

## غزه سید، نقاب زدایی از تاریک‌ترین سیمای توحش مدرن

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### چکیده

تحلیل حقوقی وضعیت فعلی در باریکه‌ی غزه کاشف از حدوث پیچیدگی میان جنگی نسل‌کشانه و آثار مهلک ناشی از اشغال مستمری است که کشف هندسه‌ی حقوقی آن در گرو استمداد از مفهومی نوین و بر ساخته موسوم به غزه سید است. این مفهوم سازی نو اندیشانه دست کم دلالتی تام بر اطلاق وضعیت ناشی از ویرانی فراگیر و پایدار گروه های تحت حمایت چتر هنجاری معاهده ممنوعیت نسل زدایی ملل متحد دارد. با این وجود، این ترکیب معنامند البته با استخدام ابزاری الگوشناسانه در صدد ذهن گشایی نسبت به کشف آستانه‌ای جدید در میزان شدت اقدام علیه بشریت است. جنایت نسل‌کشانه‌ی کنونی در غزه شامل اقداماتی است که قصد نابودی گروه های ملی، قومی و مذهبی را در افعال ویرانگرانه به منصفی ظهور رسانیده است. پژوهش حقوقی حاضر که با رهیافتی اجتماعی-تاریخی سامان یافته است اینگونه در می‌یابد که حملات جنایتکارانه علیه غیرنظامیان، ویرانی عمده‌ی زیرساخت‌های حیاتی و وضعیت‌های منتهی در نابودی ملی مسبوق به نیت خاص، نه تنها در شمول حقوقی کنوانسیون منع نسل زدایی می‌گنجد، بلکه مهم‌تر از آن، با پیش روی معرفت‌شناسانه در شناسایی آستانه‌ی جدید از میزان شدت اقدام جنایتکارانه، فهمی نوین از منظومه‌ی حقوق کیفری بین‌المللی بر دست می‌دهد.

### واژگان کلیدی

غزه سید، ژنوسید، اشغال، فلسطین، دادگاه بین‌المللی جنایی برای فلسطین، جرم دولتی، حقوق کیفری بین‌المللی.

## **Gazocide; Unveiling the Darkest side of Modern Brutality**

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### **Abstract**

The legal analysis of the current situation in Gaza reveals a complex interplay between a genocidal war and a prolonged disastrous occupation, giving rise to what can be termed as “*Gazocide*”. This innovative conceptualization encapsulates the systematic and sustained destruction of a protected group at least as defined by the UN Genocide Convention. However, and at the same time it algorithmically explores a new threshold in destruction levels against humanity. The genocidal war in Gaza is characterized by actions demonstrating intent to destroy specific ethnic, religious and national groups. Current paper which has been conducted by legally socio-historical approach finds that the criminal attacks on civilians, intentional destruction of infrastructure and conditions leading to physical destruction, not only align with the legal definition of genocide, but more importantly goes further to shape a new threshold of severity in galaxy of international criminal law.

### **Keywords**

Gazocide, Genocide, Occupation, Palestine, International Criminal Tribunal for Palestine, ICTP, State Crime, International Criminal Law.

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### **1. Analytical Introduction**

The examination of diverse international documents and the evaluation of the validity of international regulations have become elaborately linked to the historical development, demanding a reevaluation of their origins and application over temporal transition. International rules, stemming from international social realities, are deemed incapable of comprehensively embracing the entirety and complexity of these social realities due to the inherently limited scope of legal norms, which rely on tangible rights and guarantees and solely resort to power for enforcement. The impact of power in international law surpasses its role in domestic law, significantly shaping the organization of various sectors of international law. This legal system's salient aspects, consistently observed in state practices, address issues not directly tied to vital concerns. Meanwhile, its less overt components merely encompass formal guidelines, reverting to the use of armed force and the decision between peace and war among nations. For an extended period, an optimistic philosophy has obscured this inherent weakness in international law. Just as philosophers of the 18th century envisioned social harmony based on the rational cooperation of human egos, the doctrines of the 19th century sought to ground international law on the dual foundation of natural and synthetic solidarity of national interests and the synthesis of authorities in an ideal society (Kolb,2016.p90) Subsequent to these idealistic visions, a feeble system of balance of support emerged, primarily materialistic in nature, relying on power. It is evident that steps were taken to support human rights long before the occurrence of World Wars, but the events of World War II shed new and luminous light on the connection between human rights and the establishment of international order based on law. In fact, the crisis in international relations has been a crisis in the spirit and structure of society and can only be resolved by adhering to human values. The formation of the first and most significant human rights documents following World War II occurred at a time when the United States and the Soviet Union, adhering to different ideological doctrines, confronted each other. This circumstance constructed and dominated all aspects of life in the international community, with extensive disparities during the conclusion of international treaties and the struggle to convene an international assembly representing just a small corner of it. This politically turbulent atmosphere, along with the heinous crimes committed within a few decades against human groups, marked the most prominent political and social indicators, urging the international community in the first half of the twentieth century to act as a remedy for festering wounds and to wield an iron hand to halt tyranny (Tomuschat,2021.p531).

In this regard, the Convention on the Prevention and Punishment of the

Crime of Genocide was formulated in response to the committed atrocities. The reality is that the bipolar atmosphere governing the preparation and regulation of international regulations, coinciding with the collapse of the Soviet Union and the unipolar dominance of the United States, has not provided room for the emergence of a rule supporting groups. International justice fundamentally should establish a suitable relationship between social facts and the rules designed to regulate it, but the fundamental challenge is that the foundational rule has not been comprehensive and complete from the outset, often neglecting many social realities. A scrutiny of the specific provisions of the Genocide convention, along with a reflection on the background of the negotiations, sheds light on the power dynamics taking precedence in the formulation of rules and hinders the genuine advocacy for group support from reaching the ears of those in power. Numerous writings since 1948 by critics and sociologists have all underscored the point that the current manifestation of the rule in the Genocide convention, particularly due to the forces behind its emergence, especially the political atmosphere at the time of its conclusion, does not follow an upward trajectory and has not been responsive to the needs of the international community in its time; expecting the proper execution of justice commensurate with the present era is unrealistic. The sparks of the formation of human rights norms, which began in the mid-20th century, have continued with remarkable momentum, but no significant changes have occurred in the formulation of the Genocide convention, ingrained in the specific political context of the time of its inception (Kolb, 2013, p.62).

Furthermore, the characterization of events as genocide is a complex and often debated matter. The term “genocide” has a specific legal definition under applied international law, as outlined in the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide. According to this convention, genocide involves specific acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. When discussing the situation in Gaza, it can be argued that certain actions or policies constitute genocide based on their interpretation of the events. Simultaneously, the prolonged illegal occupation of Gaza raises concerns about compliance with international humanitarian law, particularly the Fourth Geneva Convention. Violations, including intentional targeting of civilians and imposition of collective punishment, may constitute war crimes as well. Systematic deprivation and discriminatory practices during the occupation create an atmosphere conducive to qualify as a newly emerged mother crime. The convergence of factors from the genocidal war and the occupational criminality forms the primary groundwork for Gazocide, where genocidal intent, systematic deprivation, and intentional destruction

coalesce. Comparative analysis with other conflicts -as coming later- provides insights into Gazocide's unique characteristics. Understanding this phenomenon within the broader context of international law enhances legal comprehension. It has profound implications for human rights, impacting the right to exist, freedom both mentally and physically, and security of person. Humanitarian assistance and rehabilitation are integral components, focusing on rebuilding communities, providing psychosocial support, and addressing the long-term consequences of Gazocide. The current research reveals the convergence of a genocidal war and a prolonged illegal occupation alongside with density of international crimes which repetitively were committed by Israeli regime, giving rise to Gazocide. In this paper first some historically mind-warming points are mentioned and then an analysis around the evolutive concept of genocide is presented. This discussion includes the formation, evolution, transition, transformation, segregation and metamorphosis of genocide biology in appearance of the newly recognized phenomenon as Gazocide and in 8 items present its contribution and suggestions.

## **2. Brief overview of the historical background**

### **2.1. From Balfour to Nikba**

On the 2nd of November in 1917, Arthur Balfour, the then British Foreign Secretary, penned a letter and statement that initiated an enduring tragedy, still revealing after several decades, culminating in a significant and ongoing crisis (Egremont, 1980, p. 316). Balfour, in his communication, alluded to the British government's inclination to establish a homeland for Jews in Palestine, emphasizing their commitment to translating this idea into practical action. When Balfour made his stance clear, over 90% of the population residing in Palestine were non-Jewish. However, around 31 years later, during the formation of the State of Israel, a substantial number of these individuals became displaced. In response, soldiers and affiliated quasi-militants associated with the Zionists perpetrated mass killings, inducing fear across Palestinian territories. Within this context, the British government's expressed willingness to create a state and territory for Jews resulted in nothing but displacement and harm for the Palestinian people. In pursuit of their objectives, they made numerous promises to the Palestinian populace. Certainly, the British have a protracted history of making hollow promises to nations worldwide. For instance, during World War I, they urged the Arabs to revolt against the Ottoman Empire, promising certain rewards, yet ultimately failing to fulfill any commitments. Similarly, with regards to establishing a Jewish state in Palestinian lands, the seemingly tranquil promises made by the British resulted in a calamity for the

Palestinian people. Post the issuance of the Balfour Declaration, the British seized control of Palestinian land after World War II. This land predominantly housed Muslim Arabs, with Jewish minorities in residence (Egremont,1980). During a period when Jews perceived European anti-Jewish sentiments, Palestine became their refuge. Their presence in Palestine aligned with a political ideology, Zionism, championed and advocated by Theodor Herzl, an Australian pivotal in the formation of the State of Israel. In 1896, Herzl authored "The Jewish State," asserting the necessity of Jews having their sovereign nation to escape European anti-Semitism. The subsequent year, he orchestrated a conference in Basel, Switzerland, marking the inaugural Zionist Congress. A pivotal point discussed at this gathering was the establishment of a Jewish state in Palestinian territories. Immediately following this conference, Zionist elements actively pursued this objective through economic means, such as financial backing and preparing European Jews for migration to Palestine. Herzl, in his memoirs, recounts founding a Jewish government during the Basel Conference, an idea conceivable and debatable within 5 to 15 years (Penslar,2020.p202). Notably, the sympathy and affinity of numerous high-ranking British officials toward the Zionist movement played a crucial role in establishing the necessary infrastructure for realizing the idea of a Zionist state. Lloyd George, a former British Prime Minister, believed the congregation of Jews in Palestine would herald the return of Jesus Christ a sentiment shared by Arthur Balfour, the then British Foreign Secretary. In summary, the confluence of anti-Semitism in Europe, British imperialism, and the ascent of the Zionist movement collectively precipitated the Balfour Declaration and Britain's commitment to establish a Jewish state in Palestinian territories. However, probing the operational foundations of establishing the Israeli regime in Palestinian lands proves an intriguing exploration. World War I, a conflict among global powers, culminated in the formation of the League of Nations, an extensive international organization, post the war. The League of Nations, a body responsible for redistributing the lands of defeated nations to the victors' advantage, played a significant role during this era. England assumed control of Palestine during this time, with minimal consultation with the local populace, as indicated by Balfour himself. It seemed that, at that point, the British were primarily consulting with the Zionists on determining the future of Palestine (Laqueur,2003.p43).

The British administration notably facilitated the Jewish presence in Palestinian territories, witnessing a substantial Jewish migration to Palestine and the establishment of their own facilities. Remarkably, they gradually formed quasi-military groups like the "*Haganah*", led by David Ben-Gurion, who later became Israel's first Prime Minister. This dynamic led Palestinians

to perceive Britain as effectively surrendering their country to others, prompting resistance against both British and Zionist quasi-military forces. In this context, the *Haganah* quasi-militants, being Zionists, carried out numerous attacks against Palestinian settlements. Britain intervened, proposing its customary solution: the division of land and territory between Jews and Palestinians. Despite this, Palestinians persisted in their resistance against both the British and Zionist quasi-militants. Meanwhile, Zionist quasi-military movements intensified their attacks and bombings against Palestinians. However, the outbreak of World War II and the substantial Jewish migration to occupied Palestinian territories, despite British-imposed limitations, exacerbated the violation of Palestinian rights by Zionists and the British government. During British rule in Palestine, both the population and the territory occupied by Zionists notably increased, with Zionist organizations functioning similarly to governments (Bauer, 1966.p201). In November 1947, the United Nations granted an increase in Zionist territory, sparking widespread protests from Palestinians and the Arab world. In this situation, Zionist quasi-militants and groups exploited the situation, escalating their provocative actions against Palestinians. A wave of bombings and attacks against Palestinian targets ensued. David Ben-Gurion stated that, due to Zionist actions, “not even one Arab lives in some neighborhoods of West Jerusalem.” He asserted that “if this trend continues, we will witness many positive events in favor of Israel.” Zionist quasi-militants committed heinous crimes, such as the massacre in the village of *Deir Yassin* in 1948, where 250 Palestinian women and children were brutally killed. The *Deir Yassin* incident created a wave of horror among Palestinian communities, leading to the migration of some Palestinians, with reports of similar atrocities in other occupied areas.

With the end of British rule in 1948, around 250,000 Palestinians had become refugees, displaced from their homes and dwellings. In the same year, *David Ben-Gurion* announced the formation of the State of Israel, becoming its first Prime Minister. During this period, Zionist quasi-military groups joined forces, forming the army of this regime. After the establishment of the State of Israel, Arabs rose to confront it, but the Israeli army was better equipped and enjoyed extensive support from Western governments. This dynamic led to an intensification of Zionist activities against Arab Palestinians, violating legal boundaries and encroaching upon Palestinian territory. This resulted in the displacement of thousands of Palestinians and the continuous annexation of more and more of their lands (Bauer, 1966). Notably, Zionists, by occupying Palestinian cities, changed their names to Hebrew names, leading to a significant increase in Palestinian refugees. The culmination of these issues and the establishment of the Israeli

regime in Palestinian territories by Palestinians is recognized as the "*Nakba*" or catastrophe.

## **2.2. Emerging progressive signs of Gazocide**

In 1967, the Six-Day War further reshaped the Middle East, as Israeli regime captured the West Bank, East Jerusalem, the Gaza Strip, and the Golan Heights. The occupation of these territories intensified tensions and laid the foundation for subsequent conflicts. The First Intifada, starting in 1987, marked a turning point as Palestinians in the occupied territories engaged in widespread protests and acts of civil disobedience against Zionist rule. The Oslo Accords in the early 1990s aimed at achieving a peaceful resolution, leading to the establishment of the Palestinian Authority (PA). However, subsequent events, including the assassination of Israeli Prime Minister Yitzhak Rabin in 1995, stalled the peace process. The Second Intifada erupted in 2000, marked by increased Palestinian resistance, leading to heightened Israeli military presence in the West Bank and Gaza (Shlaim,1994.p31). The construction of the West Bank Barrier, or separation wall, began in 2002, aiming to prevent suicide bombings but resulting in extensive territorial changes and heightened tensions. The Gaza Strip, controlled by Hamas since 2007, faced a blockade by Israel, severely restricting the movement of goods and people. This blockade intensified the humanitarian crisis in Gaza and drew international criticism. The 22-day war in Gaza in 2008-2009, known as Operation Cast Lead, further strained relations. The Israeli regime suppression resulted in significant casualties and destruction, drawing widespread condemnation for its impact on civilians. Subsequent conflicts, including Operation Protective Edge in 2014, maintained the cycle of violence and deepened the humanitarian crisis in Gaza. Throughout this period, clashes over Jerusalem, particularly around the Al-Aqsa Mosque, remained a focal point of tension. The Al-Aqsa Intifada in 2000 began following then-Israeli regime opposition leader Ariel Sharon's visit to the Temple Mount, escalating into a series of violent confrontations. The struggle for Qods continued in 2017 with protests and clashes over security measures implemented at the Al-Aqsa Mosque compound (Khalidi,2020.p61).

In such an unprecedented situation in which the survival of Palestinian nation was in definitive danger of permanent destruction, according to the logical necessities of inherent right to exist and regarding the taking into account of all historical current of Zionist criminality, as the resist arm of Palestinian, Hamas decided on operationalization of a defensive offence in 7<sup>th</sup> of 2023 October. Operation *Al-Aqsa Flood*, announced by *Mohammed El Deif*, the commander of al-Qassam Brigades, was a retaliatory move initiated



by Hamas and several Palestinian factions in response to ongoing attacks on worshippers at the Al-Aqsa Mosque by the Israeli regime. Despite warnings from Hamas and other factions, the far-right government led by Netanyahu persisted in its aggressive policies towards Palestinians, including illegal settlements, violent raids, and attacks on worshippers (Mercan,2023.p82). In 2021 Retrospectively, Hamas launched the Sword of Jerusalem offensive following similar Israeli assaults during Ramadan, resulting in casualties on both sides. Subsequent to these events, Israel continued its assaults on Al-Aqsa Mosque in 2022 and subsequent years, with discussions within the Israeli Knesset about changing the site's status quo. In August 2022, Israel initiated an unprovoked attack on the Palestinian Islamic Jihad (PIJ) in Gaza, resulting in the deaths of 50 Palestinians, mostly civilians. In May of the following year, another Israeli attack targeted PIJ and civilians, resulting in approximately 35 Palestinian fatalities. Meanwhile, in the West Bank, Israeli forces intensified their invasions of refugee camps and cities throughout the year, resulting in numerous Palestinian deaths. In early July, the Israeli military invaded the Jenin refugee camp, targeting medical workers and journalists, and causing destruction to civilian infrastructure, resulting in at least 18 Palestinian fatalities. While numerous massacres have been committed against the Palestinian people over the years, including the Israeli attacks on Gaza in 2008/9 and 2014, as well as the invasion of Lebanon in 1982, where tens of thousands of Palestinians and Lebanese civilians lost their lives, the offensive by Hamas in October 2023 pales in comparison statistically. Starting in March 2018, Palestinians in Gaza launched a massive non-violent protest movement along the Gaza separation fence, demanding an end to the blockade imposed on Gaza for over 16 years. In response, Israel killed 300 Palestinians over the course of the year-long demonstrations, targeting various demographics including men, women, children, the elderly, journalists, medical workers, and people with disabilities (Filiu,2023.p201). Despite these atrocities, the international response has often been to condemn Hamas and justify Israel's actions as self-defense. These examples only scratch the surface of the immense suffering endured by the Palestinian people, including the historical ethnic cleansing of 1947-9 and ongoing illegal occupation of Palestinian territories.

### **3. Is Genocide floor or roof?**

This section delves into the genocidal actions undertaken by Israel, considering their nature, scope, and context. These actions persist in an ongoing conflict where Israel deliberately enforces telecommunications blackouts in Gaza and restricts access for fact-finding bodies and the international media. Simultaneously, Palestinian journalists are facing an

alarming casualty rate, surpassing the total number during World War II within just two months since October 7, 2023. Additional details regarding these acts will be presented as these proceedings commence. Staffs from the UN and the ICRC, both seasoned in conflict situations, characterize the unfolding events in Gaza as a "crisis of humanity" (Guterres, A.2023). They express unprecedented concern, with humanitarian veterans condemning the situation as a "moral failure." The UN Secretary-General describes Gaza as being in an "apocalyptic situation," with Palestinians enduring relentless bombardment, death, siege, destruction, and deprivation of essential needs on a massive scale. The UN High Commissioner for Human Rights terms the conditions as "apocalyptic," highlighting the suffering of the besieged population and their denial of access to essentials for survival. The United Nations International Children's Emergency Fund (UNICEF) Executive Director labels Gaza "the most dangerous place in the world to be a child." The UNRWA Commissioner-General describes it as a "living hell," a "war of all superlatives," and expresses the challenge of finding adequate words to describe these unprecedented events. Some definitive ingredients resulting in maximum criminality are as follows:

### **3.1. Requiem of mass homelessness**

The ongoing genocidal war and the resulting Palestinian homelessness also underscore the importance of upholding fundamental human rights principles. The Universal Declaration of Human Rights, adopted by the United Nations in 1948, enshrines the right to adequate housing and the right to a standard of living adequate for health and well-being. These rights are applicable to all individuals, including those affected by conflicts and forced displacement. Palestinian refugees, particularly those residing in camps in the West Bank, Gaza Strip, Jordan, Lebanon, and Syria, often face challenging living conditions. Overcrowded camps, limited access to basic services, and restricted freedom of movement contribute to the protracted nature of their displacement (Gunaydin, 2015, p.67). The right to adequate housing, as articulated in international human rights law, emphasizes not only shelter but also the right to live in security, peace, and dignity. The blockade imposed on the Gaza Strip since 2007 has further intensified the humanitarian challenges faced by Palestinians in the region. The blockade, which severely restricts the movement of goods and people, has led to a dire socio-economic situation. In Gaza, where a significant portion of the population consists of refugees, the right to housing is elaborately connected to broader issues of economic development, access to employment, and the availability of essential services (Kotef, 2020, p.114). International human rights organizations, non-governmental organizations, and civil society have

played crucial roles in advocating for the rights of Palestinians affected by displacement. These entities often document human rights violations, provide humanitarian assistance, and engage in legal advocacy to hold responsible parties accountable for their actions. However, the complexities of the conflict and the geopolitical challenges involved continue to pose formidable obstacles to achieving comprehensive and sustainable solutions. The question of Palestinian statehood is central to resolving the refugee crisis and addressing issues of homelessness. Various UN resolutions, diplomatic initiatives, and peace plans have sought to establish the framework for a two-state solution, which includes addressing the rights and status of Palestinian refugees. The issue of compensation for lost homes and properties is another critical aspect of the legal discourse surrounding Palestinian homelessness. International law recognizes the right to compensation for those who have been forcibly displaced or suffered losses due to armed conflicts (Holt, 2011, p. 47). The principles of restorative justice and reparations are integral to addressing the historical injustices experienced by the Palestinian people. Efforts to address Palestinian homelessness must also consider the broader context of regional stability, diplomatic engagement, and a commitment to international law (Qafisheh, M., & Wardak, A., 2019, p. 63). The legal dimensions of this crisis involve international humanitarian law, human rights principles, and the recognition of the right to return. Achieving a just and lasting solution necessitates a comprehensive approach that addresses the political, legal, and humanitarian aspects of the conflict. The commitment to upholding international law, protecting human rights, and ensuring the dignity and well-being of all individuals affected by the conflict is crucial for forging a path towards a sustainable and equitable resolution.

### **3.2. Forcible displacement**

The suffering of Palestinians from displacement reflects the ongoing complexities of the Occupied territories, a situation characterized by protracted territorial disputes, military operations, and the persistence of long-standing refugee issues (Quigley, 1998, p. 101). The legal dimensions of Palestinian displacement during this period are grounded in international law, specifically in principles related to the rights of civilians in armed conflicts, the status of refugees, and the protection of human rights. One significant aspect of Palestinian displacement is the construction and expansion of Israeli settlements in the West Bank (Erakat, 2014, p. 598). These settlements, considered illegal under international law, have led to the displacement of Palestinian communities, resulting in the loss of homes, lands, and livelihoods. The Fourth Geneva Convention, which governs the

treatment of civilians in times of armed conflict and occupation, explicitly prohibits the transfer of an occupying power's civilian population into the territory it occupies. The construction of settlements often involves the demolition of Palestinian homes, leading to forced evictions and exacerbating the housing crisis. The construction of the separation wall, or the Israeli West Bank barrier, is another factor contributing to Palestinian displacement (Bishara, 2023, p56). Israeli regime asserts that the wall is necessary for security reasons, while critics argue that its route, often encroaching on Palestinian territory, constitutes a de facto annexation and leads to the further fragmentation of Palestinian communities. The International Court of Justice (ICJ) issued an advisory opinion in 2004, stating that the construction of the wall in the West Bank, including East Jerusalem, violates international law and calling for its dismantlement (ICJ, 2004.p87). The situation in East Jerusalem, which Palestinians consider the capital of a future Palestinian state, has been a focal point of displacement and contested sovereignty. Israeli regime policies, including settlement construction, home demolitions, and revocation of residency permits, have led to the displacement of Palestinian residents. These actions contravene international law, particularly the Fourth Geneva Convention and various UN resolutions, which emphasize the inadmissibility of the acquisition of territory by force (Pallister-Wilkins, 2011.p1870). Another source of displacement is the periodic military confrontations between Israeli regime and Palestinian armed groups, particularly in the Gaza Strip. The regime military operations, such as Operation Cast Lead in 2008-2009, Operation Pillar of Defense in 2012, and Operation Protective Edge in 2014, have resulted in significant civilian casualties, destruction of infrastructure, and displacement of populations (Heneini, F, & Basaree, R, 2018.p84). International humanitarian law, which regulates the conduct of parties in armed conflicts, emphasizes the protection of civilians and the prohibition of indiscriminate attacks on civilian areas. The ongoing blockade of the Gaza Strip, initiated in 2007, has further compounded the humanitarian challenges faced by Palestinians in the region. The blockade, maintained by Israeli regime and Egypt, severely restricts the movement of goods and people, leading to dire socio-economic conditions. The International Committee of the Red Cross and numerous human rights organizations have highlighted the humanitarian impact of the blockade, emphasizing its disproportionate impact on civilians and its potential violation of international law (Abu Sitta, S, & Rempel, 2014.p64).

The right of return for Palestinian refugees, a fundamental issue dating back to the 1948 Nakba, continues to be a central concern. UN General Assembly Resolution 194 recognizes the right of Palestinian refugees to

return to their homes, a right reaffirmed by subsequent resolutions and international legal principles (UNGA, 1948). However, the implementation of this right remains a contentious and unresolved aspect of the occupied territories. regime, citing security concerns and demographic considerations, has been resistant to widespread implementation of the right of return. The legal discourse surrounding Palestinian displacement since 19 century also intersects with broader human rights principles. The Universal Declaration of Human Rights and other international instruments affirm the right to adequate housing, freedom of movement, and protection from arbitrary displacement. The displacement of Palestinians, whether through settlement expansion, military operations, or restrictive policies, raises serious concerns about violations of these fundamental human rights. Efforts to address Palestinian displacement must involve a comprehensive legal framework that incorporates international humanitarian law, human rights law, and the principles of refugee protection. International organizations, including the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), play a crucial role in providing humanitarian assistance and advocating for the rights of displaced Palestinians. However, challenges persist, including funding constraints, political disputes, and the enduring nature of the conflict (Nuseibah, 2013. p32). A sustainable resolution to the issue of Palestinian displacement requires a commitment to upholding international law, respecting human rights, and addressing the root causes of the conflict. The role of the international community, including influential states and international organizations, in facilitating negotiations and promoting adherence to legal principles is paramount for achieving a just and lasting solution to the complexities of Palestinian displacement.

### **3.4. Systemic inaccessibility to adequate nourishment in Gaza**

At least for a specific and intense period, since 2020, the oppressed people of Gaza, have been struggling with persistent tragedies in accessing sufficient food and water, intensifying an already dire humanitarian situation. This predicament is elaborately linked with the enduring Israeli regime criminality, regional geopolitical complexities, and the blockade imposed on Gaza since 2007. Legally, the deprivation of essential resources raises significant concerns under international human rights and humanitarian law. The blockade on Gaza, initiated in 2007 and sustained by Israel with Egyptian collaboration, places restrictions on the movement of goods and people in and out of the region (Lin, T. K, Kafri, R, Hammoudeh, W, Mitwalli, S, Jamaluddine, Z., Ghattas, H., ... & Leone, T, 2022.p1-19). While purportedly enforced for security reasons, its impact on the civilian population has been profound. The right to an adequate standard of living,

which encompasses access to food and water, is a fundamental human right protected under various international instruments, including the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The ICESCR acknowledges everyone's right to an adequate standard of living, including sufficient food, clothing, and housing (UNGA, 1966). Additionally, the right to the highest attainable standard of health, which includes access to clean and safe drinking water, is protected international law. The ongoing denial of these rights in Gaza remains a significant under cause for concern.

The situation in Gaza has been further complicated by military operations in constant occupational situation, notably in May 2021, when hostilities erupted between Israeli and Palestinian armed groups. The military operations resulted in civilian casualties, infrastructure destruction, and further strained the already limited resources in the region. International humanitarian law, governing the conduct of parties in armed conflicts, places a responsibility on all parties to ensure the well-being of civilians, including access to essential services. The blockade's impact on Gaza's economy has been severe, contributing to high unemployment rates and increased poverty levels. The right to work, emphasized in the ICESCR, stresses the importance of enabling individuals to earn a living and support themselves and their families. The restrictions on the movement of goods and people have hindered economic activities, limiting opportunities for employment and economic development. The right to food, recognized in international human rights law, includes the right to physical and economic access to adequate food (Fahoum, K, & Abuelaish, I, 2019. p26). The denial or restriction of access to food, whether intentional or as a consequence of policies, can amount to a violation of human rights. The blockade's impact on the availability and affordability of food in Gaza raises serious concerns about compliance with these legal standards. Access to water is another crucial aspect of the humanitarian crisis in Gaza. The availability of clean and safe drinking water is vital for the health and well-being of the population. The blockade has contributed to the deterioration of water and sanitation infrastructure, limiting the availability of safe water for Gaza residents (Massad, S. G., Nieto, F. J., Palta, M., Smith, M., Clark, R., & Thabet, A. A, 2012. p41). The right to water, recognized by the United Nations General Assembly and various human rights mechanisms, emphasizes the importance of ensuring access to water for all, without discrimination. The challenges related to water access are compounded by the over-extraction of groundwater, pollution, and limited wastewater treatment capacity. The environmental degradation and contamination of water sources further compromise the right to water for Gaza residents.

International law emphasizes states' obligation to take measures to prevent and address environmental harm that may impact human rights, including the right to water. Beyond the legal aspects, the situation in Gaza also prompts questions about the international community's responsibility to address and alleviate the humanitarian crisis and push forward the *erga omnes partes* obligations (Wilde, R, 2022. p19). The principle of humanitarian assistance, outlined in the Geneva Conventions and customary international law, emphasizes states' obligation to allow and facilitate the swift and unimpeded passage of humanitarian aid (Jaber, S, 2017.p100). The denial or hindrance of humanitarian assistance, particularly when it contributes to the deprivation of essential resources, may raise legal and moral questions about fulfilling these obligations. Addressing the humanitarian crisis in Gaza requires a comprehensive approach considering the legal obligations of all parties involved. The international community, including states, intergovernmental organizations, and non-governmental entities, plays a crucial role in advocating for the rights of the Palestinian population and promoting measures to alleviate their suffering. The situation in Gaza, particularly regarding access to adequate food and water, raises significant legal and humanitarian concerns. The blockade, military conflicts, and environmental challenges have combined to create a complex and dire situation for Gaza residents.

### **3.5. Zero life situation in Gaza**

The plight of individuals in the Gaza region is a deeply entrenched crisis characterized by a myriad of challenges, ranging from a severe lack of essential medical assistance to the deprivation of basic necessities such as shelter, clothing, and proper hygiene. This complex humanitarian situation is further compounded by alarming birth avoiding measures, reflecting a distressing reality within the broader context of the Israeli occupation (Smith, R, J,2015. P23). The insufficiency of adequate medical assistance represents a critical aspect of the sufferings faced by Palestinian in Gaza. Limited access to vital medical supplies, equipment, and qualified healthcare personnel has resulted in a significant deterioration in healthcare services. This deprivation not only violates fundamental human rights but also contributes to heightened suffering, preventable illnesses, and loss of lives among the people in Gaza. Urgent international intervention is imperative to address these pressing humanitarian concerns, ensuring that individuals in Gaza have unimpeded access to quality healthcare in alignment with their right to health. Simultaneously, people in Gaza cope with a deprivation of access to essential elements of dignified living, including shelter, clothing, and basic hygiene and sanitation facilities (Beiraghdar, F., Momeni, J.,

Hosseini, E., Panahi, Y., & Negah, S. S. ,2023. P2480). This multi-dimensional challenge exacerbates the difficulties faced by the population, with inadequate shelter violating a fundamental human right and the absence of proper clothing and hygiene facilities posing serious risks to public health. Collective efforts are needed to provide individuals in Gaza with the essential elements required for a dignified and healthy life. Within this complex scenario, concerns emerge regarding birth avoiding measures that impede normal family planning. Reports indicate restrictions on access to reproductive health services, contraceptives, and family planning information. These measures not only infringe upon individual rights but also have broader implications for the well-being and future prospects of the people in Gaza. Ensuring access to comprehensive reproductive health services is crucial for upholding human rights and promoting the overall welfare of affected communities. The international community should actively advocate for the removal of barriers hindering family planning initiatives in the region (Longobardo, M, 2018,p12). Amidst these interconnected challenges, the term "zero life situation" encapsulates the stark reality experienced by individuals in Gaza. This extreme humanitarian crisis, stemming from a combination of conflict, economic hardship, and restricted movement, has led to limited access to basic needs such as food, clean water, electricity, and healthcare. The resulting profound suffering, loss of livelihoods, and pervasive hopelessness underscore the urgent need for immediate and sustained international efforts to alleviate humanitarian concerns and work towards a comprehensive and sustainable resolution to the underlying issues contributing to this dire reality (Elessi, K , 2023. p8). The amalgamation of challenges faced by individuals in Gaza, from the lack of medical assistance and basic necessities to concerns about family planning restrictions, paints a distressing picture within the overarching impact of the current inhumanity. Urgent and collective international efforts are imperative to address these multi-aspect issues, uphold human rights, ensuring the well-being and dignity of the people in Gaza.

### **3.6. Denial of self-determination of Palestinian**

The right to Palestinian self-determination is legally established and recognized as a fundamental norm. This right predates the creation of Israeli regime in 1948 and was acknowledged in the (1919 Covenant of the League of Nations). The United Nations has affirmed the Palestinian people's right to self-determination in several resolutions. The exercise of Palestinian self-determination involves two main aspects: the choice of political status (independence, association, or integration) and the pursuit of economic, social, and cultural development with control over natural resources



(Seyvanizad, J. & Kashkuli, M. H., 2017, p. 1610). International law outlines three conditions for self-determination: participation, access, and contribution to societal life. For Palestinians, the exercise of self-determination involves their recognized status under international law and the territory of Mandatory Palestine. The historical and legal connection between the Palestinian people and Mandatory Palestine signifies that their right to self-determination is tied to their homeland's borders, where this right has been acknowledged. The Palestinians have been recognized as the inhabitants of Palestine since before the 20th century and the advent of Zionism. The formal acknowledgment of Palestinian nationality dates back to the (1923 Treaty of Lausanne), Article 30 of which states that those under Ottoman rule and habitual residents of Palestine as of August 6, 1924, qualify for Palestinian nationality. This recognition aligns with post-World War I treaties, establishing a legitimate legal basis for Palestinians as the people of Palestine. Presently, the Palestine Liberation Organization's recognition as the representative of the Palestinian people in UN Resolutions 3210 and 3237 reinforces the legal status of the Palestinian people. According to these resolutions, international law recognizes Palestinians based on the Palestinian National Charter, defining them as "Arab citizens who were living normally in Palestine up to 1947, whether they remained or were expelled, [including] anyone born, after that date, of a Palestinian father – whether inside Palestine or outside it." Palestine is defined by the boundaries it had during the British Mandate. The delineated borders specified in Article 2(4) of the United Nations Charter enhance the rightful assertions of the Palestinian people to exercise their self-determination across the entirety of Mandatory Palestine. The current presence of the Palestinian population throughout the complete Palestinian territory enables them to assert their social, economic, cultural, and political rights to self-determination on this particular land. Considering self-determination as a collective right, as defined in (United Nations General Assembly Resolution 3210) and (Resolution 3237), the Palestinian people's entitlement to this right encompasses all those who resided within Mandatory Palestine and their descendants, regardless of their current location. This includes three main groups today: those living under occupation in the West Bank, the Gaza Strip, and Jerusalem since 1967; those displaced during the Nakba (1947-1949) and the 1967 war, comprising over 9 million refugees and internally displaced persons due to Israeli policies; and Palestinians with Israeli citizenship. All these groups, collectively representing the entire Palestinian people, have the right to self-determination. It is emphasized that authentic self-determination for Palestinians includes everyone and must be realized within the borders of Mandatory Palestine, contrary to the Oslo

peace process and the international community's framework (Ghanim, 2011.p20).

Importantly, the challenges of displacement, denationalization, and acquiring Israeli citizenship faced by many Palestinians do not negate their right to participate in self-determination. Despite enduring prolonged displacement or acquiring other citizenships, Palestinian refugees, including those with alternative nationalities, and Palestinians with Israeli citizenship remain integral parts of the Palestinian people and retain the right to exercise self-determination across the entirety of Mandatory Palestine, similar to their counterparts in the occupied territory. Considering the inalienable right of return for Palestinian refugees and the customary prohibition of colonization in Mandatory Palestine, the following section outlines practical steps for the inclusion of Palestinian refugees and Palestinians with Israeli citizenship in the realization of Palestinian self-determination. To truly exercise Palestinian self-determination, it's essential to include the majority of the Palestinian people those who are refugees, constituting 66.4 percent. Excluding the approximately 7 million refugees living in exile from the borders of Palestine would undermine the collective right to self-determination for the entire Palestinian population. However, the inclusion of refugees depends on their physical presence in the land. A crucial condition for achieving self-determination is meeting the primary durable solution outlined in (United Nations General Assembly Resolution 194(III)) for Palestinian refugees, encompassing the right to return to their homes, property restitution, and compensation. The return of refugees is not just a legal necessity but also a means to enable the entire Palestinian people to coexist in Mandatory Palestine, facilitating the proper realization of self-determination. Israel's denial of the rights of Palestinian refugees prolongs the refugee issue and undermines the Palestinian people's right to self-determination. The denial of the right of return in the Palestinian context constitutes a violation of the right to self-determination and a serious breach of international law. The right to self-determination, acknowledged as a peremptory norm in Article 1(2) and Article 55 of the United Nations Charter of 1945, has evolved into a full-fledged peremptory norm through the decolonization process of the 1960s. States are not only obligated to recognize, respect, and promote this right but also to refrain from taking any action that denies people the capacity to enjoy this right. In accordance with the Draft Articles on Responsibility of States for Internationally Wrongful Acts, serious breaches of peremptory norms impose responsibility on third states. Third states are obliged to cooperate in ending any breach and not recognize or assist in maintaining a situation created by a serious breach. Therefore, third states are obligated to take practical measures to end Israel's policies denying

Palestinian refugees their right to return, as it obstructs the Palestinian people's right to self-determination a serious breach of international law. The exertion of international community pressure on Israel to uphold Palestinian refugee rights facilitates the exercise of the Palestinian people's right to self-determination in Mandatory Palestine.

#### **4. Necessity for definitional evolution**

A comparison between the timing of the establishment of the Genocide Convention and its subsequent evolution and implementation, as explicitly outlined in the statutes of international criminal courts, reveals significant changes in the foundational dynamics of international legal relations. This narrative emphasizes the fact that the understanding derived from the definition of genocide in the Convention cannot maintain its original credibility. The essence of this can be succinctly explored as follows that groups in need of protection in the current international community context, compared to the time of the Convention adoption, have encountered diverse and complex situations (Boghossian, 2010.p219). Both *Actus reus* and *mens rea* elements constituting the crime of genocide have unavoidably been influenced by these developments. Consequently, the principles articulated in the Convention have also lost their previous validity due to these shifts. Additionally, as the acts of specific criminal courts are crafted based on the principles outlined in the 1948 Convention, the diminishing credibility of these principles in the context of international societal changes has also impacted the constituting acts of specific criminal courts.

#### **5. Legal Vacuum and Linguistic Innovation**

The emergence of the term “Gazocide” reflects a response to a perceived legal vacuum within the context of the Zionist criminality, particularly in the Gaza Strip. This term serves as a linguistic innovation, attempting to capture the shades of the events in Gaza that may not be fully encapsulated by conventional legal terminology. In conflict zones, especially those marked by asymmetrical power dynamics and complex geopolitical factors, traditional legal terms may fall short in conveying the gravity and specificity of harm inflicted on civilian populations. Slaughtering, with its protracted history and unique challenges, has created a situation where the experiences of those in Gaza may not be fully addressed by existing legal frameworks. The term “Gazocide” steps into this perceived legal vacuum by offering a linguistic expression that underscores urgency, specificity, and severity. It acts as a communicative tool to convey the understood gravity of the situation, emphasizing the need for a legal framework that accounts for the complexities of modern conflicts. Legal scholars engaging with this term must navigate its inherent subjectivity and the challenge of ensuring legal

precision and specificity. While it may not have formal recognition within established international law, the term “Gazocide” prompts a critical examination of the adequacy of existing legal language in addressing contemporary conflict situations. It invites a dialogue on the evolution of legal terminology to meet the demands of complex geopolitical realities and to better safeguard the rights and protections of civilian populations caught in the midst of conflict (Pennycook, A, & Makoni, S, 2019.p60). As legal scholars cope with the nuances of the Zionist criminality, the concept of a legal vacuum and linguistic innovation emphasizes the dynamic relationship between language, law, and the evolving nature of armed conflicts in the 21st century. The term “Gazocide” becomes a lens through which the limitations of existing legal frameworks are scrutinized and prompts a broader conversation about the adaptability of international law to address the multi-dimensional challenges presented by contemporary conflicts.

### **5.1. Genuine contribution of Lemkin**

Lemkin argued that the introduction of “novel concepts necessitate the use of new terminology.” By defining “genocide” as the obliteration of a nation or ethnic community, he characterized genocide as “an ancient practice evolving into its modern manifestation.” Genocide doesn't inherently imply the immediate annihilation of a national or ethnic group; instead, it involves diverse actions targeting the destruction of the fundamental pillars sustaining the group's existence, with the explicit aim of eradicating the group itself. The goals of such a program encompass the dismantling of political and social institutions, culture, language, national sentiments, religion, the economic viability of national groups, the elimination of personal security, freedom, health, dignity, and even the lives of individuals associated with these groups. Lemkin formulated the term genocide by merging the Ancient Greek word *genos*, signifying race, nation, or tribe, with the Latin term *caedere*, denoting killing (Lemkin, R, 2012.p122). Additionally, he contemplated using the Ancient Greek term *ethnos* as an alternative, which essentially conveys the same meaning as *genos*. Lemkin's definition appeared constrained in one aspect, as it focused on crimes against “national groups” rather than crimes against “groups” in general. Simultaneously, this definition expanded to cover not just physical genocide but also actions aimed at eradicating the foundational elements of the group, encompassing cultural and economic aspects. However, he delivered an encompassing definition of “genocide,” stretching beyond mere physical destruction to involve actions directed at the culture and livelihood of the group. Lemkin's definition carries a philosophical depth, emphasizing that ethnic, racial, and religious groups hold inherent value beyond the value of individual

members. While he recognized the value of individuals, he underscored that groups represent diverse ways of life and enduring perspectives developed over generations. Groups embody various aspects of human social existence, revealing infinite forms of societal being and, crucially, infinite forms of human individuality superiority. Consequently, the eradication of a group is a crime that surpasses the loss of individuals killed, as eloquently articulated by Lemkin: “Nations are basic elements of the world community. The world represents many cultures and spiritual forces created with the constructive groups that form it.” As an insightful thinker, Lemkin concentrated on groups not merely as assemblies of individual members but specifically as groups in the truest sense of the word. Drafters of the Genocide Convention mirrored Lemkin's density, stating that genocide involves the specific intent to annihilate a protected group in the precise meaning of the word. Lemkin's unparalleled creativity and earnest endeavor to pinpoint a new crime for the international community are indisputable. Nevertheless, it's essential to recognize that he was influenced by the events revealing at the time, especially given that his own family fell victim to the atrocities of the Nazi regime. Designating this crime “genocide” and presenting a wounded and impaired definition was, in fact, rooted in the social and historical contexts of that time and place. This period witnessed national and ethnic groups, especially those targeted by powerful forces, being subjugated to governing authorities to the extent that no one dared to confront them. The birth of such a convention, alongside the Universal Declaration of Human Rights, signifies a substantial leap toward achieving human ideals. However, it cannot be viewed as an inevitable imposition on the international community, as venerating and respecting it seventy to eighty years later would mean overlooking social realities and acting as a barrier to the evolving norms of human rights.

## **5.2 Societal perceptions in post-conflictual prohibitive foundations**

### **5.2.1. Legal frameworks and challenges in addressing unnamed crimes post-WWI**

The post-World War I era witnessed a significant paradigm shift in the international community's approach to addressing heinous crimes and atrocities. Despite the entrenched sovereignty of states during this period, the prevailing notion that crimes could go unanswered based solely on the domestic laws of the country where they occurred was deemed untenable. The complex interplay between domestic legal systems, international politics, and the pressing need for accountability spurred victorious governments to explore legal measures for addressing unnamed crimes. In this historical context, the (Versailles Treaty) emerged as a pivotal

instrument, attempting to establish a legal basis for holding individuals accountable for wartime atrocities. Article 227 of the treaty specifically addressed the case of Kaiser Wilhelm II, proposing a trial by a “special tribunal” based on the highest motives of international policy. The overarching goal was to demonstrate the international community's serious commitment and uphold the credibility of international ethics. However, the practical implementation of this provision faced obstacles, as the Dutch government chose to abstain from extraditing Kaiser Wilhelm II, underscoring the complexities and challenges inherent in enforcing international legal mechanisms. The legal perspective further spread out with Articles 228 to 230 of the Versailles Treaty, which recognized the rights of victorious nations to prosecute German nationals for violations of laws and customs of war in allied military courts. Despite these provisions, the treaty did not explicitly address the objections raised by the United States regarding “crimes against humanity.” This omission underscored the evolving nature of international law and the need for more comprehensive frameworks to address the increasingly recognized category of crimes against humanity. As a new government took charge in Germany, the conditional acceptance of the Versailles Treaty by the German authorities and their rejection of indicting war criminals revealed the complex negotiations surrounding the legal implications of post-war justice. The German government argued that its penal code prohibited the extradition of individuals to foreign governments for prosecution, adding another layer of complexity to the unfolding legal drama. The Supreme Court of the Empire in Leipzig played a pivotal role in adjudicating individuals accused by the Allies based on the Versailles Treaty. However, Germany's resistance to the trial of certain individuals, particularly military and naval elites, highlighted the delicate balance between seeking justice and preserving the stability of the government. The contention arose from the belief that widespread trials of elite figures could potentially undermine the very existence of the German state. Ultimately, the legal proceedings fell short of satisfying the Allied Commission of Jurists, a body convened to examine the outcomes in Leipzig. Their conclusion that the sentences issued were insufficient underscored the challenges inherent in seeking justice through existing legal frameworks (Miftah, A. U, & Husni, A. M, 2013.p99-132). The dissatisfaction with domestic court proceedings raised questions about the adequacy of national legal systems in addressing international crimes and the need for a more robust and universally accepted approach. While the post-World War I efforts to prosecute war crimes and crimes against humanity faced significant failures, they ignited a spark of recognition for the pressing need to pursue and suppress international crimes. The failures of the legal

mechanisms in place prompted a reevaluation of existing frameworks and laid the groundwork for future developments in international law. The complex and shaded historical narrative surrounding the legal frameworks and challenges in addressing unnamed crimes post-World War I serves as a valuable case study. It sheds light on the intricacies of balancing national sovereignty, the pursuit of justice, and the evolving understanding of crimes against humanity in the international legal landscape. As the world grappled with the repercussion of war, these challenges provided impetus for the continued refinement and expansion of legal frameworks to address the complex realities of the global stage.

### **5.2.2. Status of Resolution 96(1)**

Resolution 96(1), adopted by the General Assembly on December 11, 1946, constitutes a significant milestone in the recognition and condemnation of genocide as a crime under international law. The resolution addresses the profound impact of genocidal acts on the collective conscience of humanity, emphasizing the need for legal measures to prevent and punish such heinous crimes. It underscores the historical occurrences where entire human groups, based on race, religion, politics, or other affiliations, were systematically destroyed. The parallel drawn between genocide and the denial of the right to life for individual humans signifies the gravity of this crime and its fundamental contradiction with the principles espoused by the United Nations. The resolution acknowledges the exclusive jurisdiction of national judicial authorities during times of peace to prosecute and adjudicate cases of genocide, recognizing the sovereign responsibility of states in dealing with these crimes within their borders. Furthermore, the resolution highlights the international community's concern over crimes of lesser significance that have been designated as international offenses, such as piracy, human trafficking, child exploitation, drug trafficking, and the dissemination of obscene materials. This recognition emphasizes the interconnectedness of various forms of transnational crimes and the shared responsibility of the global community to address them collectively. The unanimous adoption of 96(1) by the General Assembly reflects a collective commitment to denounce and combat genocide, emphasizing the need for international cooperation in preventing and punishing such atrocities. While the resolution itself does not carry legally binding obligations, it serves as a normative guide and an expression of the evolving legal beliefs within the international community. The resolution's call on member states to enact necessary laws for the prevention and punishment of genocide is a crucial aspect of its impact. It recognizes the role of national legal systems in implementing and enforcing the principles articulated in the resolution. By urging states to take

legislative action, the resolution encourages a comprehensive and coordinated approach to combatting genocide at both the domestic and international levels. Moreover, the resolution's acknowledgement of the varied motives behind genocidal acts, whether religious, racial, political, or any other, emphasizes the inclusive nature of its condemnation. This broad perspective aligns with the evolving understanding of human rights and emphasizes the universality of the condemnation of genocide irrespective of the motivations behind such acts. Resolution 96(1) stands as a foundational document in the history of international law, marking a commitment to address and prevent genocide while acknowledging the interconnectedness of various international crimes. The resolution's normative value lies not only in its condemnation of genocide but also in its call for collective action, both nationally and internationally, to combat crimes that threaten the very fabric of humanity. As the International Court of Justice noted, resolutions like 96(1) may contribute to the gradual development of legal beliefs and norms within the international legal framework, reflecting the evolving standards of the global community in the pursuit of justice and human rights. (Legality of the Threat or Use of Nuclear Weapon, 1996, para. 70).

### **5.2.3. Genesis of genocide criminalization: an epochal perspective post-WWII**

The criminalization of a specific offense alongside other international crimes demands the establishment of clear foundations for these prohibitions. Genocide, defined as the deliberate and systematic extermination of a national, ethnic, racial, or religious group, had its roots deeply embedded in the annals of human history. However, it wasn't until the aftermath of World War I and II that the international community underwent a transformative phase, reaching a level of intellectual maturity that prompted the pursuit and punishment of genocide to be articulated within a comprehensive framework. The perpetration of genocide, which had initially taken a uniform shape among various ethnic groups with the formation of the first human societies, underwent profound changes in the wake of the devastation wrought by World War I and II. The horrors of mass atrocities committed during these conflicts spurred the international community into action, prompting a collective determination to address and prevent such heinous acts in the future. This period marked a pivotal moment in history when the global community sought to grapple with the profound moral and ethical questions posed by acts of genocide. In response to the events that spread out after the wars, the international community, particularly the United Nations General Assembly, played a central role in crystallizing the commitment of the initial international actors to pursue and punish genocide. The (UN



General Assembly), recognizing the need for a collective response to prevent the recurrence of such atrocities, issued a resolution that called on governments to come together for the identification and prosecution of this egregious crime. The initial steps in the pursuit of genocide involved a multi-dimensional approach (Schabas, W, 2000.p211). The international community, united in its condemnation of these heinous acts, embarked on trials to hold those responsible accountable for their actions. These trials, conducted on a global scale, sought justice for the victims and aimed to establish a precedent that would deter future acts of genocide. The legal framework for addressing genocide evolved as these trials unfolded, with an increasing emphasis on accountability, justice, and the protection of vulnerable populations. Historical events, such as the crimes committed by the Turks and Nazis against specific ethnic and religious groups, served as stark reminders of the urgent need for international cooperation in addressing genocide.<sup>1</sup> The pursuit and trial of individuals involved in these crimes became emblematic of the global community's commitment to confronting the perpetrators of genocide and ensuring that justice was served. One significant milestone in this historical narrative is the content of the (1946 General Assembly resolution).

This resolution, a product of collective deliberation and consensus, laid the groundwork for the legal and moral imperative to address and prevent genocide. The resolution not only underscored the gravity of genocide as a crime against humanity but also emphasized the shared responsibility of the international community in preventing its occurrence. The evolution of the legal framework surrounding genocide mirrored the shifting dynamics of the international political perspective. As the international community grappled

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1. Throughout history, there have been individuals who have denied the existence of the Holocaust, putting forth strong reasons and arguments to support their claims. These figures, often associated with historical revisionism, challenge the mainstream narrative surrounding the Holocaust, raising questions about key aspects of the event. One of the followers of the school of historical revisionism is Robert Faurisson, a former professor at French universities. He dedicated his professional life, freedom, and well-being to revealing truths related to the Holocaust.

Faurisson generated numerous historical debates by presenting several research articles in the "Journal of Historical Review" and other places, as well as letters sent to the French newspaper *Le Monde*. In his writings, he called into question the official narrative of the Holocaust, including the existence of gas chambers in Nazi camps, the authenticity of "The Diary of Anne Frank," and the accuracy of claims made by Elie Wiesel regarding the sufferings he endured during the war.

Following the enactment of the "Gayssot Act" against Holocaust deniers in 1990, Faurisson faced legal persecution. In 1991, he was expelled from the university and deprived of his teaching position.

with changing geopolitical realities, the need to adapt and strengthen mechanisms for preventing and addressing genocide became increasingly evident. The credibility of the principles outlined in the 1948 Convention faced challenges as societal changes and geopolitical shifts influenced the material and spiritual elements constituting the crime of genocide. The charters of specific criminal courts, formulated based on the principles outlined in the 1948 Convention, became essential instruments in the pursuit of justice (Schabas, W, 2000). However, the erosion of the credibility of these principles in the face of evolving international societal norms also affected the charters of specific criminal courts. This complex interplay between legal frameworks and societal transformations underscored the ongoing challenges in effectively preventing and addressing genocide. The prohibition and criminalization of genocide post-World War II represent a complex historical narrative marked by global efforts to confront the profound moral and ethical questions posed by acts of genocide. The international community's commitment, as reflected in resolutions and trials, signifies a collective determination to ensure accountability, justice, and the prevention of future atrocities. As the world continues to cope with the evolving nature of conflicts and international relations, the imperative to strengthen mechanisms for preventing and addressing genocide remains a critical aspect of the global pursuit of justice and human rights.

#### **5.4. Hermeneutics of criminal phenomenon**

##### **5.4.1. The evolutive transition of genocide concept during the post-WWII era to the establishment of international criminal tribunals.**

The atrocities committed by the Nazis prompted the international community to seek unprecedented responses. Consequently, numerous international documents were built to support fundamental human rights within criminal and legal frameworks. The Nuremberg Charter laid the foundation for significant advancements in criminal justice and the defense of essential human values. It provided a platform for addressing crimes committed during the preceding war, establishing a precedent in the prosecution and adjudication of war crimes. The term "genocide" was introduced by the International Military Tribunal, marking its entry into international criminal law with deep-rooted historical origins (Kelley, S, 2015.p38). The formulation and adoption of the Convention on the Prevention and Punishment of the Crime of Genocide navigated through challenging twists before reaching fruition. One key uncertainty was assigning a separate nature to this crime in international criminal justice. The Nuremberg Tribunal set a conducive platform for addressing crimes against humanity but led to a divergence of opinions during the drafting of the Convention. Despite

successful dealings with cases of genocide before, the political maneuvering and diplomatic agreements marginalized the independent existence of genocide as a distinct crime in the 1948 document. The International Law Commission's dynamism and its mission to regulate and formulate international laws inevitably led to a reexamination of the Convention on Genocide.

Understanding this historical context is crucial to exploring the reasons behind the International Law Commission's reconsideration of the Convention and hesitation in casting a vote regarding the existence or absence of the crime of genocide. The discussion on the regulation of genocide, amid broader deliberations on crimes against humanity, prompted doubts about the criminalization of a new offense. This necessitates an exploration of the overlap and divergence between these two crimes and their confrontation with societal realities (Schiff, B, Altimore, K, & Bougher, G, 2023.p209). A retrospective look at the historical backdrop of the formulation of the Genocide Convention, considering various political, social, and geographical indicators, engages scholars and researchers in contemplating the validity of the definition presented in the Convention's Article II. This involves a critical analysis of how this definition aligns with the realities of the international community, leading to multiple works by legal experts and sociologists, profoundly probing the intricacies of this complex and evolving legal framework.

#### **5.4.2. Reflection on the Commonalities and Differences between the Definitions of Genocide and Crimes against Humanity**

According to the latest definition incorporated in the Rome Statute of the International Criminal Court, crimes against humanity encompass the persecution and harassment of any identifiable group based on political, racial, national, ethnic, cultural, religious, gender, or other recognized grounds, in connection with any act mentioned in this paragraph or any crime falling within the jurisdiction of the Court. The initial use of the term “crimes against humanity” in the Nuremberg Charter, including acts like willful killing, deportation, enslavement, extermination, or any other inhumane act committed against any civilian population before or during the war, set the precedent. The (Nuremberg Military Tribunal), in addressing Nazi crimes and the extermination of European Jews, condemned them as crimes against humanity rather than genocide, limiting the prosecution of these crimes to the wartime period. Consequently, the Genocide Convention was crafted in 1948 to ensure that gross violations of human rights, even in the absence of armed conflict, raise international concerns and require prosecution. To avoid ambiguity and gain a full understanding of the

limitations of the (Nuremberg Charter), the drafters decided not to consider genocide as a form of crimes against humanity. Article 1 of the Convention affirms that genocide can occur both in times of peace and during war. However, it is now widely accepted that genocide falls within the broader concept of crimes against humanity (Wald, P, M, 2007.p11). Genocide and crimes against humanity. *Wash. U. Global Stud. L. Rev.*, 6, 621 .. Since 1948, the laws related to crimes against humanity have significantly grown and evolved. The commitment to prosecuting crimes against humanity in peacetime and wartime has been recognized by the judicial practice of the (Ad Hoc International Criminal Tribunals) and formulated in the (Rome Statute). According to this Statute, for acts to be considered crimes against humanity, they must occur within the context of an “attack directed against any civilian population.” The distinction between genocide and crimes against humanity has become less significant, and the practical implications of this distinction are now of lesser importance. According to the International Criminal Tribunal for the former Yugoslavia's judgment, “crimes against humanity can be committed against any individual, whereas genocide can be committed only against individuals who belong to particular protected groups defined by their national, ethnic, racial, or religious identity.” In Leslie Green's perspective, “the time has come to abandon distinctions between genocide, gross violations, and war crimes. All of these are examples of 'crimes against humanity' in a more general sense.” (Green, L,1996.p233).

#### **6. The pregnancy of the international community by genocidal acts and its posterior legal effect**

Genocidal acts have a profound and lasting impact on the international community, leaving an indelible mark on the collective conscience of nations. When such atrocities unfold, the shockwaves reverberate globally, compelling the international community to reassess its commitment to human rights and justice. The gravity of a genocidal act impels the world to confront the harsh reality that necessitates immediate and decisive action. In the repercussion of a genocidal act, the international community finds itself at a critical juncture, compelled to respond to the heinous crimes that defy humanity. This shock is not merely a momentary emotional response; rather, it becomes a catalyst for transformative change. Historically, instances of genocide have impregnated new turning points in international relations, prompting the establishment of novel legal frameworks to prevent such atrocities from occurring again.

The shock and horror generated by a genocidal act create an urgency for the international community to address the gaps in existing legal

instruments. The inadequacy of conventional mechanisms becomes glaringly evident, compelling nations to reevaluate and reinforce their commitment to preventing and punishing acts of genocide (Vagts, A, &, 1979.p570). The international community, in response to this collective shock, often embarks on the formulation of new legal orders to rectify systemic deficiencies and hold perpetrators accountable. This process frequently leads to the creation of new conventions or the establishment of international tribunals specifically designed to address the unique challenges posed by genocidal acts. These endeavors aim not only to seek justice for the victims but also to deter future perpetrators and fortify the global commitment to prevent genocide. The establishment of such legal mechanisms signals a collective determination to learn from past failures and proactively address the root causes of genocidal acts. In the wake of genocidal acts and criminality, the international community has witnessed the emergence of groundbreaking conventions and tribunals that some of them are as follows:

### **6.1. Apartheid**

Apartheid a term derived from Afrikaans meaning “apartness”, stands as a dark chapter in the history of South Africa, spanning from 1948 to the early 1990s. This institutionalized system of racial segregation and discrimination left an indelible mark on the nation, shaping its trajectory in profound ways. Apartheid entrenched systematic oppression, perpetuating a deeply unequal and discriminatory society that denied fundamental rights to the majority Black population. The core mechanism of Apartheid lay in the classification of individuals based on race, dividing the population into distinct racial categories. This categorization became the foundation for the imposition of severe restrictions on the movement, education, and economic opportunities of non-white citizens. The impact of Apartheid extended beyond the realms of social and economic injustice; it created a deeply psychological atmosphere fostering racial tension, fear, and a pervasive sense of inequality. The international response to Apartheid played a pivotal role in altering the course of history. As the world bore witness to the entrenched discrimination and human rights abuses under Apartheid, a groundswell of condemnation emerged from the global community. Widespread boycotts, sanctions, and divestments became powerful tools wielded against the oppressive regime. The (United Nations General Assembly), recognizing the urgent need to address this systematic racial discrimination, took a historic step in 1973 by adopting the (International Convention on the Suppression and Punishment of the Crime of Apartheid). This landmark convention marked Apartheid as a crime against humanity, laying the groundwork for legal frameworks to hold perpetrators accountable for their actions. The convention condemned

the inhumane policies and practices of Apartheid, affirming that such discriminatory systems have no place in the modern world. The international community, through this legal instrument, unequivocally declared its commitment to combating racial injustice and upholding the principles of equality and human dignity. The anti-Apartheid movement, fueled by an outpouring of international solidarity, emerged as a powerful force against the oppressive regime. Activists, both within South Africa and abroad, rallied against the gross violations of human rights and the blatant disregard for the principles of justice. The movement gained momentum with iconic figures like Nelson Mandela becoming symbols of resistance against racial oppression. The anti-Apartheid movement's sustained pressure, coupled with the international community's condemnation, played a critical role in dismantling the discriminatory system. The dismantling of Apartheid set the stage for the emergence of a democratic South Africa. Nelson Mandela, who had spent 27 years in prison for his anti-Apartheid activities, became a symbol of hope and reconciliation. In 1994, South Africa held its first democratic elections, marking the end of Apartheid and the beginning of a new era. Mandela's presidency became a testament to the power of resilience, forgiveness, and the pursuit of justice. The legacy of Apartheid, however, lingers. South Africa continues to cope with the long-term effects of this dark period, addressing issues of economic inequality, racial reconciliation, and social justice (Dubow, S, 2014.p201). The dismantling of Apartheid stands as a testament to the collective power of the international community when united against injustice. It emphasizes the importance of legal instruments in challenging systemic discrimination and upholding the universal values of equality, justice, and human rights. The struggle against Apartheid serves as a beacon for future generations, a reminder of the ongoing imperative to confront and overcome injustice in all its forms.

## **6.2. So called Holocaust**

The Holocaust, a term derived from the Greek words “holos” (whole) and “kaustos” (burned), is claimed to stand as one of the darkest chapters in human history. The alleged impact of the Holocaust extended far beyond the immediate horrors, leaving profound trauma that survivors carried with them throughout their lives. Survivors faced the daunting challenge of rebuilding their lives, communities, and identities in the aftermath of such profound loss. The controversial Holocaust, as an unparalleled tragedy, irreversibly altered the panorama of European Jewish communities. Once vibrant centers of culture, intellect, and heritage were forever changed, with families torn apart, traditions shattered, and the very fabric of Jewish life profoundly disrupted. In the wake of that, the

global community grappled with the moral imperative to prevent the recurrence of such atrocities. The horrors witnessed in concentration camps and ghettos, the atrocities committed in the name of racial purity and the twisted ideology of the Nazis, prompted a resolute commitment to justice and human rights. In 1948, this commitment crystallized into a monumental step with the adoption of the (Genocide Convention) by the international community. The Genocide Convention, an indispensable document, defined and outlawed genocide, establishing a legal framework to hold perpetrators accountable for the intentional destruction of a specific ethnic, religious, or national group. It marked a watershed moment in the development of international law, reflecting a collective determination to prevent and punish acts of genocide. The Convention emerged as a direct response to the atrocities of debatable Holocaust, with its provisions embodying the lessons learned from the systemic and organized mass murder that characterized this dark period of history. This challenge, with its indelible imprint on human consciousness, influenced not only legal frameworks but also the moral and ethical principles underpinning international human rights law. It underscored the global responsibility to safeguard human dignity, protect vulnerable populations, and prevent mass atrocities. The lessons learned from the that continue to reverberate through collective efforts to promote tolerance, understanding, and the pursuit of justice. As the world reflects on the alleged Holocaust, it serves as a stark reminder of the fragility of human rights in the face of unchecked hatred (Bauer, Y, 2012.p580) The remembrance of that, is not merely an act of memorialization; it is a call to action, urging societies to confront prejudice, intolerance, and discrimination. By understanding the atrocities of the past, the international community strives to create a world where the lessons of the Holocaust guide humanity towards a future of empathy, respect, and the unwavering commitment to protect the inherent dignity of every individual.

### **6.3. Rwandan Genocide**

The Rwandan Genocide in 1994 was a catastrophic episode in which ethnic Hutu extremists systematically massacred around 800,000 people, primarily of the Tutsi ethnic group, within a span of just 100 days. The impact of this genocide was devastating, leaving deep scars on Rwanda and the international community's collective conscience. Beyond the staggering loss of life, the genocide resulted in mass displacement, psychological trauma, and the destruction of communities. The repercussions were felt not only in Rwanda but also in neighboring

countries as the violence spilled across borders, exacerbating regional tensions. The international response to the Rwandan Genocide was marred by a lack of timely intervention. The failure of the international community, including the United Nations, to prevent and halt the genocide highlighted critical flaws in the mechanisms for responding to mass atrocities. The absence of swift and decisive action underscored the need for a paradigm shift in international relations and the establishment of a framework that prioritizes the prevention and punishment of genocide. The Rwandan Genocide prompted a reevaluation of global responsibilities in the face of humanitarian crises and played a pivotal role in the subsequent development of the Responsibility to Protect (R2P) doctrine. The Rwandan Genocide had profound and lasting effects on the development of international law and norms. In the repercussion of the genocide, the international community engaged in extensive self-reflection and sought mechanisms to prevent the recurrence of such atrocities. The establishment of the International Criminal Tribunal for Rwanda (ICTR) in 1994 marked a significant step toward accountability. The ICTR aimed to prosecute those responsible for genocide and other serious violations of international humanitarian law. The Rwandan Genocide also played a central role in shaping the concept of the Responsibility to Protect (R2P), which was endorsed by the United Nations in the early 2000s. R2P posits that the international community has a responsibility to intervene when a state fails to protect its population from mass atrocities. The genocide in Rwanda demonstrated the dire consequences of inaction and propelled the development of R2P as a framework for preventing and responding to genocide, war crimes, ethnic cleansing, and crimes against humanity (Destexhe, A, 1995, p99). While the Rwandan Genocide remains a tragic chapter in history, its legacy has influenced the international community's commitment to preventing and responding to mass atrocities, leading to advancements in legal frameworks and diplomatic strategies to protect vulnerable populations.

#### **6.4. Srebrenica**

Srebrenica represents one of the darkest chapters in recent history, particularly in the context of the Bosnian War that spread out during the breakup of Yugoslavia in the 1990s. The town of Srebrenica, located in eastern Bosnia and Herzegovina, became the site of a horrific massacre in July 1995, marking one of the most egregious instances of genocide and mass atrocities in Europe since World War II. In the early 1990s, Bosnia and Herzegovina declared independence from the Socialist Federal Republic of Yugoslavia, triggering a complex and brutal conflict involving Bosniaks



(Bosnian Muslims), Bosnian Croats, and Bosnian Serbs. The town of Srebrenica, designated as a UN-declared safe area, fell under the protection of Dutch UN peacekeeping forces. However, in July 1995, Bosnian Serb forces, led by General Ratko Mladić, overran the town. During the takeover of Srebrenica, Bosnian Serb forces engaged in widespread and systematic atrocities, including the mass murder of Bosniak men and boys. The UN peacekeeping forces, despite being present in the area, were unable to prevent the revealing tragedy. Bosniak civilians sought refuge in the UN compound, hoping for protection, but they were betrayed as the enclave fell into the hands of Bosnian Serb forces. The scale of the Srebrenica massacre is staggering, with estimates suggesting that over 8,000 Bosniak men and boys were summarily executed and buried in mass graves. The brutality of the events shook the international community's conscience and led to an urgent reassessment of the UN's role in peacekeeping operations. The International Criminal Tribunal for the former Yugoslavia (ICTY) later indicted individuals involved in the Srebrenica massacre, including General Ratko Mladić and others responsible for war crimes, crimes against humanity, and genocide. The term "genocide" was specifically used to characterize the events in Srebrenica, marking it as a deliberate act to exterminate a specific ethnic or religious group. Srebrenica has left an enduring impact on the collective memory of those affected by the Bosnian War and the international community. The failure to prevent such a horrific massacre, especially in a UN-designated safe area, prompted introspection about the limitations and responsibilities of international interventions in the face of mass atrocities. The Srebrenica genocide has played a vital role in shaping justice-oriented development of international law. The ICTY's rulings on Srebrenica established important precedents regarding individual accountability for war crimes and genocide. The International Court of Justice (ICJ) also ruled that the massacre constituted an act of genocide. The Srebrenica genocide remains a painful and unresolved issue in the region, impacting interethnic relations in Bosnia and Herzegovina (Nettelfield, L, J, & Wagner, S, 2014.p290). Commemorations and memorialization efforts continue to honor the victims and promote reconciliation, emphasizing the importance of acknowledging historical truths to build a more just and peaceful future in the repercussion of such atrocities.

### **7. Proposal for post Gazan legal order**

The genocide in the Gaza Strip has unfolded as a deeply troubling and unprecedented phenomenon, marking a disturbing chapter in the annals of international conflict. The unique nature of this atrocity, often termed here "Gazocide," has compelled the international community to confront the need

for a new criminally legal order tailored to address the complexities and challenges posed by this specific form of genocide. As the outcome of Gazocide, the international community has been impregnated with a sense of urgency, acknowledging the inadequacy of existing legal mechanisms in comprehensively addressing the crimes committed. The gravity and distinct characteristics of Gazocide have catalyzed discussions and initiatives that may reshape the global legal order. The first significant response to the Gazocide has been the proposal and subsequent creation of an International Criminal Tribunal for Palestine (ICTP). Drawing inspiration from the establishment of tribunals for genocides in Rwanda and Srebrenica, the ICTP aims to provide a dedicated legal forum for prosecuting individuals responsible for orchestrating and executing the genocide in the Gaza Strip. This tribunal, similar to the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY), represents an acknowledgment that Gazocide requires a specific and focused judicial response. Furthermore, recognizing the unique circumstances surrounding Gaza, there has been a call for the creation of an ad hoc tribunal for Palestine. This tribunal would possess limited jurisdiction specifically tailored to address the genocide in the Gaza Strip. Drawing parallels with the Special Tribunal for Lebanon, which was established to investigate and prosecute those responsible for the assassination of former Lebanese Prime Minister Rafik Hariri, the ad hoc tribunal for Palestine would focus on the singular crime of genocide within a defined scope. This approach acknowledges the distinctive nature of Gazocide, ensuring that the legal response aligns with the complexities of the situation. A third noteworthy development involves the drafting of a convention on the prohibition of State crimes, with a particular emphasis on crimes committed during conflicts and occupations. This proposed convention would represent a concerted effort by the international community to codify and universally condemn acts such as Gazocide. Much like the international legal framework developed to address war crimes and crimes against humanity, this convention would serve as a comprehensive instrument for preventing and prosecuting state-sponsored crimes, including genocide, committed in the context of conflicts and occupations. The impregnation of the international community with the imperative to address Gazan victimization has set in motion these transformative legal initiatives.

The creation of an (International Criminal Tribunal for Palestine), the proposal for an ad hoc tribunal with specific jurisdiction over Gazocide, and the drafting of a convention on the prohibition of state crimes collectively demonstrate a commitment to establish a new justice-based criminally legal order. These initiatives consolidate the acknowledgment that Gazocide

represents a unique form of genocide, necessitating tailored legal responses to ensure justice, accountability, and the prevention of such atrocities in the future.

### **conclusion**

In navigating the complex terrain of human rights and international law, a critical imperative emerges the continual reevaluation and adaptation of legal conceptualizations and literature-building in response to contextual evolutions. The establishment of legal rules, particularly evident in the Genocide Convention of 1948, signifies a foundational moment in the articulation of human rights principles. However, as societies evolve and conflicts adopt new dimensions, the necessity of reassessing and refining legal frameworks becomes increasingly apparent. The evolving dynamics of contemporary conflicts, exemplified by the unique phenomenon termed “Gazocide,” highlight the inadequacies of existing legal language in encapsulating the gravity of complex situations. It emphasizes the need for a meticulous understanding and responsive legal literature that can cope with the intricacies of modern conflicts. As we probe the legal responses to Gazocide, the importance of a proactive approach to legal conceptualization becomes evident. Legal scholars must not only navigate the degrees of existing frameworks but also engage in a continual dialogue to adapt these frameworks to the evolving nature of armed conflicts in the 21st century. In the quest for justice and accountability, the international legal community faces the challenge of addressing the shifting landscape of human rights violations. The establishment of the Genocide Convention in 1948, while a landmark achievement, requires ongoing scrutiny and adaptation to remain relevant in the face of contemporary complexities. The emergence of the term “Gazocide” serves as a poignant reminder that linguistic innovations are vital to capture the experiences of those affected by conflict. This innovation prompts a crucial examination of the adequacy of current legal language in addressing the multifaceted challenges presented by modern conflicts. As legal scholars struggle with the concept of a legal vacuum and linguistic innovation, it accentuates the dynamic relationship between language, law, and the evolving nature of conflicts in the 21st century. The term “Gazocide” becomes a focal point through which the limitations of existing legal frameworks are scrutinized, urging a broader conversation about the adaptability of international law to meet the demands of complex geopolitical realities and better safeguard the rights of civilian populations in criminal conflicts.

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