

Scholars Warn of Potential Genocide in Gaza

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On 15 October 2023, over 800 scholars and practitioners of international law, conflict studies and genocide studies signed a public statement warning of the possibility of genocide being perpetrated by Israeli forces against Palestinians in the Gaza Strip. Signatories include prominent Holocaust and genocide studies scholars, as well as many international law and TWAIL scholars. The text of the statement and list of signatures is below, and a pdf version can be accessed [here](#).

Public Statement: Scholars Warn of Potential Genocide in Gaza

15 October 2023

As scholars and practitioners of international law, conflict studies and genocide studies, we are compelled to sound the alarm about the possibility of the crime of genocide being perpetrated by Israeli forces against Palestinians in the Gaza Strip. We do not do so lightly, recognising the weight of this crime, but the gravity of the current situation demands it.

The pre-existing conditions in the Gaza Strip had already prompted discussions of genocide prior to the current escalation – such as by the [National Lawyers Guild](#) in 2014, the [Russell Tribunal on Palestine](#) in 2014, and the [Center for Constitutional Rights](#) in 2016. Scholars have warned over the years that the siege of Gaza may amount to a “[prelude to genocide](#)” or a “[slow-motion genocide](#)”. The prevalence of racist and dehumanising language and hate speech in social media was also noted in a [warning](#) issued in July 2014 by the UN Special Adviser on the Prevention of Genocide and Special Adviser on the Responsibility to Protect, in response to Israel's conduct against the protected Palestinian population. The Special Advisers noted that individual Israelis had disseminated messages that could be dehumanising to the Palestinians and that had called for the killing of members of this group, and reiterated that incitement to commit atrocity crimes is prohibited under international law.

Israel's current military offensive on the Gaza Strip since 7 October 2023, however, is

unprecedented in scale and severity, and consequently in its [ramifications](#) for the population of Gaza. Following the incursion by Palestinian armed groups on 7 October 2023, including criminal attacks against Israeli civilians, the Gaza Strip has been subjected to incessant and indiscriminate bombardment by Israeli forces. Between 7 October and 9:00 a.m. on 15 October, there have been 2,329 Palestinians killed and 9,042 Palestinians injured in Israeli attacks on Gaza, including over 724 children, huge swathes of neighbourhoods and [entire families](#) across Gaza have been obliterated. Israel's Defence Minister [ordered](#) a "complete siege" of the Gaza Strip prohibiting the supply of fuel, electricity, water and other essential necessities. This terminology itself indicates an intensification of an already illegal, potentially genocidal siege to an outright destructive assault.

Late on 12 October, the Israeli authorities issued an order for more than 1.1 million Palestinians in Gaza City and the northern Gaza Strip to leave their homes and flee to the south of Gaza within 24 hours, knowing that this would be practically impossible for many. Palestinians who did start to evacuate south reported that civilians and ambulances [were targeted and hit](#) by Israeli airstrikes on the designated "safe route", killing at least 70 Palestinians who were fleeing to seek refuge. The ICRC [stated](#) that "the evacuation orders, coupled with the complete siege" are incompatible with international humanitarian law. Almost half a million Palestinians have already been displaced, and Israeli forces have [bombed](#) the only possible exit route that Israel does not control, the Rafah crossing to Egypt multiple times. The World Health Organisation [published](#) a warning that "[f]orcing more than 2000 patients to relocate to southern Gaza, where health facilities are already running at maximum capacity and unable to absorb a dramatic rise in the number patients, could be tantamount to a death sentence".

The horrific attacks in Israel cannot justify the limitless destruction of Gaza. The evacuation orders, coupled with the complete siege, are not compatible with IHL.

We are committed to providing aid to Gaza and we reiterate our readiness to visit the hostages there.

Read...

— ICRC (@ICRC) [October 13, 2023](#)

There has also been an escalation of violence, arrests, expulsions, and destruction of whole Palestinian communities in the occupied West Bank and Jerusalem. Since 7 October, Israeli settlers, with the backing of the army and police, have attacked and shot Palestinian civilians at point blank range (as documented in the villages of a-Tuwani and Qusra), have invaded their homes and assaulted residents. A number of Palestinian communities have already been forced to abandon their homes, after which settlers arrived and destroyed their property. Between 7 - 15 October, Al-Haq documented the killing by Israeli military and settlers of 55 Palestinians in the West Bank, and more the injury of 1,200 Palestinians there.

Statements of Israeli officials since 7 October 2023 suggest that beyond the killings and restriction of basic conditions for life perpetrated against Palestinians in Gaza, there are also indications that the ongoing and imminent Israeli attacks on the Gaza Strip are being conducted with potentially genocidal intent. Language used by Israeli political and military

figures appears to reproduce rhetoric and tropes associated with genocide and incitement to genocide. Dehumanising descriptions of Palestinians have been prevalent. Israeli Defense Minister Yoav Gallant [declared](#) on 9 October that “we are fighting human animals and we act accordingly”. He subsequently [announced](#) that Israel was moving to “a full-scale response” and that he had “removed every restriction” on Israeli forces, as well as [stating](#): “Gaza won’t return to what it was before. We will eliminate everything.” On 10 October, the head of the Israeli army’s Coordinator of Government Activities in the Territories (COGAT), Maj. Gen. Ghasan Alian, [addressed](#) a message directly to Gaza residents: “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”. The same day, Israeli army spokesperson Daniel Hagari [acknowledged](#) the wanton and intentionally destructive nature of Israel’s bombing campaign in Gaza: “The emphasis is on damage and not on accuracy.”

Since 2007, Israel has [defined](#) the Gaza Strip as a whole as an “enemy entity”. On 7 October, Prime Minister Benjamin Netanyahu said that Gazans would pay an “[immense price](#)” for the actions of Hamas fighters. He [asserted](#) that Israel will wage a prolonged offensive and will turn parts of Gaza’s densely populated urban centres “into rubble”. Israel’s President [emphasised](#) that the Israeli authorities view the entire Palestinian population of Gaza as responsible for the actions of militant groups, and subject accordingly to collective punishment and unrestricted use of force: “It is an entire nation out there that is responsible. It is not true this rhetoric about civilians not being aware, not involved. It’s absolutely not true”. Israeli Minister of Energy and Infrastructure Israel Katz [added](#): “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.”

Evidence of incitement to genocide has also been present in Israeli public discourse. This ranges from statements by elected officials – such as Knesset member Ariel Kallner’s [call](#) on 7 October for “one goal: Nakba! [*catastrophe for Palestinians*] A Nakba that will overshadow the Nakba of 1948” – to public [banners](#) displayed in Israeli cities calling for a “victory” signified by “zero population in Gaza” and the “annihilation of Gaza”. On national television, security correspondent Alon Ben David [relayed](#) the Israeli military’s plan to destroy Gaza City, Jabaliyya, Beit Lahiya, and Beit Hanun. Such statements are not new and resonate with a wider Israeli discourse showcasing the intent for elimination and genocide against the Palestinian people. Earlier in the year, for example, Israeli Minister of Finance Bezalel Smotrich [called](#) Palestinians “repugnant”, “disgusting” and called for “wiping out” the entire Palestinian village of Huwwara in the West Bank.

Those banners appeared in several Israeli roads and seem to represent what is taking place in Gaza: One says that “victory” means “0 residents in Gaza”, and the second says “mass destruction of Gaza”.

Netanyahu in his latest speech mentioned the Holocaust. In the current...
pic.twitter.com/RmB7sbmPmM

— Sami Abou Shahadeh (@ShahadehAbou) [October 13, 2023](#)

Military sources to Israeli TV: "Gaza will become a city of tents. There will be no buildings..."

Genocidal intentions <https://t.co/HvFKIMZqOI>

On 12 October 2023, a group of UN Special Rapporteurs' [condemned](#) "Israel's indiscriminate military attacks against the already exhausted Palestinian people of Gaza, comprising over 2.3 million people, nearly half of whom are children. They have lived under unlawful blockade for 16 years, and already gone through five major brutal wars, which remain unaccounted for". The UN experts warned against "the withholding of essential supplies such as food, water, electricity and medicines. Such actions will precipitate a severe humanitarian crisis in Gaza, where its population is now at inescapable risk of starvation. Intentional starvation is a crime against humanity". On 14 October 2023, the UN Special Rapporteur on the situation of human rights in the occupied Palestinian territory [warned](#) against "a repeat of the 1948 Nakba, and the 1967 Naksa, yet on a larger scale" as Israel carries out "mass ethnic cleansing of Palestinians under the fog of war".

The Palestinian people constitute a national group for the purposes of the Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention). The Palestinians of the Gaza Strip constitute a substantial proportion of the Palestinian nation, and are being targeted by Israel because they are Palestinian. The Palestinian population of Gaza appears to be presently subjected by the Israeli forces and authorities to widespread killing, bodily and mental harm, and unviable conditions of life – against a backdrop of Israeli statements which evidence signs of intent to physically destroy the population.

Article II of the Genocide Convention provides that "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."

All states are bound as a matter of law by the principle that genocide is a crime prohibited under international law. The International Court of Justice has affirmed that the prohibition of genocide is a peremptory norm of international law from which no derogation is allowed. The Convention provides that individuals who attempt genocide or who incite to genocide "shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals".

Article I of the Convention on the Prevention and Punishment of the Crime of Genocide provides that:

"The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish".

The International Court of Justice 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”.

[Palestinian human rights organisations](#), [Jewish civil society groups](#), [Holocaust and genocide studies scholars](#) and others have by now warned of an imminent genocide against the Palestinian population in Gaza. We emphasise the existence of a serious risk of genocide being committed in the Gaza Strip.

The undersigned urgently appeal to states to take concrete and meaningful steps to individually and collectively prevent genocidal acts, in line with their legal duty to prevent the crime of genocide. They must protect the Palestinian population, and ensure that Israel refrains from any further incitement to genocide and from the perpetration of conduct prohibited by Article II of the Genocide Convention.

All states should immediately act under Article VIII, and should 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. We note specifically the role of the General Assembly here, given that the Security Council is compromised by the United States and the United Kingdom (both permanent veto-holding members) sending military forces to the eastern Mediterranean in support of Israel.

We recall that in 1982, the General Assembly [condemned](#) the massacre of Palestinian civilians in the Sabra and Shatila refugee camps as “an act of genocide”. We note also that the state of Palestine is entitled to initiate, in accordance with Article IX of the Genocide Convention, proceedings before the International Court of Justice in order to prevent the perpetration of genocidal acts.

Finally, we call on all relevant UN bodies, including the Office on Genocide Prevention and the Responsibility to Protect, as well as the Office of the Prosecutor of the International Criminal Court to immediately intervene, to carry out the necessary investigations and invoke the necessary warning procedures to protect the Palestinian population from genocide.

[Click here for the list of signatories.](#)

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