**GAZA: YES, IT’S A GENOCIDE AND YES, IT MATTERS**

Richard Jackson

**Introduction**

* Genocide can take many forms and involve many different practices – the Holocaust during WWII is not the only form or example of a genocide. Genocidal actions can include, but are not limit to: mass killings, starvation, the deliberate spread of disease, forced marches/removals, forced labour, sterilisation campaigns, assimilation measures, and many more. There are dozens of genocides in history from which we can draw parallels, make comparisons and observe modes and forms – including the settler colonial genocides in places like Mexico, the United States, Canada, Australia, Namibia, New Zealand, and elsewhere. As cited in Francesca Albanese’s report, Anatomy of a genocide: *Genocide, as the denial of the right of a people to exist and the subsequent attempt or success in annihilating them, entails various modes of elimination. Raphael Lemkin, who coined the term “genocide”, observed that genocide is “a composite of different acts of persecution or destruction”, ranging from physical elimination to the “forced disintegration” of a people’s political and social institutions, culture, language, national sentiments and religion. Genocide is a process, not an act.*
* Genocide is not determined by the number of deaths – 31,000+ dead in Bosnia; estimated 200,000 dead in Darfur; estimated 25,000 dead Rohingya in Myanmar; 800,000 dead in Rwanda; 2,000+ dead in Yazidi genocide in Iraq; 3 million dead in Cambodian genocide; etc
* *Intent* is a key concept here, as some would argue that while perhaps reckless, Israel does not intend to cause civilian casualties or genocide. According to international law, intent has to be determined by either observation of actions (and the evaluation of them such that no other reasonable conclusion can be drawn), and/or statements of intent by leaders and followers (soldiers). Both the evaluation of Israeli actions, and the statements of Israeli leaders, are employed in the reports and studies that this seminar relies upon.
* The term ‘genocide’ can be considered from two main perspectives: (1) the legal definition adopted after WWII and in use since then; and (2) the academic use as defined by Raphael Lemkin and since elaborated and extensively researched in the field of Genocide Studies, as well as Settler Colonial Studies, Peace Studies, international law, and other disciplines.

1. **The legal perspective as enshrined in international law:**

Under international law, the crime of genocide is defined by “the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such” (December 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide).

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.”

There is a consensus that Israel has committed the first three of these acts in Gaza, and growing evidence it has committed the fourth of these acts. This conclusion is drawn from at least 22 major reports, statements or articles (by my accounting) put out by (1) UN experts and official actors; (2) relevant NGOs and Institutes; and (3) genocide experts and scholars. I don’t have time to discuss all of them or even most of them. The ones I would recommend you look at include the following:

**29 December 2023** – *South African submission alleging Israeli genocide to ICJ*

**29 December 2023:** *Statement on Why We Call the Israeli Attack on Gaza Genocide*, The Lemkin Institute for Genocide Prevention.

**6 January 2024:** “[Inescapably Genocidal](http://www.tandfonline.com/doi/full/10.1080/14623528.2023.2300555)”, Professor Richard Shaw, *Journal of Genocide Research.*

**25 March 2024** – *Anatomy of a Genocide*, Francesca Albanese, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

**18 July 2024** – *Water War Crimes: How Israel has weaponised water in its military campaign in Gaza*,Oxfam.

**13 August 2024** – “As a former IDF solider and historian of genocide, I was deeply disturbed by my recent visit to Israel”, Omer Bartov, the Samuel Pisar Professor of Holocaust and Genocide Studies, Brown University, *The Guardian*.

**1 October 2024:** *Genocide as Colonial Erasure*, Francesca Albanese, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

**5 December 2024** – *‘You Feel Like You Are Subhuman’: Israel’s Genocide Against Palestinians in Gaza*, Amnesty International.

**15 May 2025** – 7 internationally recognised experts on genocide and the Holocaust, including Raz Segal, Shmuel Lederman, Melanie O’Brien, Rutger Bregman and Dirk Moses, give an interview to a Dutch newspaper stating that it is a genocide that is taking place in Gaza.

These reports, statements and articles rely on the following sources of evidence for their determinations:

* Media reportage – official and citizen reportage; videos; pictures; investigative reports including from Israeli media, etc.
* First-hand witness accounts
* Official reports from UN officials, NGOs, health workers, etc.
* Eye-witness testimonies – visiting doctors, aid workers, UN officials, etc;
* Victim testimonies – Palestinian civilians, prisoners, refugees, etc;
* Satellite images, photographic images, video footage, etc;
* IDF and Israeli government reports;
* Video and photo posts by IDF soldiers (compiled by the Hind group…)
* Legal and genocide scholars, experts, etc.

It should be noted that the same evidence-gathering techniques employed by many of the same experts and bodies have been used in the past to determine the cases of genocide in places like Rwanda, Bosnia, Myanmar, Darfur and Ukraine. At the same time, it should be noted that there is actually a great deal more evidence in this particular case than in most of the previous cases…

So what is the consensus of these reports? As I mentioned, they agree that the first three acts listed in the Genocide Convention have been undertaken by Israel in Gaza since October 7, 2023, and therefore that the threshold for a case genocide has been met.

***(a) Killing members of a group:***

Evidence that Palestinians as a group have been targeted for killing include:

* The officially recorded killing of 60,000+ Palestinians (although the real number is thought to be much higher following studies by *The Lancet* and other sources familiar with counting war casualties).
* Numerous reports from highly reputable sources have found that 75% of the fatalities in Gaza are civilians, with 70% of casualties being women and children, which equates to 18,000 children killed. The Gaza genocide has the highest proportion of women and children killed in any recorded conflict.
* An estimated 85,000 tonnes of explosives have been dropped on Gaza, an amount exceeding all the explosives used in WWII and equivalent to using 5-6 nuclear bombs on the enclave. There has been widespread use of indiscriminate ‘dumb’ bombs as well as 2,000 pound bunker-busting bombs on densely populated urban areas; the AI targeting programme ‘where’s daddy?’ has permitted the killing of hundreds of civilians; the documented targeting of children by snipers, as testified by US and UK doctors; the targeting of refugees in tents or those fleeing to ‘safe zones’; etc

***(b) Causing serious bodily or mental harm:***

Evidence of the intent to cause bodily and mental harm to Palestinian civilians includes the following:

* The use of evacuation orders, drone surveillance, sonic booms, leaflets, as well as highly indiscriminate incendiary bombs, phosphorous weapons, bomblets, attacks on refugee camps, attacks on aid distribution, attacks on fleeing civilians, etc;
* 1.9 million (95%) of people in Gaza have been displaced by Israeli attacks; according to the Norwegian Refugee Council, only 23% of Gaza’s shelter needs have been addressed;
* Over 100,000 people have been injured due to the indiscriminate weapons, with around 22,000 (one in every 100 Gazans) having life-changing injuries. These include serious burns, trauma to the head and spine and limb amputations. (*The Palestinian Ministry of Health stated that by the end of 2024 there had been at least*[4,500 amputations.](https://www.aa.com.tr/en/middle-east/4-500-amputations-reported-in-gaza-amid-israeli-war-health-official/3447324)) (*al Jazeera*)
* Gaza has, as of June 2025, the largest per capita population of child amputees anywhere in the world.
* The denial of food, water, medicines and aid, attacks on aid workers and trucks, the denial of medical care and attacks on health facilities, restrictions in fuel supplies, denial of adequate housing and blankets, and the consequent *deaths from starvation*, lack of medical care, preventable diseases, the cold, etc;
* The forcing of doctors to undertake surgeries without anesthesia – *According to UNRWA, the United Nations agency for Palestinian refugees, every day 10 children lose one or both legs with operations and amputations conducted with little or no anaesthesia due to Israel’s blockade. (al Jazeera)*
* There is extensive evidence of the use of torture and mistreatment against tens of thousands of detainees, with permanent injuries from forced amputations, sexual violence to murder while in custody. Torture can cause permanent physical and mental harm.

All of these experiences have produced life-long bodily and mental harm on a massive scale for Palestinians. According to *Save the Children*, the violence in Gaza has “caused relentless mental harm to children in Gaza”, and will require psychotherapy for years to come to deal with this trauma…

***(c) Destruction of the conditions of life***

The evidence that Israeli actions are aimed at destroying the conditions of life for Palestinians includes:

* The destruction of roads, houses, apartment blocks, schools, universities, hospitals, ambulances, cemeteries, mosques, churches, libraries, archives, churches, water treatment plants, electricity facilities, sewage pumps, fuel depots, refugee camps, food distribution centres, police stations, factories, bakeries, agricultural land, farm animals, fishing assets, and many others. The destruction of these kinds of targets has little to no military or strategic significance, and experts therefore conclude that it demonstrates an intent to inflict “group conditions of life calculated to bring about its physical destruction in whole or in part” – through making the maintenance and continuation of life on that land impossible.
* The deliberate targeting of journalists, university lecturers, and teachers, artists, and health care workers…
* The deliberate and calculated creation of the conditions for starvation (through blockade and destruction of food supplies and agricultural production), and the subsequent deaths of children from malnutrition, plus deaths from individuals vulnerable to disease because of malnutrition. At various times, Palestinians have been forced to eat animal food… as of June 2025, Gaza is experiencing the world’s most accelerated famine.
* The denial of medical equipment and supplies, prevention of travel for medical assistance, and much more, has resulted in women giving birth under dangerous conditions, deaths from preventable diseases and conditions, the spread of infectious diseases, and more.

***(d) Imposing measures intended to prevent births within the group***

* Preventing the delivery of essential medicines, supplies and equipment for pregnant women;
* The deliberate targeting of doctors, nurses and health workers;
* Bombing Gaza’s fertility clinic and destroying 4,000 embryos.

1. **The academic perspective as elaborated in academic fields**

The events in Gaza are currently being assessed primarily in terms of the legal perspective. However, current events in Gaza confirm the existing body of academic research on genocide as an ongoing settler colonial process.

The scholarly research on genocide emphasises erasure and elimination of the native as a historical process and structure (not an act or event) that aims at “the elimination of the other” through ongoing processes like physical-material erasure of group members from the land (via targeted killing campaigns; death by disease, neglect, starvation, etc; expulsion, ethnic cleansing or enclosure/separation), cultural and linguistic erasure; historical and educational erasure; architectural and archaeological erasure (including destruction of cemeteries which erase peoples’ ancestors); legal erasure, denial of citizenship and the deliberate creation of statelessness; and many more. These processes and structures have occurred in Australia, South Africa, the United States, Canada, Algeria, and many other places.

These processes can be vividly seen across the Palestine-Israel territory since before 1948, as well as currently in Gaza and in the recent intensification of military, legal, and settler activity in the West Bank… The Gaza Plan by President Trump which has been accepted by the Israeli government is an indisputable example of this ‘eliminationist’ logic and practice…

In other words, the primary cause of the continuing genocide is the logic of elimination and erasure that lies at the heart of the Zionist settler colonial project. Such logic is detailed in the historian Ilan Pappe’s book, *The Ethnic Cleaning of Palestine*.

Settler colonialism in turn, involves a deep socially embedded dehumanisation of the native other: recent polling shows 82% of Israelis would accept the ethnic cleansing of Palestinians from the region; and 47% support the killing of all Palestinians in towns captured by the IDF.

**Conclusion:**

There seems little doubt that Gaza represents an ongoing genocide in terms of both the legal definition and the scholarly criteria that have been put forward. In fact, it can be reasonably argued that the genocide in Gaza is likely the most well-documented and well-established genocide in history to date. And as Francesca Albanese points out, it is also one of the first genocides in history in which the victims have documented their own suffering directly in order to try and appeal to the world to intervene in ending it…

The Genocide Convention, to which NZ is a signatory, imposes non-derogable obligations on states to do everything in their power to ameliorate, prevent and halt genocide…

*The 1948 Convention on the Prevention and Punishment of the Crime of Genocide*

*(“the Convention”) codifies genocide as an international crime the prohibition of which is a*

*non-derogable peremptory norm (jus cogens). The erga omnes obligation to prevent and*

*punish genocide binds all states under both the Convention and customary international law*

*and requires them all to prevent and prosecute genocidal acts. Genocide cannot be justified*

*under any circumstances, including purported self-defence. (Anatomy of Genocide)*

***Why it matters:***

* It’s a test of international law, especially the genocide convention
* It’s a test of international institutions, particularly the United Nations, the ICJ and ICC
* It’s a test of Western and US leadership of the liberal world order
* It’s a test of the limits of Western democracy and commitment to free speech
* It’s a test of public morality and public tolerance for mass killing and genocide.

The world is failing in all these tests, and as a consequence, we are likely to see:

* More genocides and genocidal warfare (we’re already seeing it in Sudan and renewed attacks by Russia on Ukraine)
* The erosion of civilian protection in war, and the undermining of humanitarian law
* The erosion and weakening of international law – the emergence of a more lawless international system
* The weakening of international institutions, which will make the international system more anarchic and unpredictable
* The erosion of democracy and free speech
* The end of the liberal world order, and increased polarisation, conflict, arms races and militarisation
* The tolerance for genocide and mass human rights abuses will undermine other struggles for social justice and human rights.

The following is only a selection of some of the most notable reports, submissions and opinions which provide the evidence and arguments for this…

***Legal proceedings, reports and submissions***

**16 November 2023**: William Schabas (Professor of International Law) expert evidentiary declaration that Israeli actions meet the threshold of genocide, in case brought by the Center for Constitutional Rights against the United States government (<https://ccrjustice.org/sites/default/files/attach/2023/11/Declaration%20Expert%20William%20Schabas_w.pdf>).

**16 November 2023**: John Cox, Victoria Sanford, and Barry Trachtenberg (Holocaust and genocide scholars) expert evidentiary declaration that Israeli actions meet the threshold of genocide, in case brought by the Center for Constitutional Rights against the United States government (<https://ccrjustice.org/sites/default/files/attach/2023/11/Historians%20Declaration_w.pdf>).

**29 December 2023:** South African submission alleging Israeli genocide to ICJ (<https://icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf>).

**14 March 2024:** John Quigley, “Legal Standard for Genocide Intent: An Uphill Climb for Israel in Gaza Suit”, EJIL: <https://ejiltalk.org/legal-standard-for-genocide-intent-an-uphill-climb-for-israel-in-gaza-suit/>

**May 2024:** University Network for Human Rights report:

“ In light of the extraordinary implications of a finding that Israel may be committing genocide against the Palestinian people in Gaza, the University Network for Human Rights, the International Human Rights Clinic at Boston University School of Law, the International Human Rights Clinic at Cornell Law School, the Centre for Human Rights at the University of Pretoria, and the Lowenstein Human Rights Project at Yale Law School have conducted a thorough legal analysis of Israel’s acts since October 7, 2023, as situated in their historical context. […] After reviewing the facts established by independent human rights monitors, journalists, and United Nations agencies, we conclude that Israel’s actions in and regarding Gaza since October 7, 2023, violate the Genocide Convention.” <https://humanrightsnetwork.org/publications/genocide-in-gaza>

***Reports by Official Bodies of the United Nations***

**2 November 2023:** “Gaza is ‘running out of time’ UN experts warn, demanding a ceasefire to prevent genocide”. The experts included: Mr. Pedro Arrojo Agudo Special Rapporteur on the human rights to safe drinking water and sanitation; Mr Michael Fakhri, Special Rapporteur on the right to food; Ms Tlaleng Mofokeng Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Ms. Paula Gaviria Betancur, Special Rapporteur on the human rights of internally displaced persons; Ms. Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Francesca Albanese, Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967; Ms. Ashwini K.P. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The Special Rapporteurs, Independent Experts and Working Groups are part of what is known as the Special Procedures of the Human Rights Council.

**25 March 2024:** *Anatomy of a Genocide*, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese. “By analysing the patterns of violence and Israel’s policies in its onslaught on Gaza, this report concludes that there are reasonable grounds to believe that the threshold indicating Israel’s commission of genocide is met. One of the key findings is that Israel's executive and military leadership and soldiers have intentionally distorted jus in bello principles, subverting their protective functions, in an attempt to legitimize genocidal violence against the Palestinian people.” (<https://reliefweb.int/report/occupied-palestinian-territory/anatomy-genocide-report-special-rapporteur-situation-human-rights-palestinian-territories-occupied-1967-francesca-albanese-ahrc5573-advance-unedited-version>).

10 June 2024: UN Commission of Inquiry, Detailed findings on the military operations and attacks carried out in the Occupied Palestinian Territory from 7 October to 31 December 2023: <https://ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session56/a-hrc-56-crp-4.pdf>

1 October 2024: Genocide as colonial erasure, Francesca Albanese, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967: <https://www.un.org/unispal/document/genocide-as-colonial-erasure-report-francesca-albanese-01oct24/>

10 October 2024: UN Commission of Inquiry: Israel’s destruction of the health system in Gaza <https://ohchr.org/en/press-releases/2024/10/un-commission-finds-war-crimes-and-crimes-against-humanity-israeli-attacks>

8 November 2024: UN Commission of Inquiry: 70 percent of verified victims (October - 30 April) were children and women: <https://ohchr.org/en/documents/reports/six-month-update-report-human-rights-situation-gaza-1-november-2023-30-april-2024>

14 November 2024: UN Special Committee Report <https://ohchr.org/en/press-releases/2024/11/un-special-committee-finds-israels-warfare-methods-gaza-consistent-genocide>

***Reports and opinions by relevant NGOs and Agencies***

**29 December 2023:** *Statement on Why We Call the Israeli Attack on Gaza Genocide*, The Lemkin Institute for Genocide Prevention (<https://www.lemkininstitute.com/_files/ugd/0c3372_5bb3a5a7afd44559acf316dba73794bd.pdf>).

6 June 2024: Aryeh Neier (former director of Human Rights Watch), NYRB, <https://nybooks.com/articles/2024/06/06/is-israel-committing-genocide-aryeh-neier/?srsltid=AfmBOopOf1xbf1Ucx3Bvo11nN7VEEL-J7IA6jCNd9mhgWGeSUcLgQ9Y7>

July 2024: Oxfam, Water War Crimes report <https://oxfam.org/en/press-releases/israel-using-water-weapon-war-gaza-supply-plummets-94-creating-deadly-health>

12 November 2024: 8 aid organisations of the systematic violation ICJ orders on humanitarian assistance, thereby establishing genocidal intent: <https://oxfam.org/en/press-releases/joint-release-israel-receives-failing-grade-us-demands-gaza>

5 December 2024: Amnesty International report <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/>

12 December 2024: European Center for Constitutional and Human Rights – “Gaza and the matter of genocide” <https://www.ecchr.eu/en/press-release/gaza-and-the-matter-of-genocide/>

23 January 2025: Al-Haq Report: “The Systematic Destruction of Gaza’s Healthcare System: A Pattern of Genocide” (<https://www.alhaq.org/publications/25846.html>)

***Reports and opinions by relevant academic experts***

**13 October 2023**: “A textbook case of genocide”, *Jewish Currents* (<https://jewishcurrents.org/a-textbook-case-of-genocide>) by Raz Segal (Associate Professor of Holocaust and genocide studies at Stockton University and the endowed professor in the study of modern genocide)

**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 scholars (<https://twailr.com/public-statement-scholars-warn-of-potential-genocide-in-gaza/>).

**6 January 2024:** “[Inescapably Genocidal](http://www.tandfonline.com/doi/full/10.1080/14623528.2023.2300555)”, *Journal of Genocide Research,* 6 January 2024, Professor Richard Shaw (<https://www.tandfonline.com/doi/full/10.1080/14623528.2023.2300555>).

May 2024: Nimer Sultany, “A Threshold Crossed: On Genocidal Intent and the Duty to Prevent Genocide in Palestine” <https://tandfonline.com/doi/full/10.1080/14623528.2024.2351261>

13 August 2024: Omer Bartov, the Samuel Pisar Professor of Holocaust and Genocide Studies at Brown University <https://theguardian.com/world/article/2024/aug/13/israel-gaza-historian-omer-bartov>

6 December 2024: Lee Mordechai (Israeli historian) report “Bearing witness to the Israel-Gaza War” <https://www.middleeasteye.net/news/israeli-historian-produces-vast-database-war-crimes-gaza?utm_source=twitter&utm_medium=social&utm_campaign=Social_Traffic&utm_content=ap_ovhglpywt1>

International State Crime Initiative, *International Expert Statement on Israeli State Crime*, (n.d.) <http://statecrime.org/international-expert-statement-on-israeli-state-crime/>

Forensic Architecture: cartographic analysis of the genocide in support of South Africa’s case in the ICJ: <https://forensic-architecture.org/investigation/a-cartography-of-genocide…>