



# ISRAEL'S GENOCIDE OF PALESTINIANS IN GAZA

## WHAT IS GENOCIDE?

Pursuant to Article II of the Convention on the Prevention and Punishment of the Crime of Genocide of 1948, "genocide" occurs when any of the following acts are committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

Killing members of the group

► The International Court of Justice has recognised the Palestinians as a protected group within the meaning of the Genocide Convention

Causing serious bodily or mental harm to members of the group

Imposing measures intended to prevent births within the group

Deliberately inflicting on the group conditions of life calculated to bring about its physical

Forcibly transferring children of the group to another group

## DETERMINING ACTS OF GENOCIDE

In its report, the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel determined that Israeli authorities and security forces committed four out of the five underlying acts of genocide.

1

### Killing members of the group

Israeli security forces killed Palestinians in Gaza through:

- Attacks against protected objects (e.g. civilian homes and healthcare facilities)
- Targeting civilians and other protected persons, (e.g. during the evacuations, within safe zones or at shelters)
- The inhumane conditions causing the death of Palestinians, including deprivation of food, water and medicines

2

### Causing serious bodily or mental harm to members of the group

Israeli security forces caused serious harm on Palestinians through:

- Direct attacks against civilians and protected objects
- Severe mistreatment of Palestinian detainees (e.g. torture, rape and sexual assault)
- Forced displacement
- Environmental destruction
- Sexual and gender-based violence

3

### Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part

Israeli authorities deliberately imposed inhumane conditions on Palestinians through:

- Destruction of structures and land essential to Palestinians
- Destruction and denial of access to medical services
- Forced displacement
- Blocking essential aid, food, water, electricity and fuel from reaching Palestinians
- Reproductive violence
- Specific conditions impacting children, including the destruction and denial of access to educational facilities

4

### Imposing measures intended to prevent births within the group

- The attack against Al-Basma IVF clinic, Gaza's largest fertility clinic, reportedly destroying around 4,000 embryos and 1,000 sperm samples and unfertilised eggs, was a measure to prevent births among Palestinians in Gaza.



## SPECIFIC INTENT: FULFILLING THE LEGAL DEFINITION OF GENOCIDE

To fulfil the legal definition of genocide, it must be established that the perpetrator committed the underlying acts of genocide with specific intent (*dolus specialis*) to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.

Genocidal intent may be established either through (i) direct evidence such as statements expressing an intent to destroy, in whole or in part, the protected group as such; or (ii) circumstantial evidence, taking into account the totality of the evidence, by inference through the examination of the pattern of

conduct. It is necessary and sufficient that this is the only inference that could reasonably be drawn from the pattern of conduct.

The Commission found that, even if Israel's primary goals at the start of the current conflict were to defend the State of Israel, defeat Hamas and secure the release of Israeli hostages, the genocidal intent to destroy the Palestinian group in Gaza became the only reasonable inference that could be drawn based on the pattern of conduct displayed through the following:

A

There is a consistent pattern that the Israeli security forces have intentionally killed and seriously harmed an unprecedented number of Palestinians in Gaza since 7 October 2023 using heavy munitions. More than 50 percent of those who were killed were women, children and elderly persons.

B

The systematic and widespread attack on religious, cultural and education sites throughout Gaza since 7 October 2023 has caused extensive and, in many cases, irreparable damage to the sites. These attacks were aimed at causing irreversible harm to Palestinians in Gaza by destroying elements of the Palestinian people's identity and erasing Palestinian culture from Gaza.

C

Israel has intentionally imposed a siege on Gaza and starved its population, flagrantly disregarding numerous warnings and three orders for provisional measures by the International Court of Justice. Israeli authorities have not only failed to facilitate the unimpeded access of humanitarian aid into Gaza, but they have continued the restriction or total blockade of humanitarian aid, including food and water, fuel and power, medical supplies and equipment and other essential items and services from entering into Gaza. Israeli authorities are aware that Palestinians in Gaza are trapped and cannot flee outside Gaza.

D

Israel has implemented a concerted policy to destroy the healthcare system of Gaza. This, and the siege-induced deprivation of medical necessities to Palestinians and the denial of medical exit visas to Palestinians who were most in medical need, were part of the intent to destroy Palestinians in Gaza by preventing their capacity and possibility to heal, recover and live.

E

Israeli security forces perpetrated sexual and gender-based violence against Palestinians in Gaza since 7 October 2023, including rape, sexualised torture and other forms of sexual violence which cause extreme physical and psychological harm to victims. Sexual and gender-based violence is instrumentalised not only as punishment against the individuals, but as part of a pattern of collective punishment to fracture, humiliate and subjugate the Palestinian population in its entirety.

F

There is a clear pattern of conduct since 7 October 2023 showing that the Israeli security forces directly targeted children in different circumstances with the intention to kill them. The widespread and systematic targeting of children destroys the biological continuity and future existence of the Palestinian group in Gaza, and thus indicates an intent to destroy Palestinians in Gaza as a group.

## WHO IS RESPONSIBLE FOR PREVENTING AND PUNISHING GENOCIDE?

State responsibility is established when the acts were committed by perpetrators whose conduct is attributable to the State. Therefore, Israel is responsible for the prevention and punishment of genocide.

The International Court of Justice has recognised that all States have an obligation to prevent and punish genocide wherever and whenever it occurs or may occur.

