

مبانی و جهات قطعی نسل‌کشی مردم غزه توسط رژیم صهیونیستی

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چکیده

تاکنون بیش از ۲۶۰۰۰ غیرنظامی در نوار غزه کشته شده‌اند که بیش از نیمی از آنان کودکان هستند. بیش از ۱۹۰۰۰۰۰ نفر از دو میلیون جمعیت غزه در جریان درگیری‌های مسلحانه اخیر بی‌خانمان شده‌اند. ساکنان شمال غزه به منطقه‌ای غیرقابل سکونت در جنوب منتقل شده و بیش از ۵۰۰ هزار نفر به شدت مجروح شده‌اند. همه این موارد همراه با عدم دسترسی مردم به غذا، دارو، آب و... حاکی از وقوع نسل‌کشی براساس کنوانسیون پیشگیری و مجازات جنایت نسل‌کشی (CPPCG) در ۹ دسامبر ۱۹۴۸ است. در مقاله حاضر ابعاد، شواهد و نحوه برخورد با این نسل‌کشی آشکار و بی‌پروا با روش توصیفی - تحلیلی مبتنی بر الزامات حقوقی بررسی می‌شود. تجاوزات شدید رژیم صهیونیستی علیه فلسطینیان پس از ۱۷ اکتبر سال ۲۰۲۳ به ویژه در غزه، حاکی از یک نسل‌کشی تمام عیار و بدون وقفه و آتش‌بس است.

واژگان کلیدی

نسل‌کشی، پاکسازی قومی، غزه، رژیم صهیونیستی، کودکان، غیرنظامیان.

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Basics and definite directions of the genocide against people in Gaza by the apartheid regime of Israel

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Abstract

So far, more than 26,000 civilians have been killed in the Gaza Strip, and more than half of them are children. More than 1,900,000 people out of the two million people of Gaza have become homeless during the recent armed conflict. The population of the north of Gaza has been moved to an uninhabitable area in the south, and more than 500,000 people have been seriously injured. All these cases together with people's lack of access to food, medicine, water, etc. indicate the occurrence of genocide according to the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG), on 9 December 1948. In this article, we examine the dimensions and evidence and how to deal with this open and reckless genocide based on the analytical-descriptive method. Grave violations committed by Israel against Palestinians in the aftermath of 7 October, particularly in Gaza, point to a genocide in the making.

Keywords

Genocide, Ethnic Cleansing, Gaza, Israel, children, civilian.

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Introduction

Genocide in Palestine occurred with the formation of the occupying regime of Israel. “Between 1947 and 1949, over 400 Palestinian villages were deliberately destroyed, civilians were massacred and around a million men, women, and children were expelled from their homes at gunpoint. Denied for almost six decades, had it happened today it could only have been called 'ethnic cleansing'” (Pappe, 2007, 32).

Forced resettlement and expulsion of Palestinians have been part of Zionist policies. “7,000,000 Palestinian Arabs fled fighting or were expelled from their towns and villages by Zionist forces and then prevented from returning.” (Moses, 2021, 32).

But at the end of 2023 and the beginning of 2024, for more than a hundred days, genocide is happening horribly and increasingly.

The UN experts said: “This occurs amidst Israel’s tightening of its 16-year unlawful blockade of Gaza, which has prevented people from escaping and left them without food, water, medicine, and fuel for weeks now, despite international appeals to provide access for critical humanitarian aid. As we previously said, intentional starvation amounts to a war crime.” (UN experts, 16 November 2023) Francesca Albanese, the UN special rapporteur on Palestine, also told Spanish daily El Pais on Friday that Israel is “very likely” committing genocide in Gaza (McMurtry, 19 January 2024).

After the severe sanctions that Anthony Guterres, the Secretary General of the United Nations defines as suffocating, so far the Israeli attack has passed on the people of the Gaza Strip and more than 24,000 civilians, half of whom are children, and more than 60,000 people were injured. Of those killed, about 41 percent are children and 25 percent are women. On average, one child is killed and two are injured every 10 minutes during the war, turning Gaza into a “graveyard for children” according to the UN Secretary-General. (UN experts, 16 November 2023) (Up to 100 days from the start of the attack, from 7 October 2023, until now).

The Genocide Convention was conceived largely in response to World War II, which saw atrocities such as the ambiguous and distorted Holocaust case that lacked an adequate description or legal definition. Polish-Jewish lawyer Raphael Lemkin, who had coined the term genocide in 1944 to describe Nazi policies in occupied Europe and the Armenian genocide, campaigned for its recognition as a crime under international law. This culminated in 1946 in a landmark resolution by the General Assembly that recognized genocide as an international crime and called for the creation of a binding treaty to prevent and punish its perpetration. Subsequent discussions and negotiations among UN member states resulted in the CPPCG (Marchuk, 2013, 87-88).

The Convention defines genocide as any of five "acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group." These five acts include killing members of the group, causing them serious bodily or mental harm, imposing living conditions intended to destroy the group, preventing births, and forcibly transferring children out of the group. Victims are targeted because of their real or perceived membership of a group, not randomly. The convention further criminalizes "complicity, attempt, or incitement of its commission." Member states are prohibited from engaging in genocide and obligated to pursue the enforcement of this prohibition. All perpetrators are to be tried regardless of whether they are private individuals, public officials, or political leaders with sovereign immunity.

The CPPCG has influenced law at both the national and international levels. Its definition of genocide has been adopted by international and hybrid tribunals, such as the International Criminal Court, and incorporated into the domestic law of several countries. Its provisions are widely considered to be reflective of customary law and therefore binding on all states whether or not they are parties. (Sheeran & Rodley, 2014, 355) The International Court of Justice (ICJ) has likewise ruled that the principles underlying the Convention represent a peremptory norm against genocide that no government can derogate (Bassiouni, 1996, 71).

One of the first accusations of genocide submitted to the UN after the Convention entered into force was concerned with the treatment of Black Americans. The Civil Rights Congress drafted a 237-page petition arguing that even after 1945, the United States had been responsible for hundreds of wrongful deaths, both legal and extra-legal, as well as numerous other supposedly genocidal abuses (Patterson, 1952, 45-47).

The Genocide Convention authorizes the mandatory jurisdiction of the ICJ to adjudicate disputes, leading to international litigation such as the Rohingya genocide case, a dispute over the 2022 Russian invasion of Ukraine, and the 2023-2024 Israel brutal invasion of Gaza.

In this article, we discuss objective evidence including the statements of the leaders of the apartheid regime, published news and pictures, and field statistics, with descriptive and analytical methods to the disturbing issue of genocide by the Israeli apartheid regime in Gaza.

1. Evidence of Genocide

Israeli occupation, designed to illegally annex occupied land, stifles Palestinians' civil, political, economic, social, and cultural rights. Land confiscation, resource expropriation, and confinement contribute to Palestinian de-development, impacting the development of children. Every

year Israeli forces kill and maim orphans and detain hundreds of children of all ages. The resulting trauma is often unaddressed. This coercive environment critically violates the right to life of Palestinian children, preventing them from exercising the right of every child to grow up in safety and dignity. This experience has been characterized as ‘unchildling’, meaning depriving children of the normalcy, lightness, and innocence of childhood (UN, A/78/545, 2023).

Contrary to its claim before the International Court of Justice, Israel commits genocide knowingly and intentionally. (mental element of genocide) “We are fighting against human animals”. This is how Israeli Defence Minister Yoav Gallant announced what he called a “complete siege” on Gaza, following a surprise attack by Hamas on Israel. (Gallant, 2023) In this way, all the elements of the crime of genocide (material, legal, and mental) are presented according to Article 2 of the Convention (International Criminal Court, 2010, 1).

Genocide in Gaza has several forms from mass murder to denying access to the following necessities and fundamental rights:

1. Security in the entire Gaza Strip and safe zones,
2. Shelter,
3. Fuel,
4. Access to Hospitals, healthcare services, and medicine,
5. Food,
6. Electricity,
7. Sanitation water,
8. Education,
9. Internet and telecommunications.

1.1. Acts of Genocide

“Many of us already raised the alarm about the risk of genocide in Gaza,” the experts said. “We are deeply disturbed by the failure of governments to heed our call and to achieve an immediate ceasefire. We are also profoundly concerned about the support of certain governments for Israel’s strategy of warfare against the besieged population of Gaza, and the failure of the international system to mobilize to prevent genocide,” (UN experts, 16 November 2023).

“We have raised the alarm of the risk of genocide several times reminding all governments they have a duty to prevent genocide. Not only is Israel killing and causing irreparable harm against Palestinian civilians with its indiscriminate bombardments, but it is also knowingly and intentionally imposing a high rate of disease, prolonged malnutrition, dehydration, and starvation by destroying civilian infrastructure,” said the experts. “Aid needs to be delivered to Gazans immediately and without any hindrance to prevent starvation.” (The Special Procedures of the Human Rights Council, 2024).

Israel has shown "chilling", "grave violence" and "incontrovertible" intent to commit genocide in Gaza, with full knowledge of how many civilians it is killing. Evidence of genocide was present in the number of civilians killed by Israel and also in statements made by its political and military leaders,

including the prime minister, Benjamin Netanyahu. In support of its case, it showed photos of Palestinian mass graves, Israeli flags adorning wreckage in Gaza, and what it claimed were videos of Netanyahu expressing support for genocide, as well as troops – taking his cue, it alleged – chanting “no uninvolved citizens”.

According to the Second Article of the Convention

“In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- a. Killing members of the group;
- b. Causing serious bodily or mental harm to members of the group;
- c. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. Imposing measures intended to prevent births within the group;
- e. Forcibly transferring children of the group to another group”.

UN experts said in GENEVA (16 November 2023): “Many of us already raised the alarm about the risk of genocide in Gaza,” the UN experts said. “We are deeply disturbed by the failure of governments to heed our call and to achieve an immediate ceasefire. We are also profoundly concerned about the support of certain governments for Israel’s strategy of warfare against the besieged population of Gaza, and the failure of the international system to mobilize to prevent genocide.”

Vaughan Lowe KC, part of the South African legal team, said: “Nothing can ever justify genocide no matter what some individuals within the group of Palestinians in Gaza may have done, no matter how great a threat to Israeli citizens might be, genocidal attacks on the whole of Gaza and the whole of its population with the intent of destroying them cannot be justified.”

On the other hand, without any rational argument, The occupying regime’s general defense was as follows: “We are fighting terrorists, we are fighting lies. Today we saw an upside-down world. Israel is accused of genocide while it is fighting against genocide.” Netanyahu vowed Israel would maintain the right to defend itself until it had achieved “total victory”. The Israeli unlawful regime has a distorted and inhuman understanding of international conventions and documents, including genocide (Haerens, 2012, 41).

Understanding international conventions and documents, including genocide, is distorted and inhumane. “In order to be legitimate, Israel’s response must be strictly within the framework of international humanitarian law,” the UN experts said. “The presence of underground tunnels in parts of Gaza does not eliminate the civilian status of individuals and infrastructure

that cannot be directly targeted nor suffer" disproportionately." (UN experts, 16 November 2023) They also expressed alarm over discernibly genocidal and dehumanizing rhetoric coming from senior Israeli government officials, as well as some professional groups and public figures, calling for the "total destruction", and "erasure" of Gaza, the need to "finish them all" and force Palestinians from the West Bank and East Jerusalem into Jordan. The experts warned that Israel has demonstrated it has the military capacity to implement such criminal intentions. That is why our early warning must not be ignored." (Ibid).

1.2. Rejecting Ceasefire is Genociding

Incessantly, civilians, especially children, are being killed in blind attacks with prohibited weapons. US vetoes UN resolutions backed by many nations demanding immediate humanitarian cease-fire in Gaza. The US vetoed a resolution put forward by the United Arab Emirates and backed by over 90 Member States. There were 13 votes in favour and the United Kingdom abstained.

The UN chief began this latest meeting on the crisis with a stark warning that "the conditions for the effective delivery of humanitarian aid no longer exist." He said "The eyes of the world - and the eyes of history - are watching", demanding that the international community "do everything possible" to end the ordeal of the people of Gaza.

Mr. Guterres said: "The UN is totally committed to stay and deliver for the people of Gaza."The resolution which failed to pass took note of the Secretary-General's invocation of Article 99, expressed grave concern over the "catastrophic situation" in Gaza, and emphasized that both Palestinian and Israeli civilians must be protected. (UN news,8 des,2023)

The UN experts said: "We are deeply distressed at the failure of Israel to agree to – and the unwillingness of the international community to press more decisively for – an immediate ceasefire. The failure to urgently implement a ceasefire risks this situation spiraling towards genocide conducted with 21st-century means and methods of warfare". (UN experts, 16 November 2023)

In the short term, the experts reiterated their call to Israel and Hamas to implement an immediate ceasefire, and:

- A. Allow unimpeded delivery of desperately needed humanitarian aid to the people in Gaza;
 - B. Ensure the unconditional, safe, and secure release of the hostages taken by Hamas;
 - C. Ensure that Palestinians arbitrarily detained by Israel are released immediately;
- Open humanitarian corridors toward the West Bank, east Jerusalem, and

Israel, especially for those that have been most affected by this war, the sick, persons with disabilities, older persons, pregnant women, and children.” (Ibid)

2. Follow-up and judicial investigation of genocide crimes

A lengthy catalog of atrocities serves as a tragic reminder of the fragility of commitments made by the international community since the end of the Second World War to ensure greater respect and protection for human life. Millions of innocent lives have been lost in war and at the hands of oppressive governments and regimes, in flagrant violation of the laws developed to protect the victims of armed conflict and to regulate the conduct of States towards their citizens. Non-fulfillment of obligations accepted by the majority of States to prosecute and punish genocide, grave breaches of international humanitarian law, and other crimes against the most fundamental human rights has created a safe environment for the architects of such inhumane policies. Attracting universal revulsion, it was the atrocities committed during the conflicts in the former Yugoslavia and Rwanda that ultimately provoked the international community to respond to this situation. These events consolidated a determination to revive the legacy of Nuremberg and to end the culture of impunity that has prevailed since and beyond international and domestic trials of the perpetrators of crimes against humanity and war crimes during the Second World War. The establishment of ad hoc international criminal tribunals for the prosecution of serious violations of international humanitarian law in the former Yugoslavia and Rwanda has been instrumental in bringing to a successful conclusion years of effort to establish a permanent International Criminal Court. (Glasius, 2006, 11)

However, the United Nations has become weak under the influence of some powers, and we see discrimination in exercising the veto power of the permanent members of the United Nations Security Council. (Sirohi, 2007, 715)

They have been the forum for the most flagrant and widespread human rights abuses and where the tragic consequences of impunity have been most clearly in evidence. (Griffin, 2000)

All international actors, including countries and international organizations, are committed to human dignity based on the general principles of international law and human rights. Therefore, when international crimes and genocide occur in Gaza, everyone must come in, and any disruption of the ceasefire is a violation of that commitment.

According to the opinions of UN experts: “The international community, including not only States but also non-State actors such as businesses, must do everything it can to immediately end the risk of genocide against the

Palestinian people, and ultimately end Israeli apartheid and occupation of the Palestinian territory. We remind Member States that what is at stake is not only the fate of Israelis and Palestinians, but a serious conflagration of the conflict in the region, leading to more human rights violations and suffering of innocent civilians.”

2.1. Committing genocide against the healthcare system

Israel has attacked all nine hospitals in northern Gaza: Al-Shifa Hospital, Al-Rantisi Pediatric Hospital, Indonesian Hospital, Al-Quds Hospital, Turkish-Palestinian Friendship Hospital, Psychiatric Hospital, Al-Nasr Children’s Hospital, Al-Awda Hospital, International Eye Hospital, Palestinian Medical Relief Centre for the Rehabilitation of the Disabled. (Ganguly & others, 2023)

A severe genocide method is to destroy the health and treatment system, kill doctors, arrest or kidnap medical staff, and remove hospitals and clinics from the reach of the people. (Rubenstein & Bittle, 2010, 329)

“The Israeli occupation is committing a genocide against the entire healthcare system in the Gaza Strip, including hospitals, medical doctors, and patients, Mai Al Kaila said in a press conference at the Palestinian Health Ministry’s headquarters in the occupied West Bank city of Ramallah on Saturday. Al-Kaila said Israeli airstrikes have hit health facilities and hospitals and Israeli forces had detained 30 health workers during the offensive launched in retribution for an Oct. 7 cross-border rampage into southern Israel by Hamas militants who killed 1,200 people, according to Israeli tallies”. (Sawafta, 2023)

Crimes against humanity are widespread or systemic criminal acts that are committed by or on behalf of a de facto authority, usually by or on behalf of a state, that grossly violate human rights. Unlike war crimes, crimes against humanity can be committed during both peace and war. Article 7 of the ICC (Rome) Statute defines “Crime against humanity” any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. Therefore the establishment of criminal accountability against committing a crime against humanity requires proof of (a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity. These acts must be deemed as a part of an extensive or systematic attack against a civilian population, by one culprit with the knowledge that the existence of that attack and subsequently be a state policy or a state’s connivance.

Attacks on hospitals are examples of the mass killing of civilians in a systematic way (Killing members of the group). The bombing attack (MK-84 guided) of 17 October 2023 against a hospital in Gaza (Al-Ahli Hospital/ Al-Mamadani Hospital) with Joint Direct Attack Munition (JDAM)-equipped 2,000-pound (910-kilogram) Mark 84 (MK-84), took place in the form of “attack against a civilian population” and in “widespread” and “systematic” and “intentional” way. Civilian population means individuals who are not deemed as military or if they are military, they have not taken part in armed conflicts. In Gaza the targeted population were civilians and the targeted place was a hospital which is forbidden to be attacked in armed conflicts according to international documents. Article 18 of the Fourth Geneva Convention stresses: “Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict”. Widespread means that the attack was carried out extensively and against a notable number of civilians. In the attack on the Gaza hospital, more than 1500 civilians were killed which clearly shows the extent of the attack. Systematic means that the attack is carried out on an “organized plan” to achieve a “specific objective”; which is observed in the attack. In fact, the criteria for a “systematic” attack refers to the nature of systematic violent acts and the improbability of an accidental occurrence.

“In the attack on the hospital in Gaza, which targeted a substantial part of the civilian population with intent to destroy, more than 1500 people were killed. This crime was so extensive that UN experts said that they would ring the alarm bells. Drawing on the remarks made by the Israeli political leaders and their allies, we can conclude that, alongside the military operations in Gaza and escalation of arrests and killings in the West Bank, the threat of genocide against Palestinian people exists.” (ODVV, 2023).

2.2. Attacks against civilization and education

During the genocide, the Israeli army killed 94 university professors, along with hundreds of teachers and thousands of students, as part of its genocidal war against Palestinians in the Gaza Strip, ongoing since 7 October 2023. According to Euro-Med Monitor, the Israeli army has targeted academic, scientific, and intellectual figures in the Strip in deliberate and specific air raids on their homes without prior notice. Those targeted have been crushed to death beneath the rubble, along with members of their families and other displaced families. Those targeted include 17 individuals who held professor degrees, 59 who held doctoral degrees, and 18 who held master’s degrees, the rights group stated. Due to challenges with documentation brought on by movement difficulties, the disruption of communications and the Internet,

and the existence of thousands of unaccounted-for/missing individuals, Euro-Med Monitor estimates suggest that there are additional numbers of targeted academics, including those with advanced degrees, whose deaths have not been tallied (OCHA, 2024). According to the statistics, Israel has destroyed more than 390 educational institutions including schools and universities in Gaza since the war against Hamas began (Alhussaina, 2024).

Before the recent armed conflict and Israeli Massive destruction of educational buildings and killing of scholars, the occupying regime's educational policy was focused on the subordination of Palestinian Arabs. As mentioned by some experts: "The state educational system in occupied territories functions effectively to maintain the cultural, socioeconomic, and political subordination of Palestinian Arab citizens through the imposition of aims, goals, and curricula to which the students cannot relate, and the substandard and discriminatory provision of educational resources, programs, and services; all of which result in markedly poorer levels of educational achievement and lower rates of students qualified to enter higher education. The racially derogatory attitudes towards the Palestinian Arab minority in Israel have been translated into discriminatory practices in the state-run educational system."(Abu-saad, 2004, 101).

2.3. Action against 'Safe Zones' and shelters

According to the UN Agency for Palestinian Refugees, UNWRA, nearly 1.9 million people – more than 85 percent of the population in Gaza - have been displaced across the Strip since 7 October. Almost 1.2 million internally displaced persons have found shelter in 156 UNRWA installations across all five governorates of the Gaza Strip, including the North and Gaza City, the UN agency said. It also confirmed that at least 19 additional colleagues had been killed during airstrikes, bringing the total to 130 since 7 October. "We are also in danger as we walk," UNWRA said, quoting one of its counselors, named only as Jehan. "Our lives are at a standstill...There is the smell of death here. But we're determined to live." (United Nations Türkiye, 2023).

Attacks on hospitals, schools, and other places of refuge have repeatedly displaced Palestinians into ever smaller areas, with ever-decreasing access to the essentials needed to sustain life. Such a failure violates Israel's obligations under international law" (Sunghay, 2024).

2.4. Action against children and women

Children comprise half of the Palestinian population under Israel's 56-year-old settler-colonial occupation. As a party to the Convention on the Rights of the Child and the Occupying Power in the occupied Palestinian territory, Israel is obliged to prioritize the best interests of all children under its jurisdiction. Yet, Israel subjects Palestinian children to severe physical and

psychological trauma, burdening them with fears and challenges that no child should bear. The absence of accountability for Israel's actions has emboldened its disregard for international obligations (UN, A/78/545, 2023).

Sima Sami Bahous, Executive Director of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), recalled that women and girls pay the highest price when armed conflict erupts. Since 7 October, when Hamas fighters attacked Israel, 67 percent of the more than 14,000 people killed in Gaza are estimated to be women and children. “That is two mothers killed every hour and seven women every two hours,” she said. “We mourn them all.” Every day, 180 women are giving birth without water, painkillers, anesthesia for Caesarean sections, electricity for incubators, or medical supplies, she said. Mothers, meanwhile, mix baby formula with contaminated water — when they find it — and go without food so that their children can live another day. “Women in Gaza have told us that they pray for peace, but that if peace does not come, they pray for a quick death, in their sleep, with their children in their arms,” she said. “It should shame us all that any mother, anywhere, has such a prayer.” (UN SC/15503, 2023).

Catherine Russell, Executive Director of the United Nations Children’s Fund (UNICEF), called for an urgent humanitarian ceasefire, saying that pauses are not enough for children to survive. “No place is safe in the Gaza Strip”, she stressed. While UNICEF is positioned to quickly scale up the delivery of humanitarian aid, more resources are needed to meet growing needs. Describing the Gaza Strip as the world’s most dangerous place to be a child, she said that an unprecedented 40 percent of deaths in Gaza have been children (UN SC/15503, 2023).

Natalia Kanem, Executive Director of the UN Population Fund (UNFPA) said that 5,500 pregnant women are expected to give birth in December in Gaza. “At a moment when new life is beginning, what should be a moment of joy is overshadowed by death and destruction, horror and fear.” Overcrowded conditions and insufficient clean water and sanitation are creating multiple health risks, including for women who have no access to menstrual hygiene. Meanwhile, in the West Bank, where settler violence is increasing, more than 8,000 women are expected to give birth next month, she said (UN SC/15503, 2023).

The ongoing Israeli attacks have left over 18,000 Palestinian children injured, with many in critical condition. Dozens more have suffered amputations, and hundreds more have suffered severe burns to various parts of their bodies. Euro-Med Monitor further estimated that between 24,000 and 25,000 children in the Gaza Strip have lost one or both parents, and approximately 640,000 have had their homes destroyed or damaged, leaving

them without a place to live. (Euro-Med, 2023)

2.5. destroying Gaza's food system and weaponizing food

“Gazans now make up 80 percent of all people facing famine or catastrophic hunger worldwide, marking an unparalleled humanitarian crisis in the Gaza Strip amid Israel's continued bombardment and siege, according to UN human rights experts”.

“Currently every single person in Gaza is hungry, a quarter of the population is starving and struggling to find food and drinkable water, and famine is imminent. Pregnant women are not receiving adequate nutrition and healthcare, putting their lives at risk. In addition all children under five – 335,000 – are at high risk of severe malnutrition as the risk of famine conditions continues to increase, a whole generation is now in danger of suffering from stunting,” said the experts. Stunting occurs when young children's growth is hampered due to a lack of adequate nourishment and causes irreparable physical and cognitive impairments. This will undermine the learning capacity of an entire generation. Nowhere is safe in Gaza. Since 9 October, Israel declared and imposed a “total siege” on Gaza, depriving 2.3 million Palestinians of water, food, fuel, medicine, and medical supplies, this is against the backdrop of a 17-year Israeli blockade, which before this war made approximately half of the people in Gaza food insecure and more than 80 percent reliant on humanitarian aid.

“Israel is destroying and blocking access to farmland and the sea. Recent reports allege that since the Israeli military's ground offensive started on 27 October, approximately 22% of agricultural land, including orchards, greenhouses, and farmland in northern Gaza, has been razed by Israeli forces. Israel has reportedly destroyed approximately 70% of Gaza's fishing fleet. Even with little humanitarian aid that has been allowed to enter, people still lack food and fuel to cook. Most bakeries are not operational, due to the lack of fuel, water, and wheat flour along with structural damage. Livestock are starving and unable to provide food or be a source of food.” (The Special Procedures of the Human Rights Council, 2024).

3. Conclusion

Many facts prove the occurrence of Genocide in Gaza by the Israeli regime. The Actus reus and mens rea of Genocide are gathered together to create a horrible scene of cruelty and inexorable violation of human rights in the Gaza Strip. Most of the UN experts explicitly express that what has happened in Gaza is Genocide. The ICJ and ICC also consider the possibility of committing Genocide and start to investigate the case. Analyzing the existing facts, statistics, and statement shows:

A. The actions of the occupying regime have led to the destruction of the people of Gaza, especially the innocent children and women. This is a perfect example of genocide.

B. the actions of the occupying regime have led to the destruction of the treatment and health system with clear and repeated intentions. This is a perfect example of genocide.

C. The actions of the occupying regime have led to the forced migration and displacement of Gaza residents from the North to the desert and uninhabitable areas of the South. This is a perfect example of genocide.

D. The actions of the occupying regime previously led to the subordination of Palestinian Arab People and now have led to the destruction of Palestinian civilization, education, and culture which is a perfect example of genocide.

E. According to the United Nations Charter and the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG), all governments are obliged to prevent the impunity of all the perpetrators of genocide. Exercising the veto power by the United States of America to protect the Zionist regime and prevent an immediate ceasefire is a perfect example of genocide.

And there are so many other examples that prove Israel has committed genocide.

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