

GENOCIDE IN GAZA

What is Genocide?

Genocide is defined narrowly in The Convention on the Prevention and Punishment of the Crime of Genocide, or the Genocide Convention for short, as ‘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.’ (Article 2)

Incitement, conspiracy and attempt to commit genocide are also prohibited by the Convention (Article 3(c) and (e)). Genocide is a crime of individual responsibility but there is also an obligation on States, which can also be held responsible for genocide. States also have an obligation to prevent and punish genocide by others (Article 1).¹

Genocide in Gaza

On 29th December 2023, South Africa launched a complaint at the International Court of Justice (ICJ) alleging that Israel was breaching its obligations under the Genocide Convention. South Africa’s submission to the Court reported that more than 21,110 Palestinians had been killed including 7,729 children since 7th October, and 7,780 people were missing and presumed dead under the rubble. It also stated that over 55,243 Palestinians had been injured. South Africa’s submission also indicated that 355,000+ Palestinian homes had been damaged or destroyed; bakeries, schools, universities, businesses, places of worship, cultural and archaeological sites and critical infrastructure including water and sanitation facilities had been targeted; and Palestinian medical and healthcare systems had been destroyed.

Rhetoric inciting genocide

Since 7 October 2023, Israeli officials have consistently made statements that showcase genocidal intent. For example, on 28th October 2023, Israeli Prime Minister Benjamin Netanyahu said ‘*you must remember what Amalek has done to you,*’² referencing a Bible scripture which states ‘*[n]ow go and attack Amalek, and utterly destroy all that they have, and do not spare them. But kill both man and woman, infant and nursing child, ox and sheep, camel and donkey.*’ When Israeli Defence Minister Yoav Gallant announced a ‘*complete siege*’ on Gaza, he justified it by saying that ‘*[w]e are fighting against human animals.*’³ The use of such rhetoric is deeply dehumanising.

Amit Halevi is a Member of the Knesset (Israeli parliament) who is also a member of Netanyahu’s ruling party Likud. In October 2023, he said: ‘*There should be two goals for this victory: One, there is no more Muslim land in the land of Israel ... After we make it the land of Israel, Gaza should be left as a monument, like Sodom.*’⁴ Also in October, a further Member of the Knesset, Ariel Kallner said: ‘*Right now, one goal: Nakba! A Nakba that will overshadow the Nakba of 48. A Nakba in Gaza and a Nakba for anyone who dares to join!*’⁵ ‘Nakba’ refers to the

¹ OHCHR (1948) "[Convention on the Prevention and Punishment of the Crime of Genocide](#)". OHCHR.

² NPR (7th November 2023) [Netanyahu's references to violent biblical passages raise alarm among critics.](#)

³ Emanuel Fabian (9th October 2023) [Defense minister announces 'complete siege' of Gaza: No power, food or fuel.](#) Times of Israel.

⁴ Chris Doyle. (30th October 2023) [Western silence over Israelis' genocidal comments speaks volumes.](#) Arab News.

⁵ Joesph Krauss. (14th October 2023) [In Israel's call for mass evacuation, Palestinians hear echoes of their original catastrophic exodus.](#) AP News.

ethnic cleansing of Palestinian people in 1948, resulting in the violent displacement of 750,000 Palestinian Arabs from their land and massacres.

1948 Genocide Convention: State Party obligations to prevent genocide

The ICJ has confirmed that State Parties to the 1948 Genocide Convention have an obligation to prevent genocide beyond their territorial borders. State Parties are required to ‘employ all means reasonably available to them, so as to prevent genocide so far as possible.’⁶ The Court 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.*’⁷ South Africa, Israel and the United Kingdom are all State Parties to the Genocide Convention.

‘Risk’ of genocide

Given State Party obligations to *prevent* as well as punish genocide, states must intervene when they become aware of a ‘significant risk’ of genocide in an area. Since at least 18th October 2023, UN experts, civil society organisations and genocide studies scholars warned of an imminent risk of genocide against the Palestinian population in Gaza.⁸

UK government notified of significant risk of genocide

As a State party to the Genocide Convention, the UK is required to prevent the commission of genocide by others using all means reasonably available to it. On 22nd November 2023, the International Centre of Justice for Palestinians (ICJP) wrote a letter to the Foreign, Commonwealth and Development Office (FCDO), notifying the department of the significant risk of genocide in Gaza. Since the FCDO has been demonstrably made aware of the significant risk of genocide in Gaza, the government should have taken actions to prevent or punish acts amounting to or constituting genocide in Gaza since then, in addition to its responsibility not to be complicit in the perpetration or enabling of such acts.

Despite this, there have been no calls for an immediate ceasefire. To the contrary, the UK has continued to support Israel in its military operation and further provided material support through approving weapons exports to Israel. By doing this, the UK may be failing to uphold its obligations under the Genocide Convention, despite opposition from some parliamentarians including Zarah Sultana.⁹

⁶ [International Court of Justice, Case Concerning Application of The Convention on the Prevention and Punishment of the Crime of Genocide \(Bosnia and Herzegovina v Serbia and Montenegro\), Judgment of 26 February 2007. para. 430.](#)

⁷ [Ibid. at para 431.](#)

⁸ For example, on 16 November, a group of 21 UN independent experts urged the international community to fulfil its obligation to prevent genocide, stating that Israel’s actions in Gaza since 7 October “point to a genocide in the making”. [Gaza: UN experts call on international community to prevent genocide against the Palestinian people, 16 November 2023, Office of the High Commissioner for Human Rights.](#)

⁹ [Zarah Sultana \(2023\) PM should “support South Africa’s application to the ICJ indicting Israel for its ‘genocidal’ assault on Gaza”. Labour Outlook.](#)