. Expressions of concern or calls for “humanitarian pauses” are insufficient in light of the dire circumstances.

3. Urgent Humanitarian Aid – Palestinians are in urgent need of immediate, continuous, sufficient, and unhindered humanitarian aid. Canada should mobilize the international community to bring immediate relief to the victims of this growing humanitarian crisis, including clean water, food, medical supplies, emergency housing, and other lifesaving and gender-responsive essentials. Air dropping aid is a positive but temporary measure, and should be used in conjunction with more impactful forms of delivery such as ensuring land border crossings are open for trucks to pass through.

Due to the significant trauma experienced by Palestinian civilians (including children), reparation, restitution, psycho-social support and reconstruction must be provided for victims and their families on an urgent basis.

Immediate, sustained, and unhindered humanitarian access as well as funding should be provided to UNRWA, a critical resource for humanitarian assistance in the region, as well as other United Nations humanitarian agencies and their implementing partners, the International Committee of the Red Cross, and other humanitarian organizations upholding humanitarian principles and delivering urgent assistance to Palestinian civilians.

Canada should support the deployment of UN peacekeepers to safeguard Palestinian civilians while distributing aid to ensure aid safely reaches those in need.

4. Advocate for Human Rights Principles and End Collective Punishment

– Given their close diplomatic relationship, Canada has significant influence over the actions of Israel. Canada should demand respect and protection, consistent with international humanitarian law, of all civilian and humanitarian facilities, including hospitals, medical facilities, their means of transport and equipment, schools, places of worship, United Nations facilities, humanitarian and medical personnel and journalists, as well as media professionals.

Canada should also demand that Israel immediately rescind its order for 1.1 million Palestinians, UN staff, as well as humanitarian and medical workers to evacuate to southern Gaza, amounting to forcible transfer. Israel must also end its illegal siege and blockade on Gaza. The 17-year-long illegal blockade amounts to collective punishment of Gaza’s population, is a war crime, and is a key component of Israel’s apartheid system. Palestinians should have the ability to access and control their own water, food, medication, electricity, and fuel and not be subjected to foreign control over these necessities.

5. Withdrawing Political and Diplomatic Support to Curb International Crimes – Canada should halt all political and diplomatic support for Israel, including tacit approval. Canada should denounce Israel’s international crimes, and refrain from any statement or action which would indirectly legitimize Israel’s international crimes against Palestinian civilians. Self-defense is not a justification for genocide or international crimes. Statements indicating that Israel has a right of self-defense “in accordance with international law”, and that it should exercise “maximum restraint” are not enough given the scale of the crisis, and have proven ineffective in deterring Israel from its current actions.

6. Ceasing Military and Economic Assistance Considering Israel’s Human Rights Violations – Similarly, Canada should halt its military and economic support for Israel. Pursuant to the Export and Import Permits Act, the Canadian Minister of Foreign Affairs must deny exports and brokering permit applications for military goods and technology if there is a substantial risk that such items would undermine peace and security, or could be used to commit or facilitate serious violations of international humanitarian and human rights laws. Moreover, Canada has ratified the International Arms Trade Treaty, which “promotes responsibility, transparency and accountability in transfers of conventional arms”. Israel’s human rights violations are more than sufficient to impose an arms embargo, including with respect to arms, military equipment, technologies, parts and components, technical assistance, and training. Canada should also call on other states supplying arms to Israel to refrain from doing so.

7. Independent Inquiry – Canada should pressure Israel to grant immediate access to the Independent Commission of Inquiry on the Occupied Palestinian Territory to carry out investigations, including collecting testimonies and time-sensitive evidence.

8. Ensuring Accountability – Canada should mobilize the international community to hold the Israeli government accountable for the grave human rights violations committed, including by classifying the situation as a “genocide” pursuant to the Genocide Convention. Canada should support cases at the ICC and ICJ, such as South Africa’s case charging Israel with genocide, as well as the implementation of provisional measures ordered by the Court. Canada should also sanction those responsible for this grave persecution of Palestinians under the Canadian version of the Magnitsky Act, the Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law).

9. Human Rights Experts in Trade Negotiations – Moving forward, Canada should include human rights experts at any diplomatic and trade negotiation meetings with Israel. All support provided by Canada to Israel should be evaluated under a full human rights analysis.

10. Expand Islamophobia Office – Islamophobia, Anti-Arab, and Anti-Palestinian racism are on the rise, in large part due to biased media coverage

throughout this war which dehumanizes Muslims, Arabs, and Palestinians. This discrimination permeates various sectors, from employment to schools to social life. Currently Canada's office of the Special Representative on Combating Islamophobia mandate is only to help combat Islamophobia domestically. The mandate of this office should be expanded to include combatting Islamophobia both domestically and internationally. A precedent for this already exists, as the Special Envoy on Preserving Holocaust Remembrance and Combatting Antisemitism includes both a domestic and international mandate.

11. Hate Speech Monitoring – As hate speech is illegal in Canada, all monitoring mechanisms of hate speech should include the identification of Islamophobic rhetoric.

8.2 Policy Recommendations for the United States

1. Freedom for All – The ongoing struggle for freedom in Palestine underscores the urgent need for concerted international efforts to address the systemic injustices and human rights violations faced by Palestinians. All countries have an interest in preventing and punishing the crime of genocide, as well as combatting repression and supporting the freedom of persecuted minorities across the globe.

It is imperative that the United States prioritize the promotion and protection of human rights in Palestine. This entails addressing the root causes of the conflict, including Israel's 76-year-long apartheid, 57-year-long occupation of Palestinian territories, and 17-year blockade of Gaza. A just and lasting solution should guarantee the rights and freedoms for all peoples, irrespective of religion or ethnicity. Muslims, Jews, Christians, and all communities of the region should have the ability to live and thrive in an environment of peace and dignity. The United States' historical track record of prioritizing Israel's sovereignty during peace negotiations and supporting Israel at the United Nations has often been criticized as perpetuating the imbalance of power, and contributing to the ongoing injustices and human rights violations faced by Palestinians. In summary, the United States should employ serious diplomatic efforts to pressure Israel to end the root causes of the current crisis, and work towards a just solution for all.

2. Permanent Ceasefire – The United States must take all available measures to secure an immediate, durable, and permanent ceasefire in order to prevent further loss of life and suffering. Israel has conducted indiscriminate and unlawful attacks in violation of international humanitarian law, and as such the United States must take concrete measures to protect Palestinian civilians, humanitarian personnel, persons hors de combat, civilian objects, and humanitarian facilities from such attacks. Expressions of concern or calls for "humanitarian pauses" are insufficient in light of the dire circumstances.

3. Ceasing Military and Economic Assistance Considering Israel's Human Rights Violations – Similarly, the United States should halt its military and economic support for Israel. In light of the various international crimes committed thus far, the United States should immediately stop sending supplemental security assistance in addition to its annual 4 billion dollars in military aid and weapons sales to Israel.

The United States has signed the International Arms Trade Treaty, which “promotes responsibility, transparency and accountability in transfers of conventional arms”. Moreover, U.S. law, specifically the Arms Export Control Act and the Foreign Assistance Act, with the State Leahy Amendment, establish conditions under which the U.S. government may provide security assistance, requiring the State Department to ensure that U.S. security assistance does not aid gross violations of human rights. The U.S. Conventional Arms Transfer Policy further establishes that the United States will not authorize arms transfers if “it is more likely than not” that such arms “will be used by the recipient to commit [...] genocide; crimes against humanity; grave breaches of the Geneva Conventions of 1949 [...] or other serious violations of international humanitarian or human rights law.” Israel’s human rights violations are sufficient to impose an arms embargo, including with respect to arms, military equipment, technologies, parts and components, technical assistance, and training. The United States should also call on other states supplying arms to Israel to refrain from doing so.

4. Urgent Humanitarian Aid – Palestinians are in urgent need of immediate, continuous, sufficient, and unhindered humanitarian aid. The United States should mobilize the international community to bring immediate relief to the victims of this growing humanitarian crisis, including clean water, food, medical supplies, emergency housing, and other lifesaving and gender-responsive essentials. Air dropping aid is a positive but temporary measure, and should be used in conjunction with more impactful forms of delivery such as ensuring land border crossings are open for trucks to pass through.

Due to the significant trauma experienced by Palestinian civilians (including children), reparation, restitution, psycho-social support and reconstruction must be provided for victims and their families on an urgent basis.

Immediate, sustained, and unhindered humanitarian access as well as funding should be provided to UNRWA, a critical resource for humanitarian assistance in the region, as well as other United Nations humanitarian agencies and their implementing partners, the International Committee of the Red Cross, and other humanitarian organizations upholding humanitarian principles and delivering urgent assistance to Palestinian civilians.

The United States should support the deployment of UN peacekeepers to safeguard Palestinian civilians while distributing aid to ensure aid safely reaches those in need.

5. Advocate for Human Rights Principles and End Collective Punishment

Given their close diplomatic relationship, the United States has significant influence over the actions of Israel. The United States should ensure respect and protection, consistent with international humanitarian law, of all civilian and humanitarian facilities, including hospitals, medical facilities, their means of transport and equipment, schools, places of worship, United Nations facilities, humanitarian and medical personnel and journalists, as well as media professionals.

The United States should also demand that Israel immediately rescind its order for 1.1 million Palestinians, UN staff, as well as humanitarian and medical workers to evacuate to southern Gaza, amounting to forcible transfer. Israel must also end its illegal siege and blockade on Gaza. The 17-year-long illegal blockade amounts to collective punishment of Gaza's population, is a war crime, and is a key component of Israel's apartheid system. Palestinians should have the ability to access and control their own water, food, medication, electricity, and fuel and not be subjected to foreign control over these necessities.

6. Withdrawing Political and Diplomatic Support to Curb International Crimes

The United States should halt all political and diplomatic support for Israel, including tacit approval. The United States should denounce Israel's international crimes, and refrain from any statement or action which would indirectly legitimize Israel's international crimes against Palestinian civilians. Self-defense is not a justification for genocide or international crimes. Statements indicating that Israel has a right of self-defense "in accordance with international law", and that it should exercise "maximum restraint" are not enough given the scale of the crisis, and have proven ineffective in deterring Israel from its current actions.

7. Independent Inquiry – The United States should pressure Israel to grant immediate access to independent fact-finding bodies such as the Independent Commission of Inquiry on the Occupied Palestinian Territory to carry out investigations, including collecting testimonies and time-sensitive evidence.

8. Ensuring Accountability – The United States should mobilize the international community to hold the Israeli government accountable for the grave human rights violations committed, including by classifying the situation as a genocide pursuant to the Genocide Convention. The United States should support cases at the ICC and ICJ, such as South Africa's case charging Israel with genocide, as well as the implementation of provisional measures ordered by the Court. The United States should sanction those responsible for the grave persecution of Palestinians under the Global Magnitsky Act.

9. Human Rights Experts in Trade Negotiations – Moving forward the United States should include human rights experts at any diplomatic and trade negotiation meetings with Israel. All support provided by the United States to

Israel should be evaluated under a full human rights analysis.

10. Establish Special Envoy to Monitor and Combat Islamophobia Abroad –

The United States should establish, and Congress should fund, an Office in the State Department under the Undersecretary for Civilian Security, Democracy, and Human Rights entitled the Special Envoy to Monitor and Combat Islamophobia, with the rank of Ambassador. The goal of this new office would be to advance United States foreign policy on Islamophobia by developing and implementing policies and projects to support efforts to combat Islamophobia. The office would also monitor, report on, and combat acts of Islamophobia occurring in foreign countries. A precedent for this position already exists to combat Anti-Semitism.

11. Monitor and Combat Islamophobia Domestically – Islamophobia, Anti-Arab, and Anti-Palestinian racism are on the rise in large part due to biased media coverage throughout this war, which dehumanizes Muslims, Arabs, and Palestinians. This discrimination permeates various sectors, from employment to schools to social life.

In a horrifying incident of hate, a Jewish landlord killed a 6-year-old Palestinian-American by stabbing him 26 times and also stabbed his mother. In response, the Biden Administration announced it is developing a U.S. National Strategy to Counter Islamophobia, a joint effort led by the Domestic Policy Council and the National Security Council. This White House strategy should recognize that Islamophobia occurring in foreign countries is fueling Islamophobia domestically, and publicly condemn the openly Islamophobic, Anti-Arab and Anti-Palestinian statements made by foreign and domestic officials, as well as the hate crimes targeting Muslims and Arab Americans. The strategy should be sufficiently funded to help combat Islamophobia domestically.

8.3 Policy Recommendations for the United Nations

1. Freedom for All – The ongoing struggle for freedom in Palestine underscores the urgent need for concerted international efforts to address the systemic injustices and human rights violations faced by Palestinians. All countries have an interest in preventing and punishing the crime of genocide, as well as combatting repression and supporting the freedom of persecuted minorities across the globe.

It is imperative that the United Nations prioritize the promotion and protection of human rights in Palestine. This entails addressing the root causes of the conflict, including Israel's 76-year-long apartheid, 57-year-long occupation of Palestinian territories, and 17-year blockade of Gaza. A just and lasting solution should guarantee the rights and freedoms for all peoples, irrespective of religion or ethnicity. Muslims, Jews, Christians, and all communities of the region should have the ability to live and thrive in an environment of peace and

dignity.

In the case of Namibia's struggle for independence from South Africa's control during its apartheid era, the United Nations General Assembly influenced the Security Council to pass binding resolutions addressing the illegality of South Africa's presence, including calling on all States to refrain from economic or other dealings with the Government of South Africa as well as implementing a UN process to oversee South African withdrawal and negotiations. Similarly, in this case the United Nations should employ serious diplomatic efforts to apply international pressure on Israel to end the root causes of the current crisis, and work towards a just solution for all.

2. Permanent Ceasefire – The United Nations must take all available measures to secure an immediate and permanent ceasefire, as well as pressure Israel to end all military operations in order to prevent further loss of life and suffering. Israel has conducted unlawful attacks against Palestinian civilians in violation of international humanitarian law, and as such the United Nations must take concrete measures to protect Palestinian civilians from such attacks.

3. Prevention and UN Protection Force – All states should immediately act under Article VIII of the Genocide Convention, and call upon the competent organs of the United Nations, particularly the UN General Assembly, to take urgent action under the Charter of the United Nations appropriate for the prevention and suppression of acts of genocide. The UN Security Council should authorize the rapid deployment of a well-resourced and strongly mandated multilateral UN protection force, with a sustained mandate to protect Palestinian civilians. Real safe areas should be established with international protection. If the UN Security Council fails to act, the UN General Assembly should authorize action under the Uniting for Peace Resolution 377(V) (1950), which has been used 13 times in the past for armed intervention.

4. Urgent Humanitarian Aid – Palestinians are in urgent need of immediate, continuous, sufficient, and unhindered humanitarian aid. The United Nations should mobilize the international community to bring immediate relief to the victims of this growing humanitarian crisis, including clean water, food, medical supplies, emergency housing, and other lifesaving and gender-responsive essentials.

Due to the significant trauma experienced by Palestinian civilians (including children), reparation, restitution, psycho-social support and reconstruction must be provided for victims and their families on an urgent basis.

Immediate, sustained, and unhindered humanitarian access as well as funding should be provided to UNRWA, a critical resource for humanitarian assistance in the region, as well as other United Nations humanitarian agencies and their implementing partners, the International Committee of the Red Cross, and other humanitarian organizations upholding humanitarian principles and delivering urgent assistance to Palestinian civilians. UNRWA should be provided

with a dedicated annual budget so it is not reliant on donations from States.

UN peacekeepers should be deployed to safeguard Palestinian civilians while distributing aid to ensure aid safely reaches those in need.

5. Ending the Evacuation and Siege – The United Nations should demand that Israel immediately end its evacuation order leading to the forced displacement of over 1 million Palestinians, as well as end its illegal siege and blockade on Gaza. Israel’s 17-year-long illegal blockade amounts to collective punishment of Gaza’s population, is a war crime, and is a key component of Israel’s apartheid system. Palestinians should have the ability to access and control their own water, food, medication, electricity, and fuel and not be subjected to foreign control over these necessities.

6. ICC Investigation – The United Nations must ensure that the Office of the Prosecutor of the International Criminal Court’s ongoing investigation into the situation in Palestine receives the full support and necessary resources it requires. This office itself must expedite its ongoing investigation into the situation in Palestine, examining the alleged crimes, including the crime against humanity of apartheid against Palestinians. The dismantlement of Israel’s system of apartheid against Palestinians is required in order to end the suffering of Palestinian civilians. All Palestinian deaths and injuries should be investigated, and those responsible should be held accountable.

7. Ad Hoc Tribunal – As has been done in Yugoslavia and Rwanda, the UN Security Council should pass a resolution establishing an ad hoc criminal tribunal to prosecute those responsible for genocide, war crimes, and other atrocities as well as human rights violations.

8. Sanctions – The United Nations Security Council should adopt targeted sanctions, including travel bans and asset freezes, against those responsible for Israel’s violations of international law.

9. Independent Mechanism to Collect Evidence – The United Nations General Assembly, or alternatively the Human Rights Council, should create an independent, impartial mechanism to collect, consolidate, preserve and analyze evidence of violations of international humanitarian law and human rights violations and abuses. This includes investigating Israel’s use of incendiary weapons, amongst many other atrocities. The justice process should make full use of the decades of accumulated UN investigations, enquiries, and reports on the human rights abuses suffered by Palestinians.

10. Involvement of the OHCHR – The Human Rights Council should request the Office of the United Nations High Commissioner for Human Rights to focus on ensuring accountability for human rights violations and abuses in Israel, including by enhanced monitoring, documentation, analysis and public reporting on the situation of human rights; raising awareness among civil society and other actors engaged in documenting human rights violations of

relevant international standards; working with victim communities to raise awareness about justice options; and supporting comprehensive rule of law and security sector reform in accordance with international human rights norms and standards. Appropriate resources should be allocated.

11. Proceedings before the ICJ – In 1982, the United Nations General Assembly condemned the massacre of Palestinian civilians in the Sabra and Shatila refugee camps as “an act of genocide”. South Africa has commenced, in accordance with Article IX of the Genocide Convention, proceedings before the ICJ in order to prevent the perpetration of genocidal acts. Moreover, Nicaragua has taken Germany to the ICJ for complicity in the current genocide, and there is an ongoing case regarding the illegality of Israeli settlements on Palestinian territories. All member states should support these cases. Attempts to move cases away from the courts and back into negotiations between the parties fails to recognize the power imbalance between the parties and failure of this approach for decades.

12. Addressing Human Rights Concerns – The international community should ensure that engagement with Israel addresses human rights concerns and explicitly conforms to the principles of non-discrimination and equality. The international community should also ensure that humanitarian organizations working on the situation in Palestine are appropriately funded.

13. The Right to Return – The United Nations and the international community must reaffirm and insist on the right to return and full compensation for all Palestinians and their families currently living in occupied territories, Lebanon, Jordan, Syria, Egypt, and in the diaspora across the globe. Such repatriation and the return of internally displaced persons should be conducted in a safe, voluntary, and dignified manner, with explicit human rights protections in place.

14. Victim Support – The United Nations should promote a trust fund for victim support, through which victims can receive psychosocial support, legal aid and livelihood support, and other means of assistance. All trust fund projects should be designed in consultation with victims.

9. Endnotes

- 1 Center for Constitutional Rights, “The Genocide of the Palestinian People: An International Law and Human Rights Perspective”, August 25, 2016, <https://ccrjustice.org/genocide-palestinian-people-international-law-and-human-rights-perspective>.
- 2 Canadians for Justice and Peace in the Middle East, “Who is talking about Israeli Apartheid?”, last updated November 7, 2023, https://www.cjpme.org/apartheid_list ; Amnesty International, “Israel’s Apartheid Against Palestinians”, accessed October 18, 2023, <https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/> ; Human Rights Watch, “A Threshold Crossed”, April 27, 2021, <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>.
- 3 Center for Constitutional Rights, “The Genocide of the Palestinian People”.
- 4 Center for Constitutional Rights, “Emergency Legal Briefing Paper: Israel’s Unfolding Crime of Genocide of the Palestinian People & U.S. Failure to Prevent and Complicity in Genocide”, October 18, 2023, https://ccrjustice.org/sites/default/files/attach/2023/10/Israels-Unfolding-Crime_ww.pdf at fn 2.
- 5 Emma Ogao, “African Leaders React as Israel Declares War on Hamas”, ABC News, October 13, 2023, <https://abcnews.go.com/International/International/african-leaders-react-israel-declares-war-hamas/story?id=103885919>; Al Jazeera, “How Many Israeli Captives Have Been Released or Rescued?”, February 14, 2024, <https://www.aljazeera.com/news/2024/2/14/how-many-israeli-captives-have-been-released-or-rescued>.
- 6 AJ Labs, “Israel-Gaza war in maps and charts: Live tracker”, Al Jazeera, accessed October 24, 2023, <https://www.aljazeera.com/news/longform/2023/10/9/israel-hamas-war-in-maps-and-charts-live-tracker>.
- 7 Raz Segal, “A Textbook Case of Genocide”, Jewish Currents, October 13, 2023, <https://jewishcurrents.org/a-textbook-case-of-genocide> ; Stanis Island, “Analysing the ‘Ten Stages of Genocide’ in the Context of Palestine”, October 25, 2023, <https://stanisland.com/2023/10/25/analyzing-genocide-stages-in-palestine/>.
- 8 Government of the Republic of South Africa, Application to Institute Proceedings, December 12, 2023, <https://icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf> at para 101-107.
- 9 Government of the Republic of South Africa, Application to Institute Proceedings.
- 10 International Court of Justice, Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel), Provisional Order, January 26, 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf> at para 75.
- 11 Center for Constitutional Rights, “Emergency Legal Briefing Paper”.
- 12 Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential Genocide in Gaza”, October 15, 2023, <https://twail.com/public-statement-scholars-warn-of-potential-genocide-in-gaza/>.
- 13 Noura Erakat, Policy Paper: Nakba Peace: “Israel’s Demand for Exception to the Prohibition on Genocide”, Journal of Palestine Studies, Issue 040, February 12, 2024, <https://www.palestine-studies.org/sites/default/files/attachments/policypapers/Noura%20Erakat%20ENG%20FIXED%20040.pdf> at 3 ; Noura Erakat, “No, Israel Does Not Have the Right to Self-Defense In International Law Against Occupied Palestinian Territory,” Jadaliyya, July 11, 2014, <https://www.jadaliyya.com/Details/27551>.
- 14 Rushdi Abu Alouf & Oliver Slow, “Gaza ‘soon without fuel, medicine and food’ - Israel authori-

- ties”, October 9, 2023, <https://www.bbc.com/news/world-middle-east-67051292>.
- 15 Al Jazeera, “Israel orders 1.1 million people in Gaza to move south: What to know,” October 13, 2023, <https://www.aljazeera.com/news/2023/10/13/israel-orders-1-1-million-people-in-gaza-to-move-south-what-to-know>.
- 16 Philibert Slibert & Marija Ristic, “Israel/OPT: Identifying the Israeli Army’s Use of White Phosphorus in Gaza”, Amnesty International, October 13, 2023, <https://amnesty.ca/human-rights-news/israel-opt-identifying-the-israeli-armys-use-of-white-phosphorus-in-gaza/>.
- 17 Israel Ministry of Foreign Affairs, “Press Release: Excerpt from PM Netanyahu’s remarks at the opening of the Winter Assembly of the 25th Knesset’s Second Session”, October 16, 2023, <https://www.gov.il/en/departments/news/excerpt-from-pmnetanyahu-s-remarks-at-the-opening-of-the-knesset-s-winter-assembly-16-oct-2023>.
- 18 Gianluca Pacchiani, The Times of Israel, October 10, 2023, https://www.timesofisrael.com/live-blog_entry/cogat-chief-addresses-gazans-you-wanted-hell-you-will-get-hell/.
- 19 UNICEF, “Children in Gaza Need Life-Saving Support”, February 14, 2024, <https://www.unicef.org/emergencies/children-gaza-need-lifesaving-support>.
- 20 Save the Children, “Defenceless, The Impact of the Israeli Military Detention System on Palestinian Children”, 2020, https://www.savethechildren.org.uk/content/dam/gb/reports/defenceless_impact_of_detention_on_palestinian_children.pdf at 4.
- 21 AJ Labs, “Israel-Gaza war in maps and charts: Live tracker”.
- 22 Red Crescent Society, “Palestine Red Crescent Society Response Report As of Saturday, October 7th 2023, 6:00 PM Until Sunday, December 24th 2023, 24:00 AM”, December 24 2023, <https://www.palestinercs.org/public/files/image/2023/News/latestresponse23012023/en%20220%202023.pdf> at p.1 ; AJ Labs, “Israel-Gaza war in maps and charts: Live tracker”.
- 23 Ruwaida Amer and Federica Marsi, “He was Nameless”: Orphaned Children Lost Family, Identity in Gaza”.
- 24 Dr Quraysha Sooliman, “UP Expert Opinion: Consent for genocide in Gaza is manufactured”, October 26, 2023, https://www.up.ac.za/news/post_3190889-up-expert-opinion-consent-for-genocide-in-gaza-is-manufactured; Stanis Island, “Analysing the ‘Ten Stages of Genocide’ in the Context of Palestine”, October 25, 2023, <https://stanisland.com/2023/10/25/analyzing-genocide-stages-in-palestine/>.
- 25 OHCHR, “Gaza: UN experts call on international community to prevent genocide against the Palestinian people” November 16, 2023, <https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against>.
- 26 Center for Constitutional Rights, “Emergency Legal Briefing Paper” at 6 ; Mandy Turner, “Chatham House and the Call for the Decolonization of Israel and Palestine”, Jadaliyya, October 19, 2023, <https://www.jadaliyya.com/Details/45404> ; Gregory Shupak, “Israeli-Palestinian Conflict: Media who ignore causes of violence can’t help prevent it”, IBW21, October 17, 2023, <https://ibw21.org/editors-choice/media-who-ignore-causes-of-violence-cant-help-prevent-it/>.
- 27 Center for Constitutional Rights, “Emergency Legal Briefing Paper” at 6.
- 28 Center for Constitutional Rights, “The Genocide of the Palestinian People”.
- 29 Zena Al Tahhan, “More than a Century On: The Balfour Declaration Explained”, Al Jazeera, November 2, 2018 <https://www.aljazeera.com/features/2018/11/2/more-than-a-century-on-the-balfour-declaration-explained> ; Michael Ratner, “UN’s Investigation of Israel Should Go Beyond War Crimes to Genocide”, The Real News, July 27, 2014, <https://therealnews.com/mratner0725report>.
- 30 Al Jazeera, “What’s the Israel-Palestine Conflict About? A Simple Guide”, Al Jazeera, October 9, 2023, <https://www.aljazeera.com/news/2023/10/9/whats-the-israel-palestine-conflict-about-a-simple-guide>.
- 31 Al Jazeera, “What’s the Israel-Palestine Conflict About? A Simple Guide” ; Genocide Watch, “Country Overview”, <https://www.genocidewatch.com/country-pages/israel%2Fpalestine>.
- 32 Al Jazeera, “What’s the Israel-Palestine Conflict About? A Simple Guide”.
- 33 United Nations Office for the Coordination of Humanitarian Affairs, “Data on Casualties”, accessed October 18, 2023, <https://www.ochaopt.org/data/casualties>.
- 34 Al Jazeera, “What’s the Israel-Palestine Conflict About? A Simple Guide”.
- 35 Zachary Davies Boren, “Holocaust survivors and their descendants accuse Israel of ‘genocide’”, The Independent, August 24, 2014, <https://www.independent.co.uk/news/world/middle-east/holocaust-survivors-and-their-descendants-accuse-israel-of-genocide-9687994.html>; Al Jazeera, “What’s the Israel-Palestine Conflict About? A Simple Guide”.
- 36 Al Jazeera, “What’s the Israel-Palestine Conflict About? A Simple Guide”.
- 37 Euro-Med Monitor, “Pulling the trigger is the first resort: Palestinians killed by Israeli army and settlers in 2022”, January 2023, <https://reliefweb.int/report/occupied-palestinian-territory/pulling-trigger-first-resort-palestinians-killed-israeli-army-and-settlers-2022-enar>.
- 38 Genocide Watch, “Israel and Palestine Report”, May 14, 2023, <https://www.genocidewatch.com/single-post/israel-and-palestine-report>.
- 39 Genocide Watch, “Israel and Palestine Report”.
- 40 Canadians for Justice and Peace in the Middle East, “Who is talking about Israeli Apartheid?”

; Amnesty International, "Israel's Apartheid Against Palestinians" ; Human Rights Watch, "A Threshold Crossed".

41 United Nations, "Secretary-General's remarks to the Security Council - on the Middle East", October 24, 2023, <https://www.un.org/sg/en/content/sg/speeches/2023-10-24/secretary-generals-remarks-the-security-council-the-middle-east%C2%A0>. In response, Israel's UN envoy has called for Guterres' resignation and indicated that Israel will refuse visas to UN officials, as well as that "the time has come to teach them a lesson" - Al Jazeera, "Israel to refuse visas to UN officials after Guterres speech on Gaza war", October 25, 2023, <https://www.aljazeera.com/news/2023/10/25/israel-to-refuse-visas-to-un-officials-after-guterres-speech-on-gaza-war>.

42 Jessica Corbett, "Official Resigns Over UN Response to Israeli War on Gaza, a 'Textbook Case of Genocide'", Common Dreams, October 31, 2023, <https://www.commondreams.org/news/un-human-rights-official-resigns>.

43 Jessica Corbett, "Official Resigns Over UN Response to Israeli War on Gaza, a 'Textbook Case of Genocide'".

44 Government of the Republic of South Africa, Application to Institute Proceedings at para 40.

45 Joe Macaron, "Analysis: Why Did Hamas Attack Now and What is Next?", October 11, 2023, <https://www.aljazeera.com/features/2023/10/11/analysis-why-did-hamas-attack-now-and-what-is-next>.

46 UN OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #72", December 20 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-72>; International Criminal Court, "Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC, on the Situation in the State of Palestine: receipt of a referral from five States Parties", November 17 2023,

<https://www.icc-cpi.int/news/statement-prosecutor-international-criminal-court-karim-aa-khan-kc-situation-state-palestine>; ICC, "Statement of ICC Prosecutor Karim A. A. Khan KC from Cairo on the situation in the State of Palestine and Israel", October 30 2023, <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-khan-kc-cairo-situation-state-palestine-and-israel>.

47 Israel Ministry of Foreign Affairs, "Statement by PM Netanyahu", December 16 2023, <https://www.gov.il/en/departments/news/statement-by-pm-netanyahu-16-dec-2023>; UN OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #33" (8 November 2023), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-33> ; UN OCHA, "Hostilities in the Gaza Strip and Israel | Flash Update #70" (15 December 2023), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-70> ; Al Jazeera, "How Many Israeli Captives Have Been Released or Rescued?".

48 AJ Labs, "Israel-Gaza war in maps and charts: Live tracker".

49 AJ Labs, "Israel-Gaza war in maps and charts: Live tracker".

50 International Court of Justice, Provisional Order, at para 74.

51 Center for Constitutional Rights, "Emergency Legal Briefing Paper" at 1 [emphasis removed].

52 Third World Approaches to International Law, "Public Statement: Scholars Warn of Potential Genocide in Gaza".

53 Raz Segal, "A Textbook Case of Genocide"; Jessica Corbett, "Official Resigns Over UN Response to Israeli War on Gaza, a 'Textbook Case of Genocide'".

54 United Nations, "Gaza is 'running out of time' UN experts warn, demanding a ceasefire to prevent genocide", November 2, 2023, <https://www.ohchr.org/en/press-releases/2023/11/gaza-running-out-time-un-experts-warn-demanding-ceasefire-prevent-genocide>.

55 Convention on the Prevention and Punishment of the Crime of Genocide, approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948, https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf.

56 Gregory H. Stanton, "Ten Stages of Genocide," The Genocide Education Project, March 2016, https://genocideeducation.org/wp-content/uploads/2016/03/ten_stages_of_genocide.pdf.

57 Enes Bayrakli and Farid Hafez, "European Islamophobia Report 2015", https://setav.org/en/assets/uploads/2016/05/eir_2015.pdf at p 7.

58 Enes Bayrakli and Farid Hafez, "European Islamophobia Report 2015".

59 United Nations, "International Day to Combat Islamophobia," accessed on February 24, 2023, <https://www.un.org/en/observances/anti-islamophobia-day>.

60 United Nations, "International Day to Combat Islamophobia".

61 United Nations, "International Day to Combat Islamophobia".

62 Genocide Watch, "Islamophobia in Asia: A Comparative Study of China, Myanmar, and India," July 25, 2022, <https://www.genocidewatch.com/single-post/islamophobia-in-asia>.

63 Genocide Watch, "Islamophobia in Asia".

64 Jasmin Zine, "The Canadian Islamophobia Industry: Mapping Islamophobia's Ecosystem in the Great White North", Islamophobia Research and Documentation Project, 2022, <https://view.publitas.com/center-for-race-gender-uc-berkeley/irdp-report-the-canadian-islamophobia-industry/page/1> at p.5.

65 Jasmin Zine, “The Canadian Islamophobia Industry: Mapping Islamophobia’s Ecosystem in the Great White North” at p.5.

66 Canadian Arab Institute, “Who Is An Arab?”, accessed October 18, 2023, <https://www.canadianarabinstitute.org/aar>.

67 Canadian Arab Institute, “Who Is An Arab?”.

68 Canadians for Justice and Peace in the Middle East, “Anti-Palestinian Racism”, accessed October 19, 2023, https://www.cjpmc.org/fs_227.

69 Canadians for Justice and Peace in the Middle East, “Anti-Palestinian Racism”.

70 Canadians for Justice and Peace in the Middle East, “Anti-Palestinian Racism”.

71 Canadians for Justice and Peace in the Middle East, “Anti-Palestinian Racism”.

72 Canadians for Justice and Peace in the Middle East, “Anti-Palestinian Racism”.

73 Human Rights Watch, “Human Rights and other Civil Society Groups Urge United Nations to Respect Human Rights in the Fight Against Antisemitism”, April 20, 2023, <https://www.hrw.org/news/2023/04/04/human-rights-and-other-civil-society-groups-urge-united-nations-respect-human>.

74 Jerusalem Declaration, “The Jerusalem Declaration on Anti-Semitism”, <https://jerusalemdeclaration.org/>.

75 Jerusalem Declaration, “The Jerusalem Declaration on Anti-Semitism”.

76 Human Rights Watch, “Human Rights and other Civil Society Groups Urge United Nations to Respect Human Rights in the Fight Against Antisemitism”.

77 Amnesty International, “Israel’s Apartheid Against Palestinians” at p. 33.

78 Amnesty International, “Israel’s Apartheid Against Palestinians” at p. 33.

79 See “Anti-Palestinian at the Core: The Origins and Growing Dangers of U.S. Antiterrorism Law”, Center for Constitutional Rights, February 2024, https://ccrjustice.org/sites/default/files/attach/2024/02/Anti-Palestinian%20at%20the%20Core_White%20Paper_0.pdf, p. 3.

80 Center for Constitutional Rights, “Anti-Palestinian at the Core”, p. 6, 9 (citing Prevention of Terrorism Ordinance, 5708-1948, 1 LSI 76 (1948)).

81 United Nations, “International Day to Combat Islamophobia”.

82 United Nations, “International Day to Combat Islamophobia”.

83 United Nations, “International Day to Combat Islamophobia”.

84 Genocide Watch, “Islamophobia in Asia,”

85 United Nations, “International Day to Combat Islamophobia” at Epidemic of Hatred.

86 Genocide Watch, “Islamophobia in Asia”.

87 Clare Foran, “Donald Trump and the Rise of Anti-Muslim Violence”, The Atlantic, September 22, 2016, <https://www.theatlantic.com/politics/archive/2016/09/trump-muslims-islamophobia-hate-crime/500840/>.

88 Global Centre for the Responsibility to Protect, “Defining the Four Mass Atrocity Crimes”, August 15, 2018, <https://www.globalr2p.org/publications/defining-the-four-mass-atrocity-crimes/>.

89 Global Centre for the Responsibility to Protect, “Defining the Four Mass Atrocity Crimes”.

90 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Ethnic Cleansing”, accessed June 15, 2023, <https://www.un.org/en/genocideprevention/ethnic-cleansing.shtml>.

91 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Ethnic Cleansing”.

92 United Nations Secretary General, “Report on the Prevention of Genocide”, June 24 2019, A/HRC/41/24, https://www.un.org/en/genocideprevention/documents/A_HRC_41_24_EN.pdf at p. 2.

93 United Nations, Office on Genocide Prevention and the Responsibility to Protect, “The Genocide Convention”, <https://www.un.org/en/genocideprevention/genocide.shtml>.

94 Center for Constitutional Rights, “Emergency Legal Briefing Paper”.

95 United Nations, Office on Genocide Prevention and the Responsibility to Protect, “The Genocide Convention”.

96 Genocide Convention at Article III.

97 Genocide Convention at Article I.

98 Genocide Convention at Article III.

99 Center for Constitutional Rights, “Emergency Legal Briefing Paper” at p. 2-3.

100 Russell Tribunal on Palestine Emergency Session, September 24, 2014 <https://www.russelltribunalonpalestine.com/en/wp-content/uploads/2014/09/TRP-Concl.-Gaza-EN.pdf>.

101 Genocide Convention at Articles I and V [emphasis added].

102 International Criminal Court, “About the Court”, <https://www.icc-cpi.int/about/the-court>.

103 International Criminal Court, “About the Court”.

104 International Criminal Court, “Understanding the ICC”, <https://www.icc-cpi.int/sites/default/files/Publications/understanding-the-icc.pdf> at p. 14.

105 International Criminal Court, “Understanding the ICC”.

106 Center for Constitutional Rights, “The Genocide of the Palestinian People”; Mahmoud Abbas, “Declaration Accepting the Jurisdiction of the International Criminal Court”, December 31, 2014, https://www.icc-cpi.int/sites/default/files/iccdocs/PIDS/press/Palestine_A_12-3.pdf. On January 6, 2015, the United Nations Secretary General accepted Palestine’s accession to the Rome Statute. United Nations, Depository Notification, Ref: C.N.13.2015.TREATIES-XVIII.10, January 6, 2015, <https://treaties.un.org/doc/Pub->

[lication/CN/2015/CN.13.2015-Eng.pdf](#). On January 16, 2015, the Prosecutor of the ICC, Mrs. Fatou Bensouda, opened a preliminary examination into the situation of Palestine. International Criminal Court, Press Release: “The Prosecutor of the International Criminal Court, Fatou Bensouda, opens a preliminary examination of the situation in Palestine”, January 16, 2015, <https://www.icc-cpi.int/news/prosecutor-international-criminal-court-fatou-bensouda-opens-preliminary-examination-situation>.

107 International Criminal Court, “Situation in the State of Palestine”, <https://www.icc-cpi.int/palestine>; International Criminal Court, “Information for Victims: State of Palestine,” <https://www.icc-cpi.int/victims/state-palestine>

108 International Criminal Court, “Information for Victims: State of Palestine”.

109 International Criminal Court, “Statement of ICC Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the Situation in Palestine, and seeking a ruling on the scope of the Court’s territorial jurisdiction”, December 20, 2019, <https://www.icc-cpi.int/news/statement-icc-prosecutor-fatou-bensouda-conclusion-preliminary-examination-situation-palestine>.

110 International Criminal Court, “Information for Victims: State of Palestine”.

111 International Criminal Court, “Statement of the Prosecutor of the International Criminal Court, Karim A.A. Khan KC, on the Situation in the State of Palestine: receipt of a referral from five States Parties”, November 17, 2023, <https://www.icc-cpi.int/news/statement-prosecutor-international-criminal-court-karim-aa-khan-kc-situation-state-palestine>.

112 International Criminal Court, “How the Court works”, <https://www.icc-cpi.int/about/how-the-court-works>.

113 Center for Constitutional Rights, “Emergency Legal Briefing Paper at 3.

114 Center for Constitutional Rights, “Emergency Legal Briefing Paper at 3.

115 United Nations Treaty Collection, “Convention on the Prevention and Punishment of the Crime of Genocide,” accessed March 3, 2023, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-1&chapter=4&clang=en.

116 Center for Constitutional Rights, “Emergency Legal Briefing Paper” at 3.

117 International Court of Justice, “Bosnia and Herzegovina v Serbia and Montenegro”, February 26, 2007, <https://www.icj-cij.org/sites/default/files/case-related/91/091-20070226-JUD-01-00-EN.pdf> at p 222.

118 Bosnia v Serbia at p 221.

119 Bosnia v Serbia at p 221.

120 Bosnia v Serbia at p. 217.

121 Center for Constitutional Rights, “Emergency Legal Briefing Paper” at p. 2.

122 Center for Constitutional Rights, “Emergency Legal Briefing Paper” at p. 2.

123 United Nations Office on Genocide Prevention and the Responsibility to Protect, “War Crimes”, accessed June 15, 2023, <https://www.un.org/en/genocideprevention/war-crimes.shtml>.

124 United Nations Office on Genocide Prevention and the Responsibility to Protect, “War Crimes”.

125 United Nations Office on Genocide Prevention and the Responsibility to Protect, “War Crimes”.

126 Scott Neuman, “What is a war crime, and who gets held accountable? Here’s what you need to know”, NPR, October 20, 2023, <https://www.npr.org/2023/10/20/1206157206/israel-hamas-war-crimes-international-law-geneva-convention>.

127 Scott Neuman, “What is a war crime, and who gets held accountable? Here’s what you need to know”.

128 United Nations Office on Genocide Prevention and the Responsibility to Protect, “War Crimes”.

129 Global Centre for the Responsibility to Protect, “Defining the Four Mass Atrocity Crimes”.

130 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against Humanity”, accessed June 15, 2023, <https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml>.

131 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against Humanity”.

132 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against Humanity”.

133 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against Humanity”.

134 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against Humanity”.

135 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against Humanity”.

136 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against Humanity”.

137 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against Humanity”.

138 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against Humanity”.

139 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against Humanity”.

140 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against

- Humanity”.
- 141 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against Humanity”.
- 142 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against Humanity”.
- 143 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Crimes Against Humanity”.
- 144 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Ethnic Cleansing”.
- 145 United Nations Security Council, “Letter Dated 9 February 1993 From the Secretary-General Addressed to the President of the Security Council”, S/25274, February 10, 1993, <https://digitallibrary.un.org/record/197158?ln=en> at para 55..
- 146 United Nations Security Council, “Letter Dated 24 May 1994 From the Secretary-General Addressed to the President of the Security Council”, S/1994/674, May 27, 1994, <https://digitallibrary.un.org/record/190325?ln=en> at para 130.
- 147 United Nations Office on Genocide Prevention and the Responsibility to Protect, “Ethnic Cleansing”.
- 148 United Nations Human Rights Office of the High Commissions, “UN expert warns of new instance of mass ethnic cleansing of Palestinians, calls for immediate ceasefire”, October 14, 2023, <https://www.ohchr.org/en/press-releases/2023/10/un-expert-warns-new-instance-mass-ethnic-cleansing-palestinians-calls>.
- 149 United Nations, “Israel-Palestine crisis has ‘reached an unprecedented level of dehumanisation’: Independent rights expert”, October 29, 2023, <https://news.un.org/en/story/2023/10/1142952>
- 150 Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential Genocide in Gaza” ; John Paul Rathbone, The Irish Times, “Israel’s Gaza attack ‘one of history’s heaviest conventional bombing campaigns’”, December 6 2023, <https://www.irishtimes.com/world/middle-east/2023/12/06/israels-gaza-attack-one-of-historys-heaviest-conventional-bombing-campaigns/>.
- 151 Government of the Republic of South Africa, Application to Institute Proceedings at para 4.
- 152 UN OCHA, “Hostilities in the Gaza Strip – Reported Impact”, December 5 2023, https://www.ochaopt.org/sites/default/files/Gaza_casualties_info-graphic_5_Dec_2023%20final.pdf.
- 153 UN OCHA, “Right of return of Palestinian refugees must be prioritised over political considerations: UN experts”, June 21 2023, <https://www.ohchr.org/en/statements/2023/06/right-return-palestinian-refugees-must-be-prioritised-over-political>.
- 154 UK Government, “Overseas business risk: The Occupied Palestinian Territories”, February 22 2022, <https://www.gov.uk/government/publications/overseas-business-risk-palestinian-territories/overseas-business-risk-the-occupied-palestinian-territories> ; Human Rights Council, “Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel”, A/HRC/50/21, May 9 2022, <https://documents.un.org/doc/undoc/gen/g22/337/18/pdf/g2233718.pdf?token=JGyyBu3pPVrX192RHd&fe=true>, at para 16.
- 155 United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People, “The Legality of the Israeli Occupation”, September 2, 2023, <https://www.un.org/unispal/wp-content/uploads/2023/08/Study-on-the-Legality-of-the-Israeli-occupation-of-the-OPT-including-East-Jerusalem.pdf> at p. 10-13 ; Center for Constitutional Rights, “The Genocide of the Palestinian People”.
- 156 AJ Labs, “Israel-Gaza war in maps and charts: Live tracker” ; Euro-Med Monitor Tracker, updated at https://twitter.com/EuroMedHR?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor.
- 157 Al Jazeera, “Israel-Gaza war in maps and charts”, accessed February 28, 2024.
- 158 Brian Osgood and Adam Muro, “Israel War on Gaza Updates: Gaza Becoming ‘Uninhabitable’ – UN Official,” Al Jazeera, January 6, 2024, <https://www.aljazeera.com/news/liveblog/2024/1/5/israel-war-on-gaza-live-israel-attacks-bombard-khan-younis-rafah#:~:text=United%20Nations%20humanitarian%20chief%20Martin,famine%20%E2%80%9Caround%20the%20corner%E2%80%9D>.
- 159 Al Jazeera, “Israel-Gaza war in maps and charts”, accessed February 28, 2024.
- 160 Al Jazeera, “Israel-Gaza war in maps and charts”, accessed February 28, 2024.
- 161 Dr Quraysha Sooliman, “UP Expert Opinion: Consent for genocide in Gaza is manufactured”, October 26, 2023, https://www.up.ac.za/news/post_3190889-up-expert-opinion-consent-for-genocide-in-gaza-is-manufactured.
- 162 Al Jazeera, “Israel-Gaza war in maps and charts”, accessed February 28, 2024.
- 163 Al Jazeera, “Israel-Gaza war in maps and charts”, accessed February 28, 2024.
- 164 World Health Organization: WHO, “Lethal Combination of Hunger and Disease to Lead to More Deaths in Gaza.”
- 165 The Republic of South Africa, “Application Instituting Proceedings” at p. 74.
- 166 United Nations Human Rights Office of the High Commissioner, “Gaza: UN experts decry bombing of hospitals and schools as crimes against humanity, call for the prevention of genocide”, October 19, 2023, <https://www.ohchr.org/en/press-releases/2023/10/gaza-un-experts-decry-bombing-hospitals-and-schools-crimes-against-humanity> ; United Nations Human Rights Special Procedures Special Rapporteurs, Independent Experts & Working Groups, “Lawyers advising the Israeli Military must act to

prevent massive human rights violations and war crimes, refuse legal authorization for actions that violate International Law”, October 23, 2023, <https://www.ohchr.org/sites/default/files/documents/issues/ijudiciary/statements/statement-sr-ijl-2023-10-19.pdf>.

167 Al Jazeera, “Israel-Gaza war in maps and charts”, accessed February 28, 2024.

168 The Republic of South Africa, “Application Instituting Proceedings” at p. 49.

169 The Republic of South Africa, “Application Instituting Proceedings” at p. 49 ; UN News, “Gaza has become a ‘death zone’, warns UN health chief”, February 21, 2024, <https://news.un.org/en/story/2024/02/1146792>.

170 WHO, oPt Emergency Situation Update Issue 17, December 14, 2023, https://www.emro.who.int/images/stories/Sitrep_-_issue_17_for_review.pdf?ua=1.

171 Al Jazeera, “Israel-Gaza war in maps and charts”, accessed February 28, 2024.

172 The Republic of South Africa, “Application Instituting Proceedings” at p. 48.

173 UN OCHA, “Hostilities in the Gaza Strip and Israel - reported impact, 13 February 2024”, <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-reported-impact-13-february-2024>; Euro-Med Monitor Tracker, updated at https://twitter.com/EuroMedHR?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor.

174 The Republic of South Africa, “Application Instituting Proceedings” at p. 57.

175 The Republic of South Africa, “Application Instituting Proceedings” at p. 58.

176 The Republic of South Africa, “Application Instituting Proceedings” at p. 57-58.

177 The Republic of South Africa, “Application Instituting Proceedings” at p. 58-59.

178 The Republic of South Africa, “Application Instituting Proceedings” at p. 59.

179 UN Human Rights Office of the High Commissioner, “Gaza: Un experts condemn killing and silencing of journalists”, February 1, 2024, <https://www.ohchr.org/en/press-releases/2024/02/gaza-un-experts-condemn-killing-and-silencing-journalists>.

180 Al Jazeera, “Gaza media office says 100 journalists killed since Israeli attacks began”, December 23, 2023, <https://www.aljazeera.com/news/2023/12/23/gaza-media-office-says-100-journalists-killed-since-israeli-attacks-began>.

181 Al Jazeera, “Gaza media office says 100 journalists killed since Israeli attacks began”.

182 UNRWA, Letter from UNRWA Commissioner-General Philippe Lazzarini to the UN General Assembly President Mr. Dennis Francis, December 7, 2023, <https://www.unrwa.org/resources/un-unrwa/letter-unrwa-commissioner-generalphilippe-lazzarini-un-general-assembly>.

183 AJ Labs, “Israel-Gaza war in maps and charts: Live tracker”; United Nations, “Gaza: UN experts call on international community to prevent genocide against the Palestinian people”.

184 Interview with James Elder, UNICEF Spokesperson by CNN, “CNN speaks to UNICEF about dire situation in Gaza”, CNN, December 15, 2023, <https://edition.cnn.com/videos/world/2023/12/15/exp-unicef-gaza-james-elder-live-121402pseg1-cnni-world.cnn>.

185 The Republic of South Africa, “Application Instituting Proceedings” at p. 35; Amnesty International, Israel/OPT identifying the Israeli army’s use of white phosphorus in Gaza, October 13, 2023, <https://amnesty.ca/human-rights-news/israel-opt-identifying-the-israeli-armys-use-of-white-phosphorus-in-gaza/>; WHO, White Phosphorus, October 20, 2023, <https://www.who.int/news-room/fact-sheets/detail/white-phosphorus>.

186 Save the Children, “Gaza: 3,195 Children Killed in Three Weeks Surpasses Annual Number of Children Killed in Conflict Zones in 2019”, October 29, 2023, <https://www.savethechildren.net/news/gaza-3195-children-killed-three-weeks-surpasses-annual-number-children-killed-conflict-zones>.

187 UNICEF, “Children’s lives threatened by rising malnutrition in the Gaza Strip”, February 19, 2024, <https://www.unicef.org/press-releases/childrens-lives-threatened-rising-malnutrition-gaza-strip>.

188 UNICEF, “Children’s lives threatened by rising malnutrition in the Gaza Strip”.

189 Mohammad Abu Shahma, Shakeeb Asrar and Konstantinos Antonopoulos, “Under the rubble: The missing in Gaza”, Al Jazeera, December 28, 2023, <https://www.aljazeera.com/features/long-form/2023/12/28/under-the-rubble-the-missing-in-gaza>.

190 Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential Genocide in Gaza”.

191 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”, October 20, 2023, <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/>.

192 Nidal Al-Mughrabi, “In Gaza, hospital procedures without anaesthetics prompted screams, prayers”, Reuters, November 10, 2023, <https://www.reuters.com/world/middle-east/gaza-hospital-procedures-without-anaesthetics-prompted-screams-prayers-2023-11-10/>.

193 Al Jazeera, “Gaza ‘hospitals risk turning into morgues’: Rights groups call for action”, October 12, 2023, <https://www.aljazeera.com/news/2023/10/12/gaza-hospitals-risk-turning-into-morgues-rights-groups-call-for-action>.

194 The Times of Israel, “2023 ‘most violent’ year for West Bank settler attacks, watchdog says”, January 1, 2024, <https://www.timesofisrael.com/2023-most-violent-year-for-west-bank-settler-attacks-watchdog-says/>.

195 Nidal Al-Mughrabi, “As Gaza death toll rises, bodies are stored in ice cream trucks”, October

15, 2023, <https://www.reuters.com/world/middle-east/gaza-death-toll-rises-bodies-are-stored-ice-cream-trucks-2023-10-15/?ref=readthemapple.com>.

196 Alex Cosh, “Which Canadian Weapons Fuel Israel’s ‘Textbook Genocide’ of Palestinians?”.

197 Government of the Republic of South Africa, “Application to Institute Proceedings”.

198 International Court of Justice, Provisional Order at para 86.

199 Republic of Nicaragua, “Application to Institute Proceedings”, March 1, 2024, <https://www.icj-cij.org/sites/default/files/case-related/193/193-20240301-app-01-00-en.pdf>.

200 Center for Constitutional Rights, “Emergency Legal Briefing Paper” at 2 [emphasis removed].

201 Defense for Children International–Palestine et al v. Biden et al, No. 4:2023cv05829 – Document 91 (N.D. Cal. 2024), https://ccrjustice.org/sites/default/files/attach/2024/01/91_1-31-24_Order-grant-ing-MTD_w.pdf.

202 Defense for Children International–Palestine et al v. Biden et al at p. 8.

203 Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential Genocide in Gaza”.

204 “Gaza: UN experts decry bombing of hospitals and schools as crimes against humanity, call for the prevention of genocide”, October 19, 2023, <https://www.ohchr.org/en/press-releases/2023/10/gaza-un-experts-decry-bombing-hospitals-and-schools-crimes-against-humanity>; United Nations, “Gaza: UN experts call on international community to prevent genocide against the Palestinian people”.

205 Raz Segal, “A Textbook Case of Genocide”; Jessica Corbett, “Official Resigns Over UN Response to Israeli War on Gaza, a ‘Textbook Case of Genocide’”.

206 United Nations, “Gaza is ‘running out of time’ UN experts warn, demanding a ceasefire to prevent genocide”.

207 United Nations, Office on Genocide Prevention and the Responsibility to Protect, “The Genocide Convention”.

208 Genocide Convention at Article II.

209 Center for Constitutional Rights, “Emergency Legal Briefing Paper” at p. 6.

210 Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential Genocide in Gaza”; Center for Constitutional Rights, “Emergency Legal Briefing Paper” at p. 5.

211 Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential Genocide in Gaza”.

212 Center for Constitutional Rights, “Emergency Legal Briefing Paper” at p. 5; *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Trial Judgment (Sept. 2, 1998), <https://www.refworld.org/cases,ICTR,40278fbb4.html> at para 523.

213 Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential Genocide in Gaza”.

214 Law for Palestine, “Law for Palestine Releases Database with 500+ Instances of Israeli Incitement to Genocide – Continuously Updated”, January 4, 2024, <https://law4palestine.org/law-for-palestine-releases-database-with-500-instances-of-israeli-incitement-to-genocide-continuously-updated/>.

215 Alice Speri, “Israel Responds to Hamas rimes by Ordering Mass War Crimes in Gaza”, The Intercept, October 9, 2023, <https://theintercept.com/2023/10/09/israel-hamas-war-crimes-palestinians/>; Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential Genocide in Gaza”; Stanis Island, “Analysing the ‘Ten Stages of Genocide’ in the Context of Palestine”; James Zogby, “Debunking ‘All Palestinians are Hamas’”, October 31, 2023, <https://jordantimes.com/opinion/james-j-zogby/debunking-%E2%80%9Ccall-palestinians-are-hamas%E2%80%9D>; Brett Wilkins, “Netanyahu Accused of ‘Genocidal Intentions’ in Gaza After ‘Holy Mission’ Speech”, Common Dreams, October 30, 2023 <https://www.commondreams.org/news/netanyahu-genocide>; Prime Minister’s Office, Government Press Office, “Excerpt from Prime Minister Benjamin Netanyahu’s Remarks at the Opening of the Winter Assembly of the 25th Knesset’s Second Session”, October 16, 2023, <https://www.gov.il/en/departments/news/ironswords1016202375>.

216 Middle East Eye, “Israel–Palestine war: ‘We are fighting human animals’, Israeli defense minister says”, October 9, 2023 <https://www.middleeasteye.net/news/israel-palestine-war-fighting-human-animals-defence-minister>; Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential Genocide in Gaza”; Bill Hutchinson, “Bombarded by Israeli Airstrikes, Conditions in Gaza Grow More Dire as Power Goes Out”, ABC News, October 12, 2023, <https://abcnews.go.com/International/bombarded-israeli-airstrikes-conditions-gaza-grow-dire-power/story?id=103899193#:~:text=The%20airstrikes%20were%20launched%20by,have%20been%20hit%20in%20Gaza>.

217 Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential Genocide in Gaza”.

218 Middle East Eye, “Moshe Feiglin: The only solution is the “complete destruction of Gaza””, October 23, 2023, <https://www.youtube.com/watch?v=rjLW847tvig>.

219 Al Arabiya News, “Former Israeli ambassador to UN calls Palestinians ‘horrible, inhuman animals’”, October 26, 2023 <https://english.alarabiya.net/News/middle-east/2023/10/26/Former-Israeli-ambassador-to-UN-calls-Palestinians-horrible-inhuman-animals->.

220 Alice Speri, “Israel Responds to Hamas rimes by Ordering Mass War Crimes in Gaza”.

221 Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential

Genocide in Gaza”.

- 222 Chris McGreal, “The Language Being Used to Describe Palestinians is Genocidal”, October 16, 2023, <https://www.theguardian.com/commentisfree/2023/oct/16/the-language-being-used-to-describe-palestinians-is-genocidal>.
- 223 Chris McGreal, “The Language Being Used to Describe Palestinians is Genocidal”.
- 224 Dr Quraysha Sooliman, “UP Expert Opinion: Consent for genocide in Gaza is manufactured”.
- 225 Chris McGreal, “The Language Being Used to Describe Palestinians is Genocidal”.
- 226 Chris McGreal, “The Language Being Used to Describe Palestinians is Genocidal”.
- 227 Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential Genocide in Gaza”
- 228 MK Moshe Feiglin, “My Outline for a Solution in Gaza”, July 15, 2014, <http://www.israelnational-news.com/news/343914#.VCLlJlDXT0>.
- 229 Text of Shaked’s Facebook post (in Hebrew), since removed, is available here: https://electronicintifada.net/sites/default/files/styles/original_800w/public/2014-07/ayelet-shaked-facebook-post-30-june-2014-genocide.jpg?itok=k5yvVqQp×tamp=1448949295.
- 230 The Guardian, “Israeli minister warns of Palestinian ‘holocaust’”, February 29, 2008, <https://www.theguardian.com/world/2008/feb/29/israelandthepalestinians1>.
- 231 Palestine Remembered, “‘Transfer’ (Ethnic Cleansing) Zionist Quotes”, accessed November 1, 2023, <https://www.palestineremembered.com/Acre/Famous-Zionist-Quotes/Story694.html#-Moshe%20Sharett>.
- 232 Kim Petersen and B.J. Sabri, “Defining Israeli Zionist Racism: Part 1”, Dissident Voice, December 29, 2007, <https://dissidentvoice.org/2007/12/defining-israeli-zionist-racism-part-1/>.
- 233 Kim Petersen and B.J. Sabri, “Defining Israeli Zionist Racism: Part 1” ; Palestine Remembered, “‘Transfer’ (Ethnic Cleansing) Zionist Quotes”.
- 234 Palestine Remembered, “‘Transfer’ (Ethnic Cleansing) Zionist Quotes”.
- 235 Palestine Remembered, “‘Transfer’ (Ethnic Cleansing) Zionist Quotes”.
- 236 Wafa, “‘Palestinians in Gaza are living in utter, deepening horror,’” says UN High Commissioner for Human Rights Volker Türk”, December 6 2023, <https://english.wafa.ps/Pages/Details/139884>.
- 237 United Nations, “Press Conference by Secretary-General António Guterres at United Nations Headquarters”, November 6 2023, <https://press.un.org/en/2023/sgsm22021.doc.htm>.
- 238 UNICEF, “Statement by UNICEF Executive Director Catherine Russell on the Resumption of Fighting in Gaza”, December 1 2023, <https://www.unicef.org/uk/press-releases/statement-by-unicef-executive-director-catherine-russell-on-the-resumption-of-fighting-in-gaza/>.
- 239 UNICEF, “Gaza has become a graveyard for thousands of children”, October 31 2023, <https://www.unicef.org/press-releases/gaza-has-become-graveyard-thousands-children>.
- 240 UNRWA, “Remarks of UNRWA Commissioner-General Philippe Lazzarini at the Global Refugee Forum”, December 13 2023, <https://www.unrwa.org/newsroom/official-statements/statement-unrwa-commissioner-general-philippe-lazzarini-global-refugee> ; UNRWA, @UNRWA, Tweet 2:46 pm, December 12, 2023, <https://twitter.com/UNRWA/status/1734585541591486755>.
- 241 Natasha Bertrand and Katie Bo Lillis, “Exclusive: Nearly half of the Israeli munitions dropped on Gaza are imprecise ‘dumb bombs,’ US intelligence assessment finds”, CNN, December 13 2023, <https://edition.cnn.com/2023/12/13/politics/intelligence-assessment-dumb-bombs-israel-gaza/index.html> ; John Paul Rathbone, “Military briefing: the Israeli bombs raining on Gaza”, Financial Times, December 6 2023, <https://www.ft.com/content/7b407c2e-8149-4d83-be01-72dcae8aee7b> ; Amnesty International, “Israel/OPT: US-made munitions killed 43 civilians in two documented Israeli air strikes in Gaza – new investigation”, December 5 2023, <https://www.amnesty.org/en/latest/news/2023/12/israel-opt-us-made-munitions-killed-43-civilians-in-two-documented-israeli-air-strikes-in-gaza-new-investigation/> ; Action on Armed Violence (AOAV), “Explosive weapons with large destructive radius: air-dropped bombs (the Mark 80 series and Paveway attachments)”, March 1, 2016, <https://aoav.org.uk/2016/large-destructive-radius-air-dropped-bombs-the-mark-80-series-and-paveway-attachments/> ; Robin Stein, Haley Willis, Ishaan Jhaveri, Danielle Miller, Aaron Byrd and Natalie Reneau, “A Times Investigation Tracked Israel’s Use of One of Its Most Destructive Bombs in South Gaza”, New York Times, December 21, 2023, <https://www.nytimes.com/2023/12/21/world/middleeast/israel-gaza-bomb-investigation.html>.
- 242 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”, October 20, 2023, <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/>.
- 243 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza” ; United Nations Human Rights Office of the High Commissioner, “Gaza: UN experts decry bombing of hospitals and schools as crimes against humanity, call for the prevention of genocide”.
- 244 Stanis Island, “Analysing the ‘Ten Stages of Genocide’.
- 245 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.

- 246 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 247 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 248 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 249 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 250 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 251 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 252 United Nations, “Unlawful Killings in Gaza”, December 20 2023, <https://www.un.org/unispal/document/unlawful-killings-in-gaza-city-ohchr-press-release/>. Euro-Med Human Rights Monitor, “Euro-Med Monitor sends UN rapporteurs, ICC Prosecutor primary report documenting dozens of field execution cases in Gaza”, December 25 2023, <https://euromedmonitor.org/en/article/6058>.
- 253 UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #70”, December 15 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-70> ; “Israeli soldiers kill hostages waving white flag after mistaking them for Hamas fighters”, Financial Times, December 17 2023, <https://www.ft.com/content/2e299603-2fed-4855-9694-9801008c48dc>.
- 254 United Nations, “Famine Imminent in Gaza, Humanitarian Officials Tell Security Council, Calling for Immediate Ceasefire”, February 27, 2024, <https://press.un.org/en/2024/sc15604.doc.htm>.
- 255 AJ Labs, “Israel-Gaza war in maps and charts: Live tracker”, accessed March 1, 2024.
- 256 UN OCHA, “Hostilities in the Gaza Strip and Israel – reported impact | Day 82”, December 27, 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-82>.
- 257 Red Crescent Society, “Palestine Red Crescent Society Response Report As of Saturday, October 7th 2023, 6:00 PM Until Sunday, December 24th 2023, 24:00 AM”, December 24, 2023, p.1, <https://www.palestinercs.org/public/files/image/2023/News/latestresponse23012023/en%20220%202023.pdf>.
- 258 UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #48”, November 23, 2023, <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-flash-update-48-enarhe>.
- 259 [ICC Statute Art. 8 \(2\)\(b\)\(i-v\)](https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf), <https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>.
- 260 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 261 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 262 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 263 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 264 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 265 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 266 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 267 United Nations Human Rights Special Procedures Special Rapporteurs, Independent Experts & Working Groups, “Lawyers advising the Israeli Military must act to prevent massive human rights violations and war crimes, refuse legal authorization for actions that violate International Law”, October 23, 2023, <https://www.ohchr.org/sites/default/files/documents/issues/ijudiciary/statements/statement-sr-ijl-2023-10-19.pdf>.
- 268 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 269 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza” [emphasis added].
- 270 United Nations Human Rights Special Procedures Special Rapporteurs, Independent Experts & Working Groups, “Lawyers advising the Israeli Military must act to prevent massive human rights violations and war crimes, refuse legal authorization for actions that violate International Law”, at p. 2.
- 271 United Nations Human Rights Office of the High Commissioner, “Gaza: UN experts decry bombing of hospitals and schools as crimes against humanity, call for the prevention of genocide”.
- 272 Amnesty International, “Israel’s Apartheid Against Palestinians” at p. 33.
- 273 Human Rights Watch, “Israel: White Phosphorus Used in Gaza, Lebanon”, October 12, 2023, <https://www.hrw.org/news/2023/10/12/israel-white-phosphorus-used-gaza-lebanon>.

- 274 Human Rights Watch, "Rain of Fire", March 25, 2009, <https://www.hrw.org/report/2009/03/25/rain-fire/israels-unlawful-use-white-phosphorus-gaza>.
- 275 Human Rights Watch, "Rain of Fire".
- 276 Amnesty International, "Israel/OPT identifying the Israeli army's use of white phosphorus in Gaza", October 13 2023, <https://amnesty.ca/human-rights-news/israel-opt-identifying-the-israeli-armys-use-of-white-phosphorus-in-gaza/>; WHO, "White Phosphorus", October 20 2023, <https://www.who.int/news-room/fact-sheets/detail/white-phosphorus>.
- 277 Dr Quraysha Sooliman, "UP Expert Opinion: Consent for genocide in Gaza is manufactured".
- 278 Human Rights Watch, "Israel: White Phosphorus Used in Gaza, Lebanon".
- 279 Human Rights Watch, "Israel: White Phosphorus Used in Gaza, Lebanon".
- 280 Human Rights Watch, "Rain of Fire".
- 281 Human Rights Watch, "Rain of Fire".
- 282 Human Rights Watch, "Rain of Fire".
- 283 Human Rights Watch, "Rain of Fire".
- 284 Human Rights Watch, "Israel: White Phosphorus Used in Gaza, Lebanon" ; Human Rights Watch, "Rain of Fire".
- 285 Human Rights Watch, "Rain of Fire".
- 286 Human Rights Watch, "Rain of Fire".
- 287 Human Rights Watch, "Rain of Fire".
- 288 WHO, "Escalation of Violence in Israel and the occupied Palestinian territory", November 13, 2023, https://apps.who.int/gb/COVID-19/pdf_files/2023/13_11/item1.pdf; UN United Nations Office at Geneva, "Nowhere and no one is safe' in Gaza, WHO chief tells Security Council", November 10, 2023, <https://www.ungeneva.org/en/news-media/news/2023/11/87337/nowhere-and-no-one-safe-gaza-who-chief-tells-security-council>.
- 289 Save the Children, "Children's Mental Health in Gaza Pushed Beyond Breaking Point After Nearly a Month of Siege and Bombardment", November 7, 2023, <https://www.savethechildren.org.uk/news/media-centre/press-releases/childrens-mental-health-in-gaza-deteriorates-one-month-on->; Maram Humaid, "War is stupid and I want it to end': Injured Palestinian children speak", Al Jazeera, December 15, 2023, <https://www.aljazeera.com/news/2023/12/15/war-is-stupid-and-i-want-it-to-end-injured-palestinian-children-say>.
- 290 Security Council resolution 2712, The situation in the Middle East, including the Palestinian Question, S/RES/2712, November 15 2023, [https://undocs.org/S/RES/2712\(2023\)](https://undocs.org/S/RES/2712(2023)).
- 291 Center for Constitutional Rights, "Emergency Legal Briefing Paper" at p. 5.
- 292 Center for Constitutional Rights, "Emergency Legal Briefing Paper" at p. 6.
- 293 Center for Constitutional Rights, "Emergency Legal Briefing Paper" at p. 6.
- 294 Amnesty International, "Israel/OPT: Israel Must Lift Illegal and Inhumane Blockade on Gaza", October 12, 2023, <https://www.amnesty.org.uk/press-releases/israelopt-israel-must-lift-illegal-and-inhumane-blockade-gaza>.
- 295 United Nations, "Famine Imminent in Gaza, Humanitarian Officials Tell Security Council, Calling for Immediate Ceasefire" ; Al Jazeera, "No medicines, water, food scarcity: All to know about Gaza after Israel war", October 17, 2023, <https://www.aljazeera.com/news/2023/10/17/no-painkillers-water-food-shortages-what-to-know-about-gaza-situation>.
- 296 Al Jazeera, "Gaza's Dire Humanitarian Crisis Explained", October 16, 2023, <https://www.aljazeera.com/news/2023/10/16/gazas-dire-humanitarian-crisis-explained>
- 297 United Nations, "Humanitarians call for urgent aid access to Gaza", October 12, 2023, <https://news.un.org/en/story/2023/10/1142232> ; Save the Children, "Occupied Palestinian Territory", October 13, 2023, <https://www.savethechildren.org.uk/where-we-work/middle-east/occupied-palestinian-territory>.
- 298 Amnesty International, "Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza".
- 299 Amnesty International, "Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza".
- 300 Nebal Hajjo, "We have to choose 'who lives and who dies': Doctor describes harrowing experience in Gaza", Euronews, October 23, 2023, <https://www.euronews.com/2023/10/23/we-have-to-choose-who-lives-and-who-dies-doctor-describes-harrowing-experience-in-gaza>.
- 301 United Nations, "Daily Press Briefing by the Office of the Spokesperson for the Secretary-General", October 17, 2023, <https://press.un.org/en/2023/db231017.doc.htm>.
- 302 AK News, "Israel-Hamas War: Biden Says Gaza Occupation Would be 'Big Mistake'", October 16, 2023, <https://www.alternatekashmir.net/israel-hamas-war-biden-says-gaza-occupation-would-be-big-mistake/>.
- 303 United Nations Human Rights Office of the High Commissioner, "Gaza: UN experts decry bombing of hospitals and schools as crimes against humanity, call for the prevention of genocide".
- 304 United Nations Human Rights Office of the High Commissioner, "Gaza: UN experts decry bombing of hospitals and schools as crimes against humanity, call for the prevention of genocide".
- 305 United Nations Human Rights Special Procedures Special Rapporteurs, Independent Experts & Working Groups, "Lawyers advising the Israeli Military must act to prevent massive human rights viola-

- tions and war crimes, refuse legal authorization for actions that violate International Law”.
- 306 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 307 James Robinson, “Israel-Hamas war: Gaza ‘on brink of collapse’, UN warns, after ‘impossible’ order to evacuate 1.1 million”, October 13, 2023, <https://news.sky.com/story/israel-hamas-war-gaza-on-brink-of-collapse-un-warns-after-impossible-order-to-evacuate-1-1-million-12983536>.
- 308 United Nations Human Rights Special Procedures Special Rapporteurs, Independent Experts & Working Groups, “Lawyers advising the Israeli Military must act to prevent massive human rights violations and war crimes, refuse legal authorization for actions that violate International Law”.
- 309 World Health Organization, “Evacuation orders by Israel to hospitals in northern Gaza are a death sentence for the sick and injured”, October 14, 2023, <https://www.who.int/news/item/14-10-2023-evacuation-orders-by-israel-to-hospitals-in-northern-gaza-are-a-death-sentence-for-the-sick-and-injured>.
- 310 Al Jazeera, “Dozens killed while fleeing Gaza homes as Israel conducts ground raids”, October 13, 2023, <https://www.aljazeera.com/news/2023/10/13/dozens-killed-while-fleeing-gaza-homes-as-israel-conducts-ground-raids>.
- 311 Bethan McKernan and Sufian Taha, “Gaza civilians afraid to leave home after bombing of ‘safe routes’”, The Guardian, October 15, 2023, <https://www.theguardian.com/world/2023/oct/14/gaza-civilians-afraid-to-leave-home-after-bombing-of-safe-routes>.
- 312 United Nations Human Rights Office of the High Commissioner, “Gaza: UN experts decry bombing of hospitals and schools as crimes against humanity, call for the prevention of genocide” ; United Nations Human Rights Special Procedures Special Rapporteurs, Independent Experts & Working Groups, “Lawyers advising the Israeli Military must act to prevent massive human rights violations and war crimes, refuse legal authorization for actions that violate International Law”.
- 313 Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential Genocide in Gaza”.
- 314 Scott Neuman, “What is a war crime, and who gets held accountable? Here’s what you need to know”.
- 315 Scott Neuman, “What is a war crime, and who gets held accountable? Here’s what you need to know”.
- 316 Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), June 8 1977, <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-51?activeTab=undefined> at Article 51(3) ; Tom Dannenbaum, “The Siege of Gaza and the Starvation War Crime”.
- 317 Yasmien Serhan, “For Gazans, There are no safe havens”, Time, October 17, 2023, <https://time.com/6324602/gazans-evacuation-israel-egypt/>.
- 318 Amnesty International, “Israel’s Apartheid Against Palestinians”.
- 319 UN Press Release, “Women bearing the brunt of Israel-Gaza conflict: UN expert”, November 20, 2023, <https://www.ohchr.org/en/press-releases/2023/11/women-bearing-brunt-israel-gaza-conflict-un-expert>.
- 320 “Israeli forces ‘kill pregnant women in Gaza, run over bodies with bulldozers’: report”, The New Arab, December 23, 2023, <https://www.newarab.com/news/israeli-army-shot-pregnant-women-ran-over-bodies-report>.
- 321 UN Press Release, “Women bearing the brunt of Israel-Gaza conflict: UN Expert”.
- 322 WHO, “Women and newborns bearing the brunt of the conflict in Gaza, UN agencies warn”, November 3, 2023, <https://www.who.int/news/item/03-11-2023-women-and-newborns-bearing-the-brunt-of-the-conflict-in-gaza-un-agencies-warn>.
- 323 WHO, “Women and newborns bearing the brunt of the conflict in Gaza”.
- 324 UN News, “Interview: 5,500 women in Gaza set to give birth ‘in race against death’”, November 7, 2023, <https://news.un.org/en/interview/2023/11/1143327>.
- 325 Juzoor for Health and Social Development, “The ravages of war: impact on mothers & newborns in Gaza”, November 11, 2023, https://www.juzoor.org/cached_uploads/download/2023/11/11/maternal-health-report-final-1699726911.pdf, at p. 2.
- 326 Juzoor for Health and Social Development, “The ravages of war: impact on mothers & newborns in Gaza”.
- 327 Dr. Deena Kishawi, “A Chicago Doctor Decries the Suffering of Medical Professionals and Patients in Gaza”, New Lines Magazine, February 5, 2024, <https://newlinesmag.com/spotlight/a-chicago-doctor-decries-the-suffering-of-medical-professionals-and-patients-in-gaza/>.
- 328 Oxfam, “Babies dying from preventable causes in besieged Gaza – Oxfam”, November 24, 2023, <https://reliefweb.int/report/occupied-palestinian-territory/babies-dying-preventable-causes-besieged-gaza-oxfam>.
- 329 Oxfam, “Babies dying from preventable causes in besieged Gaza – Oxfam”.

- 330 Oxfam, “Babies dying from preventable causes in besieged Gaza – Oxfam”.
- 331 Oxfam, “Babies dying from preventable causes in besieged Gaza – Oxfam”.
- 332 Oxfam, “Babies dying from preventable causes in besieged Gaza – Oxfam”.
- 333 UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #44”, November 19, 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-44>; UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #48”, November 23, 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-48>; Yasmine Salam, Rima Abdelkader and Matthew Mulligan, “Abandoned babies found decomposing in Gaza hospital weeks after it was evacuated”, NBC News, December 2, 2023, <https://www.nbcnews.com/news/world/abandoned-babies-found-decomposing-gaza-hospital-evacuated-rcna127533>.
- 334 Center for Constitutional Rights, “Emergency Legal Briefing Paper” at p. 3.
- 335 Center for Constitutional Rights, “Emergency Legal Briefing Paper” at p. 3, 5.
- 336 Government of the Republic of South Africa, “Application to Institute Proceedings” at para 1.
- 337 Center for Constitutional Rights, “Emergency Legal Briefing Paper” at p. 6.
- 338 International Court of Justice, “Legal Consequences of The Construction of a Wall in the Occupied Palestinian Territory”, July 9, 2004 <https://www.icj-cij.org/sites/default/files/case-re-lated/131/131-20040709-ADV-01-00-EN.pdf> at para 139 ; <https://twitter.com/FranceskaIbs/status/1724944179510591933>.
- 339 Noura Erakat, “No, Israel Does Not Have the Right to Self-Defense In International Law Against Occupied Palestinian Territory”.
- 340 Third World Approaches to International Law, “Public Statement: Scholars Warn of Potential Genocide in Gaza”.
- 341 Alex Cosh, “Which Canadian Weapons Fuel Israel’s ‘Textbook Genocide’ of Palestinians?” [emphasis added].
- 342 Jessica Corbett, “Official Resigns Over UN Response to Israeli War on Gaza, a ‘Textbook Case of Genocide’”.
- 343 United Nations, “Gaza is ‘running out of time’ UN experts warn, demanding a ceasefire to prevent genocide” ; United Nations, “Gaza: UN experts call on international community to prevent genocide against the Palestinian people”.
- 344 Amnesty International, “Israel’s Apartheid Against Palestinians”.
- 345 Wibke Timmermann, “Counteracting Hate Speech as a Way of Preventing Genocidal Violence,” *Genocide Studies and Prevention: An International Journal*, December 2008, <https://digitalcommons.usf.edu/gsp/vol3/iss3/8>
- 345 United Nations Human Rights Special Procedures Special Rapporteurs, Independent Experts & Working Groups, “Lawyers advising the Israeli Military must act to prevent massive human rights violations and war crimes, refuse legal authorization for actions that violate International Law”.
- 345 Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”.
- 345 James Robinson, “Israel-Hamas war: Gaza ‘on brink of collapse’, UN warns, after ‘impossible’ order to evacuate 1.1 million”, October 13, 2023, <https://www.un.org/en/situation-in-occupied-palestine-and-israel/history> at p 1.
- 346 Wibke Timmermann, “Counteracting Hate Speech”.
- 347 United Nations, “Hate Speech and Real Harm”, accessed December 4, 2023, <https://www.un.org/en/hate-speech/understanding-hate-speech/hate-speech-and-real-harm>
- 348 Wibke Timmermann, “Counteracting Hate Speech”.
- 349 Wibke Timmermann, “Counteracting Hate Speech”.
- 350 Raphaël Lemkin, “Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress”, 1944 at Chapter IX; Government of the Republic of South Africa, Application to Institute Proceedings, at para 2.
- 351 United Nations, “Israel-Gaza Crisis”, accessed October 31, 2023, <https://www.un.org/en/situation-in-occupied-palestine-and-israel/history>.
- 352 Jessica Corbett, “Official Resigns Over UN Response to Israeli War on Gaza, a ‘Textbook Case of Genocide’” ; Center for Constitutional Rights, “Emergency Legal Briefing Paper” at 6.
- 353 Genocide Watch, “The Ten Stages of Genocide,” accessed February 24, 2023 <https://www.genocidewatch.com/tenstages>.
- 354 Genocide Watch, “The Ten Stages of Genocide”.
- 355 Genocide Watch, “The Ten Stages of Genocide”.
- 356 Dr Quraysha Sooliman, “UP Expert Opinion: Consent for genocide in Gaza is manufactured”; Stanis Island, “Analysing the ‘Ten Stages of Genocide’ in the Context of Palestine”.
- 357 Canadians for Justice and Peace in the Middle East, “Who is talking about Israeli Apartheid?” ; Amnesty International, “Israel’s Apartheid Against Palestinians” ; Human Rights Watch, “A Threshold Crossed” ; Canadians for Justice and Peace in the Middle East, “Michael Lynk Reflects On Israeli Apartheid And His Tenure As Un Special Rapporteur”, accessed October 18, 2023, https://www.cjpmc.org/2022_04_12_michael_lynk.
- 358 Amnesty International, “Israel’s Apartheid Against Palestinians”, February 1, 2022, <https://www.amnesty.org/en/latest/news/2022/02/israel-apartheid-against-palestinians/>

[amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/](https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/).

359 Genocide Watch, "The Ten Stages of Genocide".

360 Genocide Watch, "The Ten Stages of Genocide".

361 Genocide Watch, "The Ten Stages of Genocide".

362 Dr Quraysha Sooliman, "UP Expert Opinion: Consent for genocide in Gaza is manufactured".

363 Dr Quraysha Sooliman, "UP Expert Opinion: Consent for genocide in Gaza is manufactured"; Stanis Island, "Analysing the 'Ten Stages of Genocide' in the Context of Palestine".

364 Amnesty International, "Israel's Apartheid Against Palestinians", February 1, 2022, <https://www.amnesty.org/en/documents/mde15/5141/2022/en/> at fn 465.

365 Genocide Watch, "The Ten Stages of Genocide".

366 Genocide Watch, "The Ten Stages of Genocide".

367 Genocide Watch, "The Ten Stages of Genocide".

368 Genocide Watch, "The Ten Stages of Genocide".

369 Genocide Watch, "The Ten Stages of Genocide".

370 Genocide Watch, "The Ten Stages of Genocide".

371 Amnesty International, "Israel's Apartheid Against Palestinians" at p. 11-12.

372 Dr Quraysha Sooliman, "UP Expert Opinion: Consent for genocide in Gaza is manufactured"; Stanis Island, "Analysing the 'Ten Stages of Genocide' in the Context of Palestine"; General Assembly, Human Rights Council, "Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967", Michael Lynk, A/HRC/49/87, August 12, 2022, <https://www.un.org/unispal/document/report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-palestinian-territories-occupied-since-1967-report-a-hrc-49-87-advance-unedited-version/>, p paras 38, 39, 50.

373 General Assembly, "Situation of human rights in the Palestinian territories occupied since 1967", A/72/556, October 23, 2017, <https://www.ohchr.org/en/documents/country-reports/a72556-report-special-rapporteur-situation-human-rights-palestinian> at paras 53-55.

374 Chloe Veltman, "More than 100 Gaza Heritage Sites Have Been Damaged or Destroyed by Israeli Attacks", NPR, December 3, 2023, <https://www.npr.org/2023/12/03/1216200754/gaza-heritage-sites-destroyed-israel>.

375 Middle East Monitor, "Israeli Extremists Raid Al-Aqsa, Cut Down 2,000 Olive Trees", November 14, 2022, <https://www.middleeastmonitor.com/20221114-israeli-extremists-raid-al-aqsa-cut-down-2000-olive-trees/>.

376 Amnesty International, "Israel's Apartheid Against Palestinians".

377 Genocide Watch, "The Ten Stages of Genocide".

378 Genocide Watch, "The Ten Stages of Genocide".

379 Genocide Watch, "The Ten Stages of Genocide".

380 Genocide Watch, "The Ten Stages of Genocide".

381 Genocide Watch, "The Ten Stages of Genocide".

382 Yumna Fatima, "The language of genocide: How Israel dehumanises Palestinians", Dawn, November 7, 2023, <https://www.dawn.com/news/1786922>.

383 Yumna Fatima, "The language of genocide: How Israel dehumanises Palestinians".

384 Genocide Watch, "The Ten Stages of Genocide".

385 Genocide Watch, "The Ten Stages of Genocide".

386 Genocide Watch, "The Ten Stages of Genocide".

387 Genocide Watch, "The Ten Stages of Genocide".

388 Genocide Watch, "The Ten Stages of Genocide".

389 Dr Quraysha Sooliman, "UP Expert Opinion: Consent for genocide in Gaza is manufactured"; Stanis Island, "Analysing the 'Ten Stages of Genocide' in the Context of Palestine".

390 Zena Al Tahhan, "More than a Century On: The Balfour Declaration Explained"; Michael Ratner, "UN's Investigation of Israel Should Go Beyond War Crimes to Genocide".

391 Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide".

392 Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide".

393 Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide".

394 Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide".

395 Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide".

396 Genocide Watch, "Country Overview: Israel/Palestine".

397 Amnesty International, "Israel's Apartheid Against Palestinians".

398 Professor Francis A. Boyle, "The Palestinian Genocide by Israel Before The Kuala Lumpur War Crimes Tribunal", August 21-24, 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2339254

a399 Genocide Watch, "Israel and Palestine Report"; Amnesty International, "Israel's Apartheid Against Palestinians".

400 Zena Al Tahhan, "More than a Century On: The Balfour Declaration Explained".

401 United Nations, "The Question of Palestine", accessed March 4, 2024, <https://www.un.org/unispal/history/>.

402 Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide".

403 Al Jazeera, "What is Hamas? A simple guide to the armed Palestinian Group", October 8, 2023, <https://www.aljazeera.com/news/2023/10/8/what-is-the-group-hamas-a-simple-guide-to-the-pales>

[tinian-group](#).

- 404 Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide".
- 405 Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide".
- 406 Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide".
- 407 Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-49>.
- 408 Genocide Watch, "Israel and Palestine Report".
- 409 Hagar Shezaf, "Israel Expedites Settlement Construction, Only One Week After Netanyahu's Announcement", June 25, 2023, <https://www.haaretz.com/israel-news/2023-06-25/ty-article/premium/israel-expedites-settlement-construction-only-one-week-after-netanyahus-announcement/00000188-f2e1-db86-a3f9-fbffe42c0000>.
- 410 Genocide Watch, "Israel and Palestine Report".
- 411 Genocide Watch, "Country Overview".
- 412 Genocide Watch, "Israel and Palestine Report".
- 413 United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People, "The Legality of the Israeli Occupation" at p. 7-8 ; Center for Constitutional Rights, "The Genocide of the Palestinian People".
- 414 United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People, "The Legality of the Israeli Occupation" at p. 10-13 ; Center for Constitutional Rights, "The Genocide of the Palestinian People".
- 415 International Court of Justice, "Press Release, Conclusion of the public hearings held from 19 to 26 February 2024", February 26, 2024, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240226-pre-01-00-en.pdf>.
- 416 International Court of Justice, "Press Release, Conclusion of the public hearings held from 19 to 26 February 2024".
- 417 Ilan Pappé, A Brief History of Israel's Incremental Genocide, on Palestine (Noam Chomsky and Ilan Pappé ed.; Haymarket 2015) at pp. 147-154.
- 418 Center for Constitutional Rights, "The Genocide of the Palestinian People".
- 419 Article 2(4) of the United Nations Charter states that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."
- 420 Michael Ratner, "UN's Investigation of Israel Should Go Beyond War Crimes to Genocide" [emphasis added].
- 421 Michael Ratner, "UN's Investigation of Israel Should Go Beyond War Crimes to Genocide".
- 422 Mohammed Nijim, "Genocide in Palestine: Gaza as a case study", The International Journal of Human Rights, 27:1, 165-200, <https://doi.org/10.1080/13642987.2022.2065261>.
- 423 Genocide Watch, "The Ten Stages of Genocide".
- 424 Genocide Watch, "The Ten Stages of Genocide".
- 425 Genocide Watch, "The Ten Stages of Genocide".
- 426 Genocide Watch, "The Ten Stages of Genocide".
- 427 Genocide Watch, "The Ten Stages of Genocide".
- 428 Genocide Watch, "The Ten Stages of Genocide".
- 429 Dr Quraysha Sooliman, "UP Expert Opinion: Consent for genocide in Gaza is manufactured" ; Stanis Island, "Analysing the 'Ten Stages of Genocide' in the Context of Palestine".
- 430 Ariella Marsden, "Israeli Minister Targets Haaretz Newspaper for 'Anti-Israel Incitement'", The Jerusalem Post, November 23, 2023, <https://www.jpost.com/israel-news/politics-and-diplomacy/article-774848>.
- 431 Dr Quraysha Sooliman, "UP Expert Opinion: Consent for genocide in Gaza is manufactured".
- 432 Ariella Marsden, "Israeli Minister Targets Haaretz Newspaper for 'Anti-Israel Incitement'".
- 433 Ariella Marsden, "Israeli Minister Targets Haaretz Newspaper for 'Anti-Israel Incitement'".
- 434 Dr Quraysha Sooliman, "UP Expert Opinion: Consent for genocide in Gaza is manufactured".
- 435 Dr Quraysha Sooliman, "UP Expert Opinion: Consent for genocide in Gaza is manufactured" ; Stanis Island, "Analysing the 'Ten Stages of Genocide' in the Context of Palestine".
- 436 Genocide Watch, "The Ten Stages of Genocide".
- 437 Genocide Watch, "The Ten Stages of Genocide".
- 438 Genocide Watch, "The Ten Stages of Genocide".
- 439 Genocide Watch, "The Ten Stages of Genocide".
- 440 Genocide Watch, "The Ten Stages of Genocide".
- 441 Dr Quraysha Sooliman, "UP Expert Opinion: Consent for genocide in Gaza is manufactured".
- 442 Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide".
- 443 United Nations Office for the Coordination of Humanitarian Affairs, "Data on Casualties".
- 444 Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide".
- 445 Zachary Davies Boren, "Holocaust survivors and their descendants accuse Israel of 'genocide'" ; Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide".
- 446 Al Jazeera, "What's the Israel-Palestine Conflict About? A Simple Guide".
- 447 UN News, "Israeli-Palestinian death toll highest since 2005: UN envoy", August 21, 2023, <https://>

news.un.org/en/story/2023/08/1139922 ; Euro-Med Monitor, "Pulling the trigger is the first resort: Palestinians killed by Israeli army and settlers in 2022", January 30, 2023, <https://reliefweb.int/report/occupied-palestinian-territory/pulling-trigger-first-resort-palestinians-killed-israeli-army-and-settlers-2022-enar>.

448 Genocide Watch, "Israel and Palestine Report".

449 Genocide Watch, "Israel and Palestine Report".

450 United Nations, "Secretary-General's remarks to the Security Council - on the Middle East".

451 United Nations, "Israel-Palestine crisis has 'reached an unprecedented level of dehumanisation': Independent rights expert", October 29, 2023, <https://news.un.org/en/story/2023/10/1142952>.

452 Amnesty International, "Israel's Apartheid Against Palestinians".

453 Amnesty International, "Israel's Apartheid Against Palestinians".

454 Genocide Watch, "The Ten Stages of Genocide".

455 Genocide Watch, "The Ten Stages of Genocide".

456 Genocide Watch, "The Ten Stages of Genocide".

457 Genocide Watch, "The Ten Stages of Genocide".

458 Genocide Watch, "The Ten Stages of Genocide".

459 Genocide Watch, "The Ten Stages of Genocide".

460 Genocide Watch, "The Ten Stages of Genocide".

461 Genocide Watch, "The Ten Stages of Genocide".

462 Genocide Watch, "The Ten Stages of Genocide".

463 Genocide Watch, "The Ten Stages of Genocide".

464 Dr Quraysha Sooliman, "UP Expert Opinion: Consent for genocide in Gaza is manufactured" ; Stanis Island, "Analysing the 'Ten Stages of Genocide' in the Context of Palestine".

465 Amnesty International, "Israel/OPT: Horrifying Cases of Torture and Degrading Treatment of Palestinian Detainees Amid Spike in Arbitrary Arrests", November 8, 2023, <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-horrifying-cases-of-torture-and-degrading-treatment-of-palestinian-detainees-amid-spike-in-arbitrary-arrests/>.

466 Al Jazeera, "He Threw Up Blood": Palestinian Detainees Face Abuse in Israeli Custody", November 1, 2023, <https://www.aljazeera.com/features/2023/11/1/he-threw-up-blood-palestinian-detainees-face-abuse-in-israeli-custody>.

467 Tahani Mustafa, "With All Eyes on Gaza, Israel Tightens Its Grip on the West Bank", International Crisis Group, November 24, 2023, <https://www.crisisgroup.org/middle-east-north-africa/east-mediterranean-mena/israelpalestine/all-eyes-gaza-israel-tightens-its>.

468 Al Jazeera, "He Threw Up Blood": Palestinian Detainees Face Abuse in Israeli Custody" ; Amnesty International, "Israel/OPT: Horrifying Cases of Torture and Degrading Treatment of Palestinian Detainees Amid Spike in Arbitrary Arrests".

469 UN OHCHR, "Press Release: Dramatic rise in detention of Palestinians across occupied West Bank", December 1 2023, <https://reliefweb.int/report/occupied-palestinian-territory/un-human-rights-office-opt-dramatic-rise-detention-palestinians-across-occupied-west-bank>.

470 Al Jazeera, "He Threw Up Blood": Palestinian Detainees Face Abuse in Israeli Custody".

471 Mairav Zonszein, Information Posted to Twitter, October 28, 2023, <https://twitter.com/MairavZ/status/1718314298252866012>.

472 Amnesty International, "Israel/OPT: Horrifying Cases of Torture and Degrading Treatment".

473 Genocide Watch, "The Ten Stages of Genocide".

474 Genocide Watch, "The Ten Stages of Genocide".

475 Genocide Watch, "The Ten Stages of Genocide".

476 Genocide Watch, "The Ten Stages of Genocide".

477 Genocide Watch, "The Ten Stages of Genocide".

478 Genocide Watch, "The Ten Stages of Genocide".

479 Genocide Watch, "The Ten Stages of Genocide".

480 Genocide Watch, "The Ten Stages of Genocide".

481 Dr Quraysha Sooliman, "UP Expert Opinion: Consent for genocide in Gaza is manufactured" ; Stanis Island, "Analysing the 'Ten Stages of Genocide' in the Context of Palestine".

482 Genocide Watch, "The Ten Stages of Genocide".

483 Genocide Watch, "The Ten Stages of Genocide".

484 Genocide Watch, "The Ten Stages of Genocide".

485 Genocide Watch, "The Ten Stages of Genocide" ; Holocaust Memorial Day Trust, "The Ten Stages of Genocide", accessed October 30, 2023, <https://www.hmd.org.uk/learn-about-the-holocaust-and-genocides/what-is-genocide/the-ten-stages-of-genocide/>.

486 Genocide Watch, "The Ten Stages of Genocide".

487 Genocide Watch, "The Ten Stages of Genocide".

488 Genocide Watch, "The Ten Stages of Genocide".

489 Genocide Watch, "The Ten Stages of Genocide".

490 Genocide Watch, "The Ten Stages of Genocide".

491 Genocide Watch, "The Ten Stages of Genocide".

492 Anthony Deutsch, Toby Sterling and Stephanie van den Berg, "Israel rejects genocide charges,

tells World Court it must defend itself”, Reuters, January 12, 2024, <https://www.reuters.com/world/middle-east/israel-counter-genocide-accusations-world-court-2024-01-12/>.

493 Dr Quraysha Sooliman, “UP Expert Opinion: Consent for genocide in Gaza is manufactured” ; Stanis Island, “Analysing the ‘Ten Stages of Genocide’ in the Context of Palestine”.

494 Anthony Deutsch, Toby Sterling and Stephanie van den Berg, “Israel rejects genocide charges, tells World Court it must defend itself”.

495 UNICEF, “Children in Gaza Need Life-Saving Support”.

496 Zachary Davies Boren, “Holocaust survivors and their descendants accuse Israel of ‘genocide’” ; Al Jazeera, “What’s the Israel-Palestine Conflict About? A Simple Guide”.

497 Save the Children, “Defenceless” at 3.

498 Save the Children, “Defenceless” at 3.

499 UN OCHA, “Hostilities in the Gaza Strip and Israel – reported impact | Day 82”, December 27 2023, <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-82>.

500 UNICEF, “Children in Gaza Need Life-Saving Support” ; Alex Cosh, “Which Canadian Weapons Fuel Israel’s ‘Textbook Genocide’ of Palestinians?”

501 UNICEF, “Children in Gaza Need Life-Saving Support”.

502 Red Crescent Society, “Palestine Red Crescent Society Response Report As of Saturday, October 7th 2023, 6:00 PM Until Sunday, December 24th 2023, 24:00 AM”, December 24 2023, <https://www.palestinercs.org/public/files/image/2023/News/latestresponse23012023/en%20220%202023.pdf> at p.1.

503 Ruwaida Amer and Federica Marsi, “‘He was Nameless’”: Orphaned Children Lose Family, Identity in Gaza”, Al Jazeera, February 15, 2024, <https://www.aljazeera.com/features/2024/2/15/he-was-nameless-orphaned-children-lose-family-identity-in-gaza>.

504 Ruwaida Amer and Federica Marsi, “‘He was Nameless’”.

505 UN OCHA, “Hostilities in the Gaza Strip and Israel | Flash Update #48”.

506 Ruwaida Amer and Federica Marsi, “‘He was Nameless’”.

507 Ann Skelton, “Child Rights Committee statement on children in Gaza”.

508 United Nations, “Humanitarians call for urgent aid access to Gaza”, October 12, 2023, <https://news.un.org/en/story/2023/10/1142232> ; Save the Children, “Occupied Palestinian Territory”, October 13, 2023, <https://www.savethechildren.org.uk/where-we-work/middle-east/occupied-palestinian-territory>.

509 Oxfam, “Babies dying from preventable causes in besieged Gaza – Oxfam”.

510 UN OCHA, Hostilities in the Gaza Strip and Israel | Flash Update #44 ; UN OCHA, Hostilities in the Gaza Strip and Israel | Flash Update #48.

511 Yasmine Salam, Rima Abdelkader and Matthew Mulligan, “Abandoned babies found decomposing in Gaza hospital weeks after it was evacuated”.

512 UNICEF, “Children in Gaza Need Life-Saving Support”.

513 UNICEF, “Children in Gaza Need Life-Saving Support”.

514 UNICEF, “Children in Gaza Need Life-Saving Support”.

515 Save the Children, “Children’s Mental Health in Gaza Pushed Beyond Breaking Point After Nearly a Month of Siege and Bombardment”; Maram Humaid, “‘War is stupid and I want it to end’: Injured Palestinian children speak”.

516 UNICEF, “Children in Gaza Need Life-Saving Support”.

517 UNICEF, “Children in Gaza Need Life-Saving Support”.

518 UNICEF, “Children in Gaza Need Life-Saving Support”.

519 Security Council resolution 2712, The situation in the Middle East, including the Palestinian Question.

520 Aya Batrawy, “An aid worker describes the ‘unbearable’ suffering of wounded children in Gaza”, NPR, December 26, 2023, <https://www.npr.org/2023/12/26/1221743518/an-aid-worker-describes-the-unbearable-suffering-of-wounded-children-in-gaza>.

521 Save the Children, “Defenceless” at 3.

522 Save the Children, “Defenceless” at 3.

523 Save the Children, “Defenceless” at 3.

524 Save the Children, “Defenceless” at 3.

525 Save the Children, “Defenceless” at 3.

526 Save the Children, “Defenceless” at 3.

527 Save the Children, “Defenceless” at 3.

528 Save the Children, “Defenceless” at 3-4.

529 Save the Children, “Defenceless” at 4 [emphasis removed].

530 United Nations, “Gaza ‘Becoming a Graveyard for Children’, Warns UN Secretary-General, Calling for Humanitarian Ceasefire – Press Release”, November 6, 2023, <https://www.un.org/unispal/document/gaza-becoming-a-graveyard-for-children-warns-un-secretary-general-calling-for-humanitarian-ceasefire-press-release/>.

531 UNICEF, “Gaza has become a graveyard for thousands of children”, October 31 2023, <https://www.unicef.org/press-releases/gaza-has-become-graveyard-thousands-children>.

532 UNICEF, “Statement by UNICEF Executive Director Catherine Russell on the Resumption of Fighting

in Gaza”,
December 1, 2023, <https://www.unicef.org.uk/press-releases/statement-by-unicef-executive-director-catherine-russell-on-the-resumption-of-fighting-in-gaza/>.

533 Ann Skelton, “Child Rights Committee statement on children in Gaza”.

534 Ann Skelton, “Child Rights Committee statement on children in Gaza”.

535 Ann Skelton, “Child Rights Committee statement on children in Gaza”.

536 Amnesty International, “Israel’s Apartheid Against Palestinians”.

537 OHCHR, “Gaza: UN experts call on international community to prevent genocide against the Palestinian people”.



PALESTINE
GENOCIDE
APARTHEID &
OCCUPATION

ISLAMOPHOBIA AND RACISM HAVE LED TO THE GENOCIDE
AND PERSECUTION OF PALESTINIANS

