

Israel's Crimes Against Palestinian Civilians in The Gaza Strip Have Exceeded the Threshold of Genocide

‘A Study from the Perspective of International Law Scholars’

**Submitted to: Global Tribunal on Palestine,
Geneva, Switzerland, 6-8 June 2024**

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Abstract

This paper discusses the legal opinions related to Israel's crimes committed in the Gaza Strip from the point of view of international law experts, citing the intervention of former Palestinian Minister of Justice Dr. Mohammed Shalalda at the seminar organized by the Palestine Institute for National Security Research (PINSR) on 22 Nov.2023, under the topic (Legal Dimensions of the aggression waged by the occupation on our people). The researcher attended. On the one hand, a team of Jurists argues that these crimes have exceeded the threshold of crimes of genocide, the clauses of articles (II, III, and IV) of General Assembly Resolution No. 260 A (III) of 9 Dec. 1948, which provide for the prevention and punishment of the crime of genocide, and apply to them.

On the other hand, another group argues that, despite the large civilian casualties caused by the indiscriminate bombing of civilians, the resulting rise of thousands of martyrs and wounded. The mass destruction of infrastructure. these crimes do not meet the very high threshold required to meet the legal

definition of genocide “Proof of intent”.

However, the study reached several conclusions, the most important of which was that the crimes of the Israeli occupation army on the Gaza Strip are full-fledged genocide crimes, which can be described as (The Crime of Crimes), and violate by all standards the texts of international law and the UN Convention on the Prohibition of the Crime of genocide in its Resolution No. 260 A (III) of December 9, 1948.

Keywords: Israeli War on Gaza, Genocide; UN Convention on the Prohibition of the Crime of genocide; International Court of Justice (ICJ); international law experts’ viewpoints.

Introduction

The brutal Israeli aggression toward Gaza and the large scale of destruction of infrastructure since 7th Oct 2023 events¹; As well as the high number of martyrs and wounded, reaching nearly one hundred fifty thousand civilians, especially children, and women. these criminal activities sparked great controversy in legal and popular circles and international organizations concerned with human rights. Based on this, the International Court of Justice (ICJ) received a request from the state of South Africa on 29 Dec. 2023, to investigate war crimes and genocide committed by Israel in Gaza². A senior UN official, Craig Mokhiber, has resigned from his post as head of the New York Office of the High Commissioner for Human Rights, citing the UN's failure to stop genocide in the Gaza Strip³.

¹ <https://www.washingtonpost.com/investigations/interactive/2023/israel-war-destruction-gaza-record-pace/>

² <https://www.freiheit.org/human-rights-hub-geneva/south-africa-vs-israel>

³ <https://www.france24.com/en/middle-east/20231105-we-are-failing-again-un-us-resignations-highlight-splits-over-israel-s-gaza-assault>

However, these crimes have sparked a major debate among international law experts worldwide.

On the one hand, A team of legal experts argues that Israel's crimes against Palestinian civilians in the Gaza strip have exceeded the threshold of genocide and the Palestinian people's right to existence⁴. On the other hand, another team argues that despite the significant civilian casualties caused by the indiscriminate and destructive bombing of civilians and the Israeli occupation forces' incursion into residential areas in the Gaza strip, resulting in the deaths and injuries of thousands and extensive destruction, but these crimes do not meet the very high threshold required to fulfill the legal definition of genocide⁵.

In this paper however, the researcher attempts to highlight the ongoing legal discussions surrounding the crimes committed by the Israeli occupation government in Gaza as complete acts of genocide that violate the provisions of international law and the UN Convention on the Prevention and Punishment of the Crime of Genocide in its Resolution 260 A (III) dated 9 Dec. 1948. In addition to this, the Palestinian Minister of Justice, Dr. Mohammed Al-Shalalkeh, intervened in the seminar organized by the Palestine Institute for National Security of Research on 22 Nov. 2023, titled "The Legal Dimensions of the Aggression Launched by the Occupation against Our People," which the researcher attended as a guideline.

⁴ <https://www.ohchr.org/en/press-releases/2023/11/gaza-running-out-time-un-experts-warn-demanding-ceasefire-prevent-genocide>

⁵ <https://www.haaretz.com/israel-news/2024-01-12/ty-article/.premium/at-intl-court-of-justice-israel-presents-robust-defense-despite-half-wit-politicians/0000018c-fdaa-d517-af9d-fdbe8aee0000>

The UN Convention on Preventing Genocide

Lemkin, a lawyer from Poland, coined the term "genocide" in his book published in 1944, "Axis Rule in Occupied Europe." However, Lemkin described genocide as "the destruction of a nation or an ethnic group"; this phrase comprises two words: the Greek prefix "genos," This implies ethnicity or group, along with the Latin append "cide," which implies murdering.⁶ Later, Lemkin used this word in response to Nazi procedures of methodically murdering Killing Jewish people in the Holocaust, as well as past examples of targeted atrocities aimed at eradicating certain groups of people. Lemkin led the fight to designate genocide as an international crime.⁷

The 1948 Genocide Convention established genocide as an independent crime. genocide was officially identified as a criminal act by the UN General Assembly in 1946 in resolution (A/RES/96-I), which took effect in 1951. 153 countries have ratified the Convention as of April 2022⁸. In this context, The ICJ has regularly recognized that the Convention incorporates customary international law principles, as mentioned in the Advisory Opinion from 28 May 1951. This shows that every state, regardless of their official stance on the Genocide Convention, is obligated to abide by its rules according to the concept that genocide is considered a forbidden offense in global legislation⁹.

However, the Genocide Convention, known as "Ratification of the Genocide Convention," was the first human rights treaty approved by the UN General Assembly on 9 Dec. 1948, as stated on the official website of the UN; this

⁶ <https://www.facinghistory.org/resource-library/raphael-lemkin-genocide-convention>

⁷ <https://news.un.org/en/story/2023/12/1144087>

⁸ <https://www.un.org/en/genocideprevention/genocide.shtml>

⁹ <https://guide-humanitarian-law.org/content/article/3/genocide-1/>

ratification showcased the international community's dedication to preventing the recurrence of the heinous acts that occurred during World War II¹⁰. Henceforth, the Genocide Convention is an international legal document that introduced the concept of genocide as a criminal offense, its preamble recognizes that acknowledges that throughout history, genocide has caused significant harm to humans; It also calls the necessity of global collaboration to free humanity from this horrendous affliction. As per the Convention, genocide is a criminal act that can occur during both periods of warfare and periods of peace¹¹.

Resolution 96 (I) of the UN General Assembly on 11 Dec.1946 affirms that genocide goes against the values and goals of the UN and is denounced by the global community. Consequently, the agreement was approved and suggested for signing, ratification, or adherence by the General Assembly's resolution 260 A (III) on December 9th. the text came into effect on January 12, 1948. In 1951, according to Article XIII¹². Meanwhile, the ICJ has recognized that the ban on genocide is an absolute and non-negotiable principle in the field of international law (jus cogens), this means that no exceptions or modifications can be made to this prohibition, as stated in Article 33 of the ICJ's statute¹³.

Under the UN Convention, the offense of genocide pertains to actions (among other acts), outlined in the subsequent sections of the Convention¹⁴.

¹⁰ <https://www.un.org/en/genocideprevention/genocide-convention.shtml>

¹¹ <https://www.un.org/en/genocideprevention/documents/Genocide%20Convention-FactSheet-ENG.pdf>

¹² https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf

¹³ <https://legal.un.org/ilc/reports/2019/english/chp5.pdf>

¹⁴ <https://www.un.org/en/genocideprevention/documents/atrocity->

Article II

This Convention establishes genocide as the intentional perpetration of any of the listed actions to destroy, in whole or in part, a national, ethnic, racial, or religious community:

- (a) Murdering individuals within the group
- (b) Inflicting severe physical or psychological injuries on individuals within the group
- (c) Intentionally creating living conditions for the group to cause their complete or partial physical destruction
- (d) Implementing strategies to hinder population growth within the community.
- (e) coercively relocating children from one group to another group.

Article III

The acts below are subject to punishment:

- (a) Mass killing of a particular group of people (Massacres).
- (b) Plotting to carry out genocide
- (c) Openly encouraging and advocating for the execution of genocide
- (d) Trying to carry out genocide; and
- (e) Participation in genocide.

Israeli aggression against Gaza Strip

The proof and accounts of illegal deadly assaults in Gaza, collected by global groups, show Israeli forces violating international law and human rights,

destroying entire families without facing the consequences According to Erika Guevara-Rosas, who holds the position of Senior Director of Research, Advocacy, Policy and Campaigns at Amnesty International, “Entire families were wiped out in Israeli attacks even after they sought refuge in areas promoted as safe and with no prior warning from Israeli authorities. These attacks illustrate an ongoing pattern of Israeli forces brazenly flouting international law, contradicting claims by Israeli authorities that their forces are taking heightened precautions to minimize harm to civilian”¹⁵. At the same time, manner, UN Secretary Antonio Guterres has reiterated his call for a ceasefire in Gaza and stated that international law is being breached in the conflict, he stated "I am deeply concerned about the clear violations of international humanitarian law that we are witnessing in Gaza".¹⁶

According to Wilde¹⁷ from the Faculty of Laws at University College London, states that Israel's actions since 1967 have breached two parts of international law: the ban on aggression and the essential status of the right to self-determination. This entails an increase in laws beyond the neutral ones in different fields of international law. For current purposes, Israel's legal duty to stop using force due to its mere existence outweighs any other obligations concerning the preservation of culture and safeguarding human rights. So, this new duty will not result in altering the initial duty of granting Israel a legal justification for utilizing force in Palestinian territories.

¹⁵ <https://reliefweb.int/report/occupied-palestinian-territory/israelopt-new-evidence-unlawful-israeli-attacks-gaza-causing-mass-civilian-casualties-amid-real-risk-genocide-enar>

¹⁶ <https://www.france24.com/en/live-news/20231024-un-chief-alleges-violations-of-law-in-gaza-angering-israel>

¹⁷ <https://opiniojuris.org/2023/11/09/israels-war-in-gaza-is-not-a-valid-act-of-self-defence-in-international-law/>

However, The Israeli crimes in Gaza do not meet the very low threshold required by international law; Israel is destructive to international law. In this viewpoint, the UK foreign secretary, Lord Cameron, said, "Israel is in breach of international law as the occupying power if it fails to provide food and water to the people of Gaza," In his most explicit caution about Israel's behavior yet. Cameron also added, "It was simply not possible for people in Rafah to leave as proposed by the Israeli forces"¹⁸

On a related issue, the Palestinian Minister considered the current legal status of the Gaza, from the viewpoint of global law and international humanitarian law, to still be an occupied territory by Israel. He added that this is evident as Israel withdrew unilaterally in 2005 without agreeing on any arrangements with the Palestinian Authority. Since then, Israel still maintains authority over the Gaza Strip on all fronts - land, sea, and air.; a clear example of this is that Israel kept the civil registry of the residents in Gaza under its responsibility as an occupying power. Therefore, the best description of what Israel did in 2005 is redeployment or repositioning, but it cannot be called an end to the occupation under any circumstances.

Shalaldeh sees that the current legal situation in the Gaza Strip is relevant:

- The Convention of 1907 in The Hague.
- The Fourth Geneva Convention 1949

This is shown through the advisory opinion of the (ICJ) in 2004, which verified that the Fourth Geneva Convention of 1949 applies to the occupied Palestinian territory (the West Bank and the Gaza Strip, including East

¹⁸ <https://www.theguardian.com/world/2024/feb/13/israel-in-breach-of-international-law-if-gaza-denied-food-and-water-says-cameron>

Jerusalem)¹⁹. In other legal words, the Gaza Strip is still an occupied land. The minister also pointed out that Israel's unilateral withdrawal from Gaza and considering it a hostile territory is due to an underlying intention and a deliberate plan by Israel to disclaim its future legal obligations towards international protection agreements for the civilian population in the Strip. After seven October. events, Israel, as the occupying state according to international law, declared war on the Gaza Strip. Wondering, how can an occupied state declare war on its occupied territory? This is completely contrary to the provisions of international law.

False Pretexts

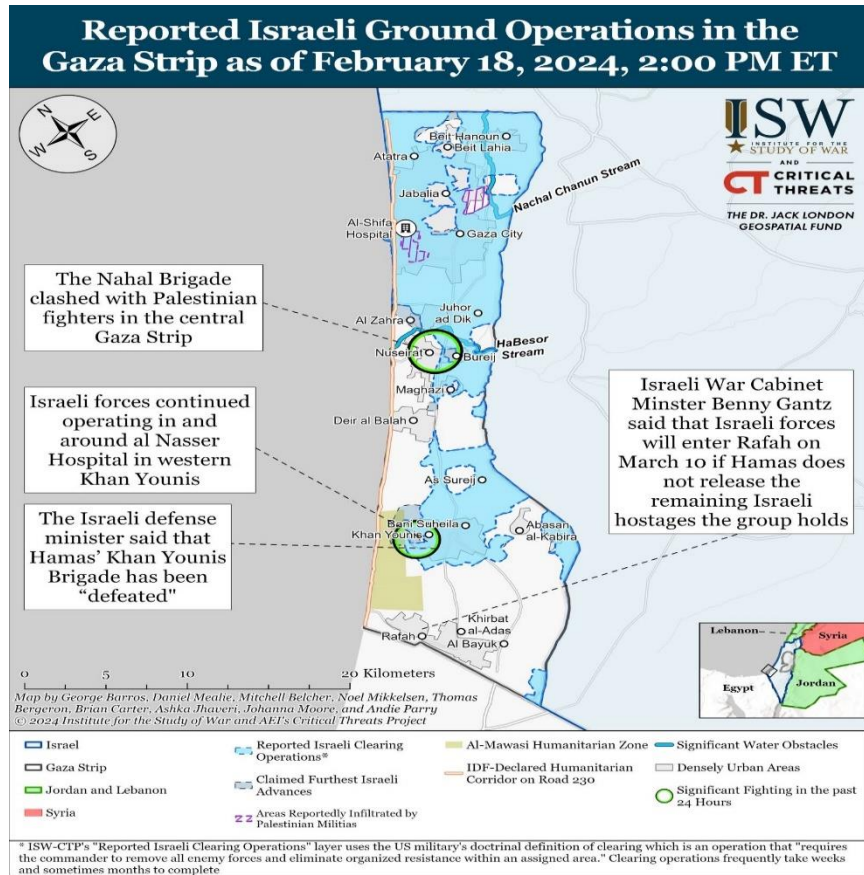
The Minister revealed that when Israel declared its war on the Gaz, it invoked the rightful self-defense right. Unfortunately, Washington and several European countries still support this argument. while Article 51 of the UN Charter states that the privilege of defending oneself is limited to fully sovereign states, granting them the right to defend themselves in the event of an attack by another state. But this article does not, by any means, grant countries permission to burn land, people, trees, and infrastructure, as the Israeli military is currently doing in Gaza.

He explains that according to international law, the right of self-defense does not apply to the occupying authority, which is Israel in this case. Therefore, the minister states Protocol (I), in addition to the Geneva Conventions of 1977 Article (1) paragraph (4), explicitly states: "Armed movements that struggle for the right of self-determination against foreign occupation, colonial

¹⁹ <https://www.icj-cij.org/case/131>

domination, and racist regimes, in the armed conflict they are engaged in, in exercising their right to self-determination as enshrined in the Charter of the UN and the relevant declaration, are considered armed conflicts." Palestine is considered a party to Protocol I as an international treaty, while Israel is not a member. However, The regulations outlined in Protocol I of international law are mandatory, whether or not a state has signed onto the international treaty.

The Minister emphasizes that international law clearly defines the legitimate resistance right, linked to the right of self-determination and led by the Palestine Liberation Organization (PLO). and Palestinian resistance movements as a guaranteed right for resistance through peaceful and non-peaceful means according to the UN General Assembly resolution of 1973; This is also stated in Article (1) paragraph 4 of Protocol (I) in addition to numerous resolutions issued by the UN General Assembly, which affirmed after recognizing the PLO in 1974, the right to self-determination for the Palestinian people.



Shape: Map of Gaza strip – Palestine

Resource: Institute for the study of war ISW

Threshold the Crime of Genocide

According to Article 25(3)(e) of the Rome Statute of the International Criminal Court (ICC), individuals who "directly and publicly incites others to commit genocide" violated international law²⁰. The Minister affirms that what is currently happening in the Gaza Strip constitutes complete genocide crimes from a legal perspective. He adds that all types of crimes, including war crimes, crimes against humanity, and genocide crimes, have been committed

²⁰ <https://www.law.cornell.edu/wex/genocide>

by Israel and continue to be committed on Palestinian land in general and in the Gaza Strip specifically. He describes the Israeli aggression on Gaza as the "crime of crimes," which is a full genocide crime.

Nonetheless, Shalalkeh emphasized the explanation of genocide concept from the lens of Article (9) of the Convention on the Prevention and Punishment of the Crime of Genocide, which allows states to seek resolution through the ICJ in case of disputes or acts of genocide on their territory.

In this context, the Minister pointed out that the intention to commit the crime of genocide against the citizens in Gaza can be easily proven and monitored through the statements issued by Israeli ministers and military leaders, including the Israeli Minister of Heritage who called for "dropping a nuclear bomb on Gaza"²¹, and other statements calling for the "extermination and displacement of the Palestinian people from their land"²², indicating premeditation and intention. Nonetheless, direct incitement occurs when an individual openly urges others to commit genocide. Despite being subtle to those outside the situation, the incitement is still regarded as explicit as long as the target audience promptly grasps the message²³. Since the events of October 7th, 2023, the Law for Palestine website has collected a substantial amount of evidence revealing the spread of incitement to violence and genocidal intentions by Israeli officials and public figures towards Palestinians. The documentation includes more than 500 instances of violence incitement, genocidal incitement, forced displacement, and collective punishment. The

²¹ <https://www.nytimes.com/2023/11/05/world/middleeast/amichay-eliyahu-israel-minister-nuclear-bomb-gaza.html>

²² <https://www.nbcnews.com/news/world/gaza-nakba-israels-far-right-palestinian-fears-hamas-war-rcna123909>

²³ <https://www.law.cornell.edu/wex/genocide>

origin of this evidence, coming from the highest levels of the Israeli government, such as the President, Prime Minister, Knesset members, military personnel, and law enforcement, adds to its alarming nature²⁴.

The Palestinian Minister indicates that it is necessary to clarify the legal distinctions between the three types of crimes committed by the occupying authorities, which are war crimes, crimes against humanity, and genocide,

Firstly, The General Assembly resolution of 1968 states that crimes committed in war crimes, crimes against humanity, and genocide do not have a statute of limitations, making them all subject to legal action indefinitely.

Secondly, War crimes can be prosecuted solely during warfare and are not applicable during times of peace

Thirdly, Genocide and crimes can occur during times of peace as well as during times of war.

Fourthly, proving a specific intent to commit both genocide and crimes against humanity is necessary.

Minister Shalalkeh states that these three levels of crimes and their defined boundaries apply collectively or individually to the practices of the occupying authorities within the boundaries of the state of Palestine, especially in the Gaza Strip. In other words, Israel, as the occupying state, has committed all three types of crimes against the Palestinian people.

Furthermore, in the case of genocide, it is essential to focus on two

²⁴ <https://law4palestine.org/law-for-palestine-releases-database-with-500-instances-of-israeli-incitement-to-genocide-continuously-updated/>

fundamental issues:

Firstly. The legal dimension involves taking legal action and seeking justice at the ICC, with the Palestinian Authority's officials compiling a case accusing Israel of its oppressive actions towards Palestinians as the occupying force. The minister emphasizes the need to differentiate between two categories of international courts in this statement

- International Criminal Court (ICC): It is a court specialized in holding individuals accountable regardless of their positions, political roles, and military ranks
- International Court of Justice (ICJ): It is a court specialized in holding states accountable for their committed crimes.

Secondly. The purpose of the criminal file preparation stage is to be able to bring it before the ICJ as stipulated in Article 9 of the Convention on the Prevention and Punishment of the Crime of Genocide.

That means, suing Israel as an occupying state before the ICJ through the filing civil lawsuits and the resulting compensation for the Palestinians affected by the occupation and its policies. The request includes holding Israel legally responsible, compensating for damages, and compensating for the losses suffered by the Palestinians, especially in the Gaza, the minister says.

Available legal avenues for the State of Palestine

The Palestinian Minister of Justice emphasized the availability of several international and national paths (special courts) that can be resorted to for holding the occupation leaders accountable and prosecuting Israel as an occupying state for its crimes:

1. International Criminal Court (ICC): There are several files on the table of the ICC, including a file specifically related to settlements, prisoners, and the war on the Gaza Strip in 2014. In addition to supplementary files specifically related to Israel's successive crimes against the Palestinian people.

At present, both the Palestinian Ministry of Foreign Affairs and the Ministry of Justice are collecting all necessary documents, records, photos, and videos—and anything that can document and condemn Israel for committing the crime of genocide against civilians, whether in the Gaza Strip or the West Bank. They will be handed over to the office of the Prosecutor of the ICC, Mr. Karim Khan, to initiate the necessary legal investigations and open a criminal file for the crime. He also points out that Palestine is a member of the International Criminal Court's Statute, along with 123 ratifying and joining states. However, so far, the Prosecutor of the Court has not opened a file for the new crimes committed by Israel in its ongoing aggression since the events of October 7.

It's worth mentioning that several parties have the right to refer cases to the ICC, and these parties are:

- The contracting parties, including Palestine as a member
- The Security Council, based on Chapter VII
- The Prosecutor of the ICC, on his own initiative, in addition to
- The victims themselves

Furthermore, Palestinians can exert pressure on the Prosecutor of the ICC to open a prompt investigation into the crimes committed by Israel and ongoing in Gaza since October 7th, through the member states, which currently number

123, including Palestine. Several countries, including South Africa, Bolivia, and Comoros, have filed lawsuits with the Prosecutor General to hold Israel accountable. (This strategy has been used by Washington and its allies to condemn Vladimir Putin for committing war crimes in Ukraine.) The Statute of the ICC to create invitation of Arab and Islamic countries to join the rather than merely ,la compelling consensus on the Prosecutor Genera demanding a criminal investigation.

2. **Local and regional courts:** instead of Arab countries demanding European countries to prosecute Israeli leaders in their local courts, it is preferable for Arab and Islamic countries, following the principle of universal jurisdiction also referred to as universal criminal jurisdiction according to Article 146 of the Fourth Geneva Convention (a binding rule that all countries have ratified), to enact their own criminal legislation to prosecute those who commit war crimes, genocide, and crimes against humanity, regardless of the location of the crime. Essentially, the Arab League should urge member countries to implement criminal laws centered on the concept of universal jurisdiction. Only Jordan and Yemen have laws that include international criminal accountability among all Arab countries.
3. **UN General Assembly: The UN needs to formally declare the events in Gaza as a genocide, just as they did with the Sabra and Shatila massacres carried out by Israel in 1982 against Palestinian refugees in Lebanon. The UN resolution at that time acknowledged the genocide.**

- 4. International justice:** To hold global leaders accountable for supplying Israel with weapons and providing it with protection on the international stage. This applies to the US administration as a partner to Israel in its aggression against Palestinian people, inciting genocide, and preventing the cessation of aggression, as well as exporting weapons, including internationally banned white phosphorus, which was heavily used against civilians in Gaza, in addition to numerous other types of weapons that may be internationally prohibited and require verification of their nature by military experts.
- 5. Local courts of states:** Israel can be sued for its crimes in the local courts of the country granting foreign citizenship to Palestinian citizens by filing individual lawsuits against Israeli individuals and figures who have caused material or moral harm to them.
- 6. International courts:** Legal action can be taken against leaders of the occupation in the European Court of Human Rights, the American Court of Human Rights, and the African Court of Human Rights.

In a related context, South Africa, Bangladesh, Bolivia, Comoros, and Djibouti consider Israel to be committing war crimes and genocide against Palestinians, prompting these countries collectively to file a lawsuit with the ICC to investigate Israel's crimes.²⁵ On the same case, South Africa's request to the ICJ on 29 Dec. 2023, detailed over seven pages of "genocidal intent" statements from Israeli officials, including Defense Minister Gallant's remark about "fighting human animals" during the Gaza siege and PM Netanyahu's

²⁵ <https://www.reuters.com/world/middle-east/five-nations-seek-war-crimes-probe-palestinian-territories-2023-11-17/>

mentions of the Biblical Amalek slaughter, "men and women, infants and sucklings."²⁶ Although The Hague's judges did not order Israel to cease its actions in Gaza, as South Africa had asked, they did mandate that Israel must prevent any genocide and punish those who incite it.²⁷

In a parallel scene, according to a report by the Euro-Med Human Rights Monitor on October 15, UN experts and international law scholars have deemed Israeli actions in Gaza as genocide. This should be seen as a significant moment that necessitates holding Israel responsible for its crimes. The joint statement, endorsed by 880 scholars on October 15, provided evidence that strongly suggests Israel has engaged in genocide against the population in the Gaza Strip. These actions include using excessive force and indiscriminate bombings, leading to the deaths of Palestinian civilians and the devastation of their houses and property. The assault also involves employing starvation as a tool and blocking humanitarian aid from reaching the affected population.

According to Euro-Med Monitor²⁸, About 35,096 Palestinian residents of the Gaza Strip lost their lives as of Feb. 4, 2024. Among those casualties, approximately 32,220 were civilians, including 12,345 children, 7,656 women, 309 healthcare workers, 41 civil defense personnel, and 121 journalists, as a result of Israeli airstrikes and artillery attacks. In the meantime, a total of 67,240 people has sustained injuries, with hundreds of them in critical

²⁶ <https://www.lawfaremedia.org/article/what-will-the-international-court-of-justice-order-on-genocide-in-gaza>

²⁷ https://www.lemonde.fr/en/international/article/2024/01/27/international-court-of-justice-calls-for-protecting-palestinians-from-genocide_6470838_4.html

²⁸ <https://euromedmonitor.org/en/article/6136/Four-months-into-Gaza-genocide:-Israel%E2%80%99s-horrific-targeting-of-civilians,-purposeful-destruction-continues>

condition. Within seven days of the verdict from the ICJ, the Israeli military caused the deaths of more than 1,048 Palestinians, primarily civilians. Additionally, they harmed over 1,800 individuals and conducted 108 acts of mass killings.

This is the concern raised by numerous global non-governmental organizations in their messages to the authorities responsible for enforcing international law; they urge urgent intervention to end the genocide against the Palestinians, to stop the violent assaults and racial bias experienced by advocates of Palestinian rights in the US and Europe, and to put an end to the media propaganda campaigns aimed at misrepresenting Palestinians ²⁹.

The minister concluded his speech by saying that the Palestinian leadership is determined to hold Israel accountable, as an occupying state, for its crimes against the Palestinian people and will not give up this right under any circumstances, and that it is in contact with the legal authorities in the criminal court to provide it with evidence, documents, and everything necessary to confirm the existence of an intention to attack the occupation army and its leaders. Israel, politically and militarily, is planning to commit genocide crimes against Palestinian civilians in the Gaza Strip and is submitting them to the International Criminal Court through a legal and diplomatic work team. With continuous communication with other international entities and bodies that have filed lawsuits against Israel to hold it accountable for the crimes of genocide it commits.

²⁹ <https://www.ngo-monitor.org/reports/compilation-of-ngo-statements-on-october-7-massacre-and-aftermath/#UKJoint>

Conclusions

- Experts and scholars of international law agree that the Israeli occupation authorities are committing genocide crimes against Palestinian civilians and that they violate Articles 2 and 3 contained in the Convention on the Prevention of Genocide approved by the UN. Henceforth, these crimes must be a historic turning point to hold Israel accountable for its crimes.
- Proving the intent to commit genocide against the Palestinians in the Gaza Strip does not require amplification or more evidence to provide proof of guilt, as the words and actions of Israel's political and military leaders contain sufficient evidence to confirm the existence of this intent
- The ongoing Israeli blockade on Gaza, since 2006, serves as a precursor to the slow genocide, albeit enhanced in recent years through calls for committing unlawful and horrifying crimes under international law, international humanitarian law, and the UN Convention on the Prevention and Punishment of the Crime of Genocide.
- The claim of self-defense made by Israel is not compatible with the existing legal situation in the Gaza, which is still under the occupation of the Israeli army. Therefore, Israel's arguments, which it uses to justify its aggression as an occupying power, do not apply while the Gaza is still subject to Israeli occupation laws.
- Although Washington is working hard to prevent the opening of a criminal investigation file in the ICC and/or the ICJ, or at least working to obstruct the investigations and prolong their duration for decades to

come, However, numerous legal channels provide more chances to bring Israeli leaders to justice and make them answer for their offenses.

- Mobilizing the member states of the court to push for an investigation into the crimes of genocide constitutes a pressure belt on the Prosecutor of the ICC, Mr. Karim Khan, to open his criminal investigation.

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