The Genocide Slander - Anatomy of a Lie

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May 29, 2025

Following Hamas's October 7, 2023, attack, which killed 1,200 Israelis, accusations of Israeli genocide in Gaza emerged from activists, UN rapporteurs, and NGOs. These claims misrepresent Israel's targeted operations against Hamas as genocidal, despite lacking the specific intent and systematic civilian targeting required by the 1948 Genocide Convention. Unlike recognized genocides, Israel's actions focus on lawful military objectives, with civilian harm as unintended collateral damage. Misquoted statements, inflated casualty figures, and distorted claims about sieges and evacuations drive this libel, rooted in antisemitic tropes, inciting violence against Jews globally. Rejecting these baseless accusations is essential to uphold international law and counter antisemitism.



The AI Atrocity Industry - Fake viral picture of a Gazan woman holding the skeleton of her child

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Executive Summary

- **Legal Definition of Genocide:** The 1948 Genocide Convention defines genocide as acts committed with specific intent (*dolus specialis*) to destroy, in whole or in part, a national, ethnic, racial, or religious group, requiring clear evidence of intent and systematic targeting.
- **Differences from Recognized Genocides:** The accusations against Israel starkly contrast with the Holocaust, Rwandan Genocide, Srebrenica, Cambodian Genocide, and ISIS's Yazidi genocide in the following ways:
  - **Systematic Nature:** Recognized genocides involved coordinated, state-driven campaigns to destroy protected groups, such as Nazi Germany's "Final Solution" killing 6 million Jews, Hutu militias slaughtering 800,000 Tutsis in 100 days, Bosnian Serbs executing 8,000 Muslim men, Khmer Rouge targeting Vietnamese and Cham Muslims (reducing 36% of the 300,000 Cham population), and ISIS enslaving and killing Yazidis (reducing their population to ~10,000). Israel's operations target Hamas's military infrastructure, with no centralized policy to annihilate Palestinians.
  - **Scale and Methods:** Recognized genocides used industrialized killing methods like gas chambers, mass executions, and other atrocities, devastating entire populations. Israel's operations involve precision strikes, advance warnings, and humanitarian aid, minimizing civilian harm despite Hamas's tactics.
  - **Separation from Armed Conflict:** In recognized genocides, atrocities were distinct from military objectives, like the Holocaust separate from WWII battlefronts, Rwanda's Tutsi killings parallel to civil war, and Srebrenica's executions after enclave capture. Israel's actions are integral to its conflict with Hamas, targeting combatants, not civilians, in a lawful defensive war.
  - **Specific Intent (Dolus Specialis):** Recognized genocides had explicit intent to destroy groups, evidenced by Nazi policies, Hutu propaganda, Bosnian Serb execution plans, Khmer Rouge orders, and ISIS's ideological campaign. Israel's stated goal is to defeat Hamas and free hostages, with no evidence of intent to destroy Palestinians as a group.
  - **Targeting of Civilians:** Recognized genocides deliberately targeted civilians, including entire Jewish communities, Tutsi women and children, Bosnian Muslim men, Cham Muslims, and Yazidi families. Israel targets Hamas operatives, with civilian harm as collateral damage due to Hamas's use of human shields in hospitals and schools.

- **Specific Claims Analyzed:**
  - **Death Toll:** Hamas reported 53,000 deaths in Gaza (as of May 2025), including combatants and misclassified casualties, with no evidence of disproportionate civilian targeting.
  - **Infrastructure Damage:** Gaza's destruction results from lawful urban warfare against Hamas's use of civilian areas, not genocidal intent.
  - **Siege and Evacuations:** Israel's siege and evacuation orders aim to defeat Hamas and protect civilians, consistent with international law.
  - **Official Statements:** Misquoted Israeli leaders' remarks (e.g., Netanyahu, Gallant) target Hamas, not Palestinians, lacking genocidal intent.
- **Antisemitic Impact:** The genocide libel, rooted in Soviet-era tropes, fuels violence against Jewish communities, trivializing true genocides and inciting hatred.
- **Conclusion:** The accusation misrepresents international law, undermines genocide victims' suffering, and drives antisemitism, necessitating its rejection to protect truth and Jewish communities.

The Accusation and Its Stakes

On October 7, 2023, the State of Israel experienced a genocidal attack against Jews by the Hamas terrorist organization. Hamas, an Islamic terrorist group, is religiously and ideologically committed to destroying the State of Israel and its Jewish population by violent *jihad*. Hamas' attack resulted in the murder of 1,200 Israeli civilians and soldiers and included crimes against humanity such as mass killings, torture, sexual violence and hostage-taking.[1]

Within days of the massacre, however, pro-Hamas and anti-Israel activists began accusing the Jewish state of genocide against Palestinians in Gaza. On October 13, 2023, before Israel even began its counter-offensive in Gaza, Raz Segal, professor of Holocaust and genocide studies, charged that Israel's actions were "a textbook case of genocide."[2] On November 16, 2023, UN Special Rapporteurs, many of them known for their hostility to Israel, issued a call to the international community "to prevent genocide".[3]

The charge reached a new zenith when South Africa brought a complaint against Israel to the International Court of Justice in December 2023 for a supposed violation of the Convention on the Prevention and Punishment of the Crime of Genocide. Within several weeks in December 2024, Amnesty International and Human Rights Watch both issued reports charging Israel with genocide against Palestinians.[4]

Many of these bad-faith actors are aware that the current legal definition of genocide does not apply to Israeli conduct in Gaza and therefore push to rewrite genocide's measurements to fit Israel. Amnesty International acknowledges that current genocide case-law is "an overly cramped interpretation", ie. excludes a legitimate military campaign against a terrorist organization.[5] Ireland's deputy prime minister has denounced the "narrow interpretation" of genocide, calling for the ICJ to expand it to cover Israeli actions.[6] Ireland pushed for

1 See All-Party Parliamentary Group for UK-Israel. (2025). 7 October Parliamentary Commission Report (L. Roberts, Chair). Retrieved from https://www.7octparliamentarycommission.co.uk/.

2 Raz Segal, "A Textbook Case of Genocide," Jewish Currents, October 13, 2023, https://jewishcurrents.org/a-textbook-case-of-genocide.

3 United Nations Office of the High Commissioner for Human Rights, "Gaza: UN Experts Call on International Community to Prevent Genocide against Palestinian People," November 16, 2023, https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against.

4 Amnesty International, "'You Feel Like You Are Subhuman': Israel's Genocide Against Palestinians in Gaza" (December 2024), 23.; Human Rights Watch, "Extermination and Acts of Genocide: Israel Deliberately Depriving Palestinians in Gaza of Food, Water, and Fuel," December 19, 2024, https://www.hrw.org/report/2024/12/19/extermination-and-acts-genocide/israel-deliberately-depriving-palestinians-gaza.

5 Amnesty International, p. 101.

6 Nathan Klabin, "Ireland's ICJ Bid to Redefine Genocide Suggests It Knows Accusations Can't Hold Ground," The Jerusalem Post, December 20, 2024, https://www.jpost.com/international/article-834208.

the ICJ to drop the “only reasonable inference” test of genocidal intent in its request to intervene.[7]

By analyzing the legal definition of genocide under the 1948 Genocide Convention, which requires specific intent to destroy a protected group, and comparing it to five internationally recognized genocides (Holocaust, Rwandan Genocide, Srebrenica, Cambodian Genocide, and ISIS’s Yazidi genocide), the document highlights the absence of systematic civilian targeting or genocidal intent in Israel’s actions. It addresses specific claims—high death tolls, infrastructure damage, sieges, and evacuation orders—showing they are lawful military tactics or mischaracterized by detractors. The document also reveals how the genocide libel, a staple of modern antisemitism, fuels violence against Jewish communities, as seen in vandalism in Toronto, Pittsburgh, and elsewhere, and even justifications for murders of Israeli embassy staff.[8] This analysis calls for a rejection of these baseless accusations to uphold truth, counter antisemitism, and protect the integrity of international law.

Legal Definition of Genocide

The crime of genocide is one of the most fundamental and severe in international law. Since at least the end of the Second World War, genocide has been considered ‘the crime of crimes’. The Genocide Convention codified the crime of genocide for the first time. It was the first human rights treaty adopted in the United Nations General Assembly and represents the international community’s determination to prevent the recurrence of the atrocities committed during the Second World War. One hundred and fifty states have ratified the Convention.

The crime of genocide consists of two parts: an act of genocide accompanied by genocidal intent. The Genocide Conventions defines genocide as the following (Article II):

> In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm

7 Declaration of Intervention by Ireland, pursuant to Article 63 of the Statute of the International Court of Justice, Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel).

8 David Rullo, "Pittsburgh Jewish Community Targeted with Antisemitic Graffiti," The Pittsburgh Jewish Chronicle, July 29, 2024, https://jewishchronicle.timesofisrael.com/pittsburgh-jewish-community-targeted-with-antisemitic-graffiti/; Michael Starr, "Toronto Synagogue Vandalized for 8th Time, Hostage Sign Defaced," The Jerusalem Post, December 23, 2024, https://www.jpost.com/diaspora/antisemitism/article-834550#google_vignette.; Anti-Defamation League, "Swaths of Anti-Zionist Movement Legitimize Killings of Israeli Embassy Staff, DC Jewish Community Targeted with Antisemitic Vandalism," May 23, 2025, https://www.adl.org/resources/article/swaths-anti-zionist-movement-legitimize-killings-israeli-embassy-staff-dc-jewish.

> 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.

Genocide is unique among war crimes and crimes against humanity as it requires a *dolus specialis* (a specific or a special intent), which requires that the crime be committed with the intent to destroy, in whole, or in part, a national, ethnic, racial, or religious group as such[9]. This *dolus specialis* is met by demonstrating that genocide was 'the only reasonable inference which can be drawn from the said pattern of conduct'.[10] The specific intent to destroy the group is the distinguishing feature of the crime of genocide. According to the ICTY in the *Jelisic* case, 'it is in fact the *mens* rea which gives genocide its specialty and distinguishes it from an ordinary crime and other crimes against international humanitarian law'.[11] Similarly, the ICTR in the *Akayesu* case defined the *dolus specialis* as 'the specific intention, required as a constitutive element of the crime, which demands that the perpetrator clearly seeks to produce the act charged'.[12] Where the accused do not reveal their mental state, the desire to destroy may be inferred from facts on the ground. As the Court says in Prosecutor v Akayesu:

> The Chamber considers that it is possible to deduce the genocidal intent inherent in a particular act charged from the general context of the perpetration of other culpable acts systematically directed against the same group, whether these acts were committed by the same offender or by others. Other factors, such as the scale of atrocities committed, their general nature, in a region or a country, or furthermore, the fact of deliberately and systematically targeting victims on account of their membership of a particular group, while excluding members of other groups, can enable the Chamber to infer intent of a particular act.[13]

9 ICTR, Prosecutor v Kambanda, Judgment and Sentence, ICTR 97-23-S, Trial Judgement, 4 September 1998, para 16.

10 ICJ, Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia), Judgment [2015] ICJ Rep 9, [407].

11 ICTY, Prosecutor v *Jelisic*, Judgement, IT-95-10-T, Trial Chamber, 14 December 1999, para 66.

12 ICTR, Prosecutor v *Akayesu*, Judgement, ICTR-96-4-T, Trial Chamber, 2 September 1998, para 498.

13 *Akayesu* (n 58), para 523; ICTR, Gacumbitsi v Prosecutor, Judgment, ICTR-2001-64-A, 7 July 2006, para 40.

International Recognized Genocides: A Comparative Framework

Only four mass killings have been recognized as "genocide" by international tribunals: the Holocaust, the Rwandan Genocide, the genocide at Srebrenica, and the Cambodian genocide against Vietnamese and Cham Muslims. German domestic courts have also recognized that the Islamic State carried out genocide against the Yazidi minority in Iraq.[14] By examining the features of universally recognized cases of genocide, one can see the practical application of the Genocide Convention. An examination of these systematic campaigns of mass killing, torture and destruction against civilian groups demonstrates the absurdity of the comparison with Israel's legitimate self-defense campaign against the Hamas terrorist group.

The Holocaust (1941–1945)

The Nuremberg Trials (1945-1946), carried out by the victorious Allies against the Nazi leadership, established the legal concept of crimes against humanities. While "genocide" was not recognized as a distinct crime in the Nuremberg Trials, the term was coined by Raphael Lemkin in 1944, where he described the Nazi's systematic persecution and destruction of Jews.[15] In the aftermath of the Holocaust, the United Nations adopted the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, in no small part due to Lemkin's efforts. As such, the Holocaust today is universally regarded as a genocide.[16]

As the Nuremberg Tribunal stated: "The persecution of the Jews at the hands of the Nazi Government has been proved in the greatest detail before the Tribunal. It is a record of consistent and systematic inhumanity on the greatest scale."[17] Antisemitism was a core part of the Nazi ideology, with the Nazi Party's platform explicitly denying membership to Jews. Upon the seizure of power in 1933, the Nazis began a systematic campaign of persecution and exclusion of Jews from German public, social and economic life.

14 Guatemalan courts have prosecuted some officials for their role in the massacre of Mayan people, labeling these events as genocide.

15 Lemkin, Raphael. Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress. Washington, DC: Carnegie Endowment for International Peace, 1944.

16 United States Holocaust Memorial Museum. What is genocide? Holocaust Encyclopedia. https://encyclopedia.ushmm.org/content/en/article/what-is-genocide#genocide-as-an-international-crime-2.

17 Trials of the Major War Criminals Before the International Military Tribunal, Nuremberg, 14 November 1945 – 1 October 1946, Volume 1, p. 243 (Nuremberg: International Military Tribunal, 1947), available at https://www.legal-tools.org/doc/45f18e/pdf/.

Following Germany's invasion of the Soviet Union in 1941, the Nazis decided upon "the Final Solution of the Jewish question", meaning the methodical murder of Jews. In early 1939, Hitler had threatened that one of the consequences of the outbreak of war would be the destruction of the Jews. The Jews of the Soviet Union were murdered by the Einsatzgruppen, the mobile killing unites of the of the SS. The Final Solution was also carried out in death camps in Poland, from which Jews were deported from all over German-occupied Europe. It is estimated that the Germans murdered six million Jews.[18]

The Holocaust is undisputedly a genocide. The Germans adopted an explicit policy of the destruction of the Jews, which they carried out by bullets, gas chambers, starvation, and slave labour. Documentation, numerous speeches by Nazis officials, and industrialized killing methods evidence clear intent to murder all Jews.



The main gate to the Auschwitz death camp, where over a million Jews were murdered in gas chambers. Author: Michal Zacharz. Source: wikimedia



The Nuremberg Trials of major Nazi war criminals.

18 P. 243-247

The Rwandan Genocide (April – June 1994)

The *Akayesu* Case was the first time that the 1948 Genocide Convention was interpreted and applied by an international court, with the accused, Jean-Paul Akayesu, being found guilty of genocide and crimes against humanity.[19] Akayesu was the mayor of Taba commune in Rwanda. During the 1994 genocide against the Tutsis, he supervised the murder of Tutsis, provided lists of Tutsis to the Interahamwe (Hutu militias), and ordered the house-to-house search for Tutsis. Over 100 days, around 800,000 Tutsis were massacred throughout Rwanda.

The International Criminal Tribunal for Rwanda (ICTR) first established that the massacres that took place in Rwanda between April and June 1994 were genocide. The Tutsi ethnic group was targeted for mass killings and serious bodily harm, such as the cutting of Achilles' tendons to prevent fleeing and mass rape. Alison Desforges, an expert witness, testified before the Tribunal in February 1997 that "on the basis of the statements made by certain political leaders, on the basis of songs and slogans popular among the Interhamwe, I believe that these people had the intention of completely wiping out the Tutsi from Rwanda so that- as they said on certain occasions – their children, later on, would not know what a Tutsi looked like, unless they referred to history books."[20] UN peacekeeper Major-General Romeo Dallaire testified that "there was an intention to wipe out the Tutsi group in its entirety, since even newborn babies were not spared."[21]

The Tribunal pointed out two facts, in particular, to establish the specific intent required for genocide (*mens rea or dolus specialis*). First, following the crash of the Rwandan president's plane on 6 April 1994, roadblocks were set up in Kigali and around the country by Hutu soldiers and civilians. Tutsis were sorted out and killed, sometimes on the spot. Second, there was a widespread propaganda campaign on the radio and in the print media calling for the killing of Tutsis.[22] The Tribunal also stated that the genocide was "meticulously organized"; there were death lists of Tutsis to be killed, arms caches in the capital, training of militiamen by the Rwandan Armed Forces, and the psychological preparation of the population to commit genocide against the Tutsis.[23]

While the genocide took place at the same time as the conflict between the Rwandan Armed Forces and the Rwandan Patriotic Front, the genocide was parallel and separate from the armed conflict. The fighting between the forces was used as a pretext for inciting genocide

19 Prosecutor v. Akayesu, Case No. ICTR-96-4-T, Sentencing Judgement, (Int'l Crim. Trib. for Rwanda Trial Chamber I, Oct. 2, 1998).

20 Par. 118.

21 Par. 121.

22 Par. 123.

23 Par. 126.

against the Tutsi. However, it was "fundamentally different from the conflict".[24] The attacks by the Interahamwe against Tutsis were unhelpful to the Rwandan army. The genocide was carried out by both the army and the Hutu armed militias. Significantly, the vast majority of Tutsi victims were non-combatants, including women, children and even fetuses.[25]



Mass graves of Rwandan genocide victims. Source: AFP

Srebrenica (11 July – 1 November 1995)

Between 13 and 16 July, Bosnian Serb forces systematically executed Bosnian Muslim men at Srebrenica, regardless of whether they were civilians or soldiers, with smaller-scale killings continuing to a later date.[26] The military-aged men were separated from other refugees and bused to execution sites. No effort was made to distinguish between soldiers and civilians, with the Serb forces removing the men from buses and killing them. The men, sometimes blindfolded, barefoot, or bound, were lined up and shot in groups. Others were crammed into buildings and killed by automatic rifles, machine guns, or hand grenades.[27] Close to 8,000 Bosnian men were murdered.[28]

The ICTY distinguished between the campaign of persecution and discrimination against

24 Par. 128.

25 Ibid.

26 Prosecutor v. Krstić, Case No. IT-98-33-T, Judgement, (Int'l Crim. Trib. for the Former Yugoslavia Trial Chamber I, Aug. 2, 2001). Par. 546.

27 Par. 547.

28 Par. 592.

Muslims throughout Bosnia, known as "ethnic cleansing", and genocide in Srebrenica.[29] The genocide in Srebrenica was separate from, and preceded by the armed conflict between Muslim and Serbian forces to capture the city.[30] The Bosnian Serb seizure of the United Nations (UN) designated "safe area" of Srebrenica in Bosnia and Herzegovina in July 1995 is widely recognized globally. Despite a UN Security Council resolution mandating that the enclave be protected from armed attacks or hostile actions, Bosnian Serb Army (VRS) units initiated an assault and overtook the town. The decision to kill all Muslim military-aged men in Srebrenica only developed at a later date.[31] The Trial Chamber rejected the Defense's argument that the killing of the men was motivated solely to eliminate a military threat. The Bosnian forces did not distinguish between civilians and combatants. Neither did these civilians pose a military threat; even the severely handicapped were killed. The Bosnian forces killed boys and elderly men outside of the military age range.[32]

The genocide in Srebrenica is unique in that it was an attempt to destroy only part of the Bosnian Muslim group. The Tribunal had to rule whether the Muslims in Srebrenica formed a substantial part of the group as a whole. While only military men were massacred, the massacres took place while the forcible transfer of the Bosnian Muslim population was underway. In a patriarchal society such as Bosnian Muslims, the destruction of two or three generations of men would have a severe impact on the group's survival. "The Bosnian Serb forces knew, by the time they decided to kill all of the military aged men, that the combination of those killings with the forcible transfer of the women, children and elderly, would inevitably result in the physical disappearance of the Bosnian Muslim population at Srebrenica."[33] The bodies were concealed in mass graved, which were later dug up and destroyed, preventing traditional burial according to religious and ethnic customs.[34]

The Tribunal relied on several factors to establish genocidal intent: "the number and nature of the forces involved, the standardized coded language used by the united in communicating information about the killings, the scale of the executions, the invariability of the killing methods applied, indicate that a decision was made to kill all Bosnian Muslim military aged men."[35]

29 Par. 562-567.

30 Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro), Judgment, 2007 I.C.J. Rep. 43, [430] (Feb. 26, 2007). Par. 280-283.

31 Prosecutor v. Krstić, par. 591-598.

32 Par. 547, 593 and 594.

33 Par. 595.

34 Par. 596.

35 Par. 572-573

The Appeals Chamber concluded thus:

> "The gravity of genocide is reflected in the stringent requirements that must be satisfied before this conviction is imposed. These requirements — the demanding proof of specific intent and the showing that the group was targeted for destruction in its entirety or in substantial part — guard against a danger that convictions for this crime will be imposed lightly. Where these requirements are satisfied, however, the law must not shy away from referring to the crime committed by its proper name. By seeking to eliminate a part of the Bosnian Muslims, the Bosnian Serb forces committed genocide. They targeted for extinction the forty thousand Bosnian Muslims living in Srebrenica, a group which was emblematic of the Bosnian Muslims in general. They stripped all the male Muslim prisoners, military and civilian, elderly and young, of their personal belongings and identification, and deliberately and methodically killed them solely on the basis of their identity. The Bosnian Serb forces were aware, when they embarked on this genocidal venture, that the harm they caused would continue to plague the Bosnian Muslims. The Appeals Chamber states unequivocally that the law condemns, in appropriate terms, the deep and lasting injury inflicted, and calls the massacre at Srebrenica by its proper name: genocide. Those responsible will bear this stigma, and it will serve as a warning to those who may in future contemplate the commission of such a heinous act."[36]



Srebrenica Genocide Memorial. Source: Mike Norton

36 Prosecutor v. Krstić, Case No. IT-98-33-A, Judgement, (Int'l Crim. Trib. for the Former Yugoslavia Appeals Chamber, Apr. 19, 2004). Par. 37

Cambodian Genocide (1975–1979)

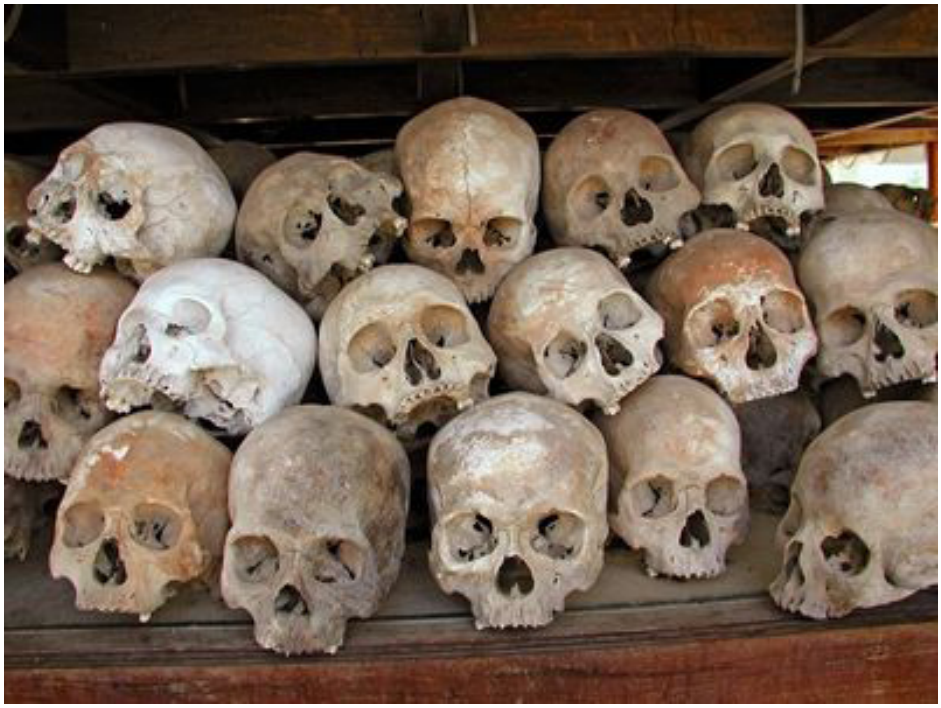
In 2018, the Extraordinary Chambers in the Courts of Cambodia (ECCC), a UN-backed tribunal, convicted Khmer Rouge leaders Nuon Chea (Brother Number Two, chief ideologue) and Khieu Samphan (former head of state) of genocide and other crimes committed during the Khmer Rouge regime's rule from 1975 to 1979.[37]

The tribunal found that the Communist Party of Kampuchea (CPK) pursued a policy to eliminate ethnic Vietnamese, initially through forced expulsions from 1975 to 1976, and from April 1977 through systematic mass killings targeting civilians based on their ethnicity. These killings occurred across Cambodia, including in Svay Rieng, Kampong Chhnang, Kratie, and at sea, and at the S-21 Security Centre, where hundreds of Vietnamese civilians and prisoners of war were tortured, labeled as spies, and executed without fair trial. The Chamber concluded that these acts constituted genocide, as they were committed with the intent to destroy the Vietnamese as an ethnic group, alongside crimes against humanity (murder, extermination, deportation, persecution) and grave breaches of the Geneva Conventions (wilful killing, torture, inhumane treatment). For the Vietnamese, the Chamber found a clear policy shift from forced expulsion (1975–1976) to deliberate extermination from April 1977, evidenced by mass killings in regions like Svay Rieng, Kampong Chhnang, and Kratie, and at S-21 Security Centre, where hundreds of Vietnamese civilians and prisoners of war were tortured and executed as "spies." The CPK's upper echelon ordered these acts, targeting Vietnamese based on ethnicity, not individual actions, with lists and biographies used to identify them. The scale of the killings, reducing the Vietnamese population to ~10,000, and the systematic nature of the attacks confirmed the intent to destroy the group in part, meeting the 1948 Genocide Convention's criteria for genocide.

For the Cham Muslims, an ethnic and religious minority, the ECCC found that the CPK targeted them to create an atheistic, homogenous society, particularly after the 1975 Koh Phal and Svay Khleang rebellions against restrictions on their religious practices. The Cham were forcibly dispersed from the East Zone to the Central Zone, scattered among Khmer villages to break their communities and assimilate them. They faced severe discrimination, including bans on worship, forced consumption of pork, and destruction of religious symbols like the Qur'an and mosques. Mass executions occurred, notably at Wat Au Trakuon (1977) and Trea Village Security Centre (1978), where Cham were identified and killed on a large scale under orders from the CPK upper echelon. Orders from the CPK leadership and the significant loss of 36% of the 300,000 Cham population underscored the intent to destroy the group. The Chamber determined these acts constituted genocide against the Cham.

37 Prosecutor v. Nuon Chea and Khieu Samphan, Case No. 002/19-09-2007/ECCC/TC, Judgement (Summary), (Extraordinary Chambers in the Courts of Cambodia Trial Chamber, Nov. 16, 2018)

The Chamber relied on direct evidence, such as CPK orders, and circumstantial evidence, like the pattern of targeted killings, to prove genocidal intent beyond a reasonable doubt.



Skulls of Khmer Rouge victims The skulls of victims of the Khmer Rouge on display at the Choeung Ek Genocidal Center (at a former execution site), near Phnom Penh, Cambodia

ISIS Genocide of Yazidis (2014–2015)

The German Federal Court of Justice (Bundesgerichtshof, BGH), in its decision of November 30, 2022, upheld a conviction for genocide against a member of the Islamic State (IS) for actions against the Yazidi minority, affirming that the IS campaign in the Sinjar region constituted genocide under § 6 Abs. 1 Nr. 2 of the German Code of Crimes Against International Law (VStGB).[38]

The BGH found that the IS conducted a centrally planned, organized, and coordinated military attack on August 2–3, 2014, targeting the Yazidi religious minority in the Sinjar region of northern Iraq with the intent to destroy their religion, community, and members. The court detailed IS's systematic actions, including forced conversions to Islam, enslavement of Yazidi women and girls, forced labor for men, and mass executions, all aimed at the complete annihilation of the Yazidi group. The defendant, an IS member who endorsed this campaign, purchased and enslaved two Yazidi females (a mother and her five-year-old daughter) in June 2015, subjecting them to severe physical and psychological harm,

38 BGH, Beschluss vom 30. November 2022 - 3 StR 230/22, (Bundesgerichtshof, 3. Strafsenat, Nov. 30, 2022.

including daily beatings, forced Islamic prayers, inadequate food, and confinement. A particularly egregious act involved tying the child to a window in extreme heat, leading to her death from a heatstroke. These acts were deemed part of the broader IS strategy to eradicate the Yazidis.

The court established genocidal intent under § 6 Abs. 1 Nr. 2 VStGB, which requires the intent to destroy, in whole or in part, a protected group (national, racial, religious, or ethnic) by causing serious bodily or mental harm. The BGH confirmed the defendant's specific intent to contribute to the IS's goal of destroying the Yazidi religion and community, motivated by IS ideology, even if his ultimate aim was establishing an Islamic caliphate. The court defined "serious bodily or mental harm" as causing grave and long-lasting impairments to a person's ability to lead a normal life. The defendant's actions—inflicting physical harm on the child through beatings and exposure, and psychological trauma on the mother through witnessing her daughter's suffering and death—met this threshold. The court also noted that these acts were objectively suitable to contribute to the group's destruction, as they were part of a manifest pattern of similar IS conduct, such as mass enslavement and religious suppression.

The ruling was grounded in the VStGB's alignment with the 1948 Genocide Convention and the Rome Statute, emphasizing that the defendant's actions fit within the IS's genocidal campaign. By integrating the defendant's conduct into the IS's organized pattern of violence, the court affirmed that the campaign's scale, coordination, and intent to erase the Yazidi identity constituted genocide.



Yazidis fleeing Sinjar, Iraq, in 2014 after forces loyal to the Islamic State took the town. Kurdish and Yazidi fighters retook it last fall. Credit: Rodi Said/Reuters

The court described the IS's objective as the destruction of the Yazidi religious group, their religion, and their members, driven by an ideology that deemed Yazidis apostates unfit to exist in a global Islamic caliphate. This intent was pursued through a centrally planned military attack launched on August 2–3, 2014, aimed at eradicating the Yazidi community's social, cultural, and physical existence. The defendant, an IS member, contributed to this campaign by enslaving and brutally mistreating a Yazidi mother and her five-year-old daughter, actions that aligned with the IS's genocidal strategy.

The IS employed systematic methods to achieve this destruction, including a coordinated military assault to capture Yazidi civilians, forced conversions to Islam to erase their religious identity, and mass executions to reduce their population. Yazidi women and girls were enslaved, sold through markets and auctions, and subjected to sexual and domestic servitude, while men faced forced labor. The IS also displaced Yazidis from Sinjar, moving them under armed threat to holding facilities and redistributing them to controlled areas like Mosul and Raqqa. These acts, including the defendant's enslavement, beatings, starvation, and exposure of the child to lethal heat, were designed to inflict severe physical and psychological harm, contributing to the group's annihilation. The court highlighted the organized nature of these practices, particularly the enslavement of women and girls, as a deliberate tool to dismantle Yazidi identity.

Israel's Actions: A Clear Distinction

Several features of genocide emerge from an analysis of these five cases. The accusations of genocide against Israel in Gaza, particularly following the October 7, 2023, Hamas attack, differ from the five internationally recognized genocides—Holocaust, Rwandan Genocide, Srebrenica Massacre, Cambodian Genocide, and ISIS Genocide of Yazidis—in their systematic nature, separation from armed conflict, and evidence of specific intent (*dolus specialis*).

The systematic nature of attacks in the recognized genocides was characterized by coordinated, deliberate, and widespread efforts to destroy protected groups. In the Holocaust, Nazi Germany implemented the Final Solution through industrialized death camps, Einsatzgruppen mobile killing units, and meticulous documentation, systematically murdering six million Jews across Europe. The Rwandan Genocide involved orchestrated efforts by Hutu leaders, with radio propaganda, pre-prepared death lists, and trained Interahamwe militias systematically slaughtering 800,000 Tutsis in 100 days. In Srebrenica, Bosnian Serb forces executed a planned operation to kill 8,000 Bosnian Muslim men, using standardized methods like busing victims to execution sites and concealing bodies in mass graves. The Cambodian Genocide saw the Khmer Rouge systematically target Vietnamese

and Cham Muslims through forced expulsions, mass executions (e.g., at S-21), and cultural erasure, reducing targeted populations significantly. Similarly, ISIS's genocide against Yazidis involved a centrally planned 2014 attack on Sinjar, with coordinated enslavement, forced conversions, and mass killings to eradicate Yazidi identity. The mass killings in all of these cases were accompanied by other systematic atrocities such as torture, sexual violence and other forms of cruelty.



The Wannsee Villa, where the leaders of Nazi Germany officially adopted "the Final Solution to the Jewish Problem."

In contrast, accusations against Israel in Gaza point to widespread airstrikes, ground operations, and blockades causing over 53,000 deaths (per Gaza authorities, May 2025) and extensive infrastructure damage. However, Israeli operations are targeted at Hamas's military infrastructure, with civilian harm as collateral damage due to Hamas's use of civilian areas. There is nothing similar to the Einsatzgruppen or Interahamwe rounding up civilians and murdering them. In fact, the Israeli army takes precautions to limit civilian casualties such as advance warnings, safe zones and humanitarian assistance.

Separation from armed conflict is another critical distinction. In four of the five recognized genocides (Holocaust, Rwanda, Srebrenica, Yazidis), the atrocities occurred alongside conflicts but were distinct, targeting civilians for reasons unrelated to military objectives. The Holocaust's extermination of Jews was separate from World War II's battlefronts, focusing on non-combatants across occupied territories. In Rwanda, the genocide against Tutsis was parallel to the Rwandan Patriotic Front conflict but targeted civilians, undermining military efforts. Srebrenica's massacre followed the enclave's capture, with executions of non-threatening civilians distinct from combat. The Yazidi genocide was part of ISIS's ideological campaign, not tied to military necessity. Cambodia's genocide, uniquely, lacked a major

armed conflict, driven by ideological purges. There is no example of genocide caused by excessive or disproportionate harm to civilians incidental to a war fought against a legitimate military target (even assuming that civilian harm is disproportionate). Israel does not target civilians in Gaza, and any damage to civilians is incidental to attacks legitimately directed towards civilians.

Specific intent (*dolus specialis*)—the intent to destroy a protected group in whole or in part—is the cornerstone of genocide and a key differentiator. The Holocaust's intent was explicit in Nazi policies, speeches, and death camp operations targeting all Jews. Rwanda's intent was proven through Hutu leaders' statements, propaganda, and systematic Tutsi killings, aiming to erase their presence. Srebrenica's intent was established by the Bosnian Serb decision to kill all military-aged men to cripple the Muslim community, evidenced by execution patterns and body concealment. In Cambodia, Khmer Rouge orders and actions (e.g., mass executions of Vietnamese, cultural suppression of Cham Muslims) showed intent to eliminate these groups. ISIS's Yazidi genocide was driven by ideological intent to eradicate their religion, evidenced by forced conversions and enslavement. There is no Israeli plan to destroy Palestinians as a separate group. Israel's leaders have repeatedly stressed that their goal is the military defeat of Hamas and the rescue of Israeli hostages, not the killing of civilians.

In summary, the systematic nature, separation from conflict, and specific intent in the Holocaust, Rwanda, Srebrenica, Cambodia, and Yazidi genocides were judicially established through clear evidence of coordinated civilian targeting and explicit policies, distinct from military objectives. By contrast, damage to civilians in Gaza is due to the integrated conflict with Hamas and a lack of genocidal intent. There is no evidence of a systematic plan to destroy Palestinians as a group, setting it apart from the five recognized genocides. This has been confirmed by no less than seven US federal prosecutors of perpetrators of the Nazi genocide.[39]

39 Eli M. Rosenbaum, "The Big Lie of 'Genocide Gaza': Seven Experts on Nazi Genocide Expose the Canard of Israeli Crimes," New York Daily News, August 11, 2024, https://www.nydailynews.com/2024/08/11/the-big-lie-of-genocide-gaza-seven-experts-on-nazi-genocide-expose-the-canard-of-israeli-crimes/

Rebutting Specific Claims against Israel

Proponents of the genocide libel point to several features of the war in Gaza to support their claim of Israeli genocide. They rely on the (supposedly) large death toll in Gaza, coupled with the large-scale destruction of the enclave's infrastructure, to establish Israeli genocidal acts. Detractors also misrepresent Israeli military tactics, such as evacuation warnings and siege, while misquoting Israeli officials to demonstrate genocidal intent.

Killing and Causing Serious Harm

The Gaza Death Toll

As of May 2025, the Hamas-controlled Gaza Ministry of Health claims that close to 53,000 Palestinians have been killed in Gaza.[40] Assuming that these numbers are accurate, they do not distinguish between civilians and combatants. Neither does the civilian death toll in itself indicate whether an attack is illegal. According to international law, civilian harm must be incidental and proportional to the anticipated military advantage.[41]

War occurs under limited, unreliable information ("**the fog of war**"). Military commanders, therefore, must make decisions in good faith and based on the information available at the time.[42] As such, by definition, mistakes will be made based on partial information. States have recognized this aspect of warfare, and many courts have declined to second-guess military decisions after the fact (the **Rendulic Rule**).[43] The weighing or comparison between the expected incidental harm and the expected military advantage does not necessarily lend itself to empirical analyses.[44] As such, one cannot infer from the death toll alone whether an attack was disproportionate.

40 United Nations Office for the Coordination of Humanitarian Affairs (OCHA). "Reported Impact Snapshot: Gaza Strip (14 May 2025)." https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-14-may-2025.

41 Fourth Geneva Convention, Art.51(5)(b), 57(2)(a)(iii)

42 US Department of Defense Law of War Manual, Sec. 5.4.2.

43 United States v. List, et al. (The Hostage Case), XI TRIALS OF WAR CRIMINALS BEFORE THE NMT 1295-96 ; See Canadian Law of Armed Conflict Manual 2001, 1612

44 ICTY, *Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia*, ¶48 (Jun. 13, 2000) ("The main problem with the principle of proportionality is not whether or not it exists but what it means and how it is to be applied. It is relatively simple to state that there must be an acceptable relation between the legitimate destructive effect and undesirable collateral effects. … Unfortunately, most applications of the principle of proportionality are not quite so clear cut. It is much easier to formulate the principle of proportionality in general terms than it is to apply it to a particular set of circumstances because the comparison is often between unlike quantities and values. One cannot easily assess the value of innocent human lives as opposed to capturing a particular military objective.").

In truth, there are serious reasons to cast doubt on the accuracy of Hamas' figures. According to a recent report issued by the Henry Jackson Society, the Gaza Ministry of Health repeatedly misclassifies men as women and adults as children, amplifying false claims that Israel targets the most vulnerable members of society. Data analysis shows, however, that most of the casualties are men aged 15-45, the typical demographic associated with combatants. The Health Ministry artificially inflates casualty figures by including natural deaths, as well as deaths caused by international violence or misfired rockets.[45]

The drafters of the Genocide Convention went to pains to distinguish between the systematic destruction of a protected group and large-scale casualties on the battlefield. As legal scholars Abtahi and Webb describe:[46]

> The infliction of losses, even heavy losses, on the civilian population in the course of operations of war, does not as a rule constitute genocide. In modern war belligerents normally destroy factories, means of communication, public buildings, etc. and the civilian population inevitably suffers more or less severe losses. It would of course be desirable to limit such losses. Various measures might be taken to achieve this end, but this question belongs to the field of the regulation of the conditions of war and not to that of genocide.

It should be noted that harm to Gazan civilians is exacerbated due to Egypt's persistent and illegal refusal to allow them to evacuate to their territory. The Gaza War is unique in modern warfare in the civilian population's inability to escape the warzone.

Infrastructure Damage in Urban Warfare

Israel's accusers point to the widespread destruction of homes, schools, hospitals, and civilian infrastructure in the Gaza Strip as proof of both Israel's genocidal actions and genocidal intent. However, appeals to the war's destructiveness misrepresent both the laws and the reality of urban warfare.

The urban warfare in Iraq, particularly in Mosul, during the campaign against ISIS, resulted in catastrophic destruction. As one of ISIS's key strongholds, Mosul faced intense military operations by a coalition including the United States, the United Kingdom, and France. Described by military commanders as the largest operation since the 2003 Iraq invasion and the heaviest urban combat since World War II, the battle left over 80% of Mosul

45 Andrew Fox, "Questionable Counting: Analysing the Death Toll from the Hamas-Run Ministry of Health in Gaza" (London: The Henry Jackson Society, 2024), https://henryjacksonsociety.org/publications/questionable-counting/.

46 Hirad Abtahi and Philippa Webb, The Genocide Convention: The Travaux Préparatoires (2 vols) (Brill 2008) 231.

uninhabitable, generating eight million tons of debris.[47] The scale of devastation was likened to the destruction of Dresden during WWII, with then-U.S. Secretary of Defense James Mattis calling it a "war of annihilation" aimed at preventing ISIS fighters from returning to their home countries.[48]

Similarly, Raqqa in Syria, another ISIS stronghold, was rendered "unfit for human habitation," with approximately 80% of the city damaged or destroyed. The U.S. military's intense bombardment, including firing more rounds in Raqqa over five months than any Marine artillery battalion since the Vietnam War, contributed to the near-total destruction. These operations, while successful in dismantling ISIS's territorial control, left both cities with extensive physical and infrastructural ruin, highlighting the devastating impact of urban warfare on civilian environments.[49]



Naim Square following the liberation of Raqqa, Syria, Oct. 18, 2017. The square, known as 'Roundabout of Hell', was used by ISIS to perform public executions, beheadings and crucifixions during their three-year rule of the city.
Youssef Rabih/EPA

47 Benjamin, M. (2007). When is an accidental civilian death not an accident? Salon. https://www.salon.com/2007/07/30/collateral_damage/; Garamone, J. (2017). Defeat-ISIS 'Annihilation' campaign accelerating, Mattis says. DOD News . https://www.defense.gov/News/News-Stories/Article/Article/1196114/defeat-isis-annihilation-campaign-accelerating-mattis-says/

48 International Medical Corps. (2017). The battle may be over, but immense needs remain in Mosul . https://internationalmedicalcorps.org/updates/the-battle-may-be-over-but-immens e-needs-remain-in-mosul/

49 OCHA. (2017). Syria crisis: Northeast Syria situation report no. 16 (1-30 September 2017). https://reliefweb.int/report/syrian-arab-republic/syria-crisis-northeast-syria-situati on-report-no-16-1-30-september-2017.

Hospitals, schools, and places of prayer enjoy special protected status under the Fourth Geneva Convention and are generally not legitimate targets. However, when these facilities also serve military goals (weapons storage, soldiers' accommodation, snipers' posts, headquarters, and the like), they become legitimate military objectives. [50]

By contrast, using these facilities for military purposes is illegal.[51] As such, Hamas commits war crimes by using human shields, by firing weapons from within civilian areas, and by operating in mosques, schools, and hospitals. The Geneva Convention states that the presence of civilians within or near a military target does not grant immunity to those targets from military strikes. Such immunity would encourage the enemy to hide in these sensitive places and harm the civilian, noncombatant population even more.

Hamas has systematically exploited hospitals in Gaza, particularly al-Shifa and Kamal Adwan, as operational bases, a practice evident since at least the 2009 Israel-Hamas war. At al-Shifa, Hamas repurposed entire sections as its headquarters, a fact widely acknowledged by observers, including a Dutch journalist who witnessed Hamas fighters inside and USAID's Dave Harden, who noted its use as a command hub in 2014. Released Israeli hostages, such as Maya Regev, Yarden Roman-Gat, Mia Shem, and Emily Damari, have recounted being held and tortured in or beneath medical facilities, with surgeries performed without anesthetics by Hamas-affiliated personnel.[52] In 2023, the White House confirmed al-Shifa's role as a Hamas command center, and a 2024 IDF operation there apprehended 500 terrorists, including senior Hamas figure Faiq al-Mabhouh, while eliminating 200 others.[53]

Similarly, Kamal Adwan hospital has been exploited as a Hamas and Islamic Jihad stronghold, with over 240 terrorists, including participants in the October 7 massacre, captured during IDF operations between October 2024 and January 2025. Interrogation footage revealed terrorists used the hospital as a "safe zone" to evade strikes, and some confirmed Israeli hostages were held there. Hamas' Military Medical Services Directorate classified Kamal Adwan as a military hospital, a fact corroborated by a Kurdish volunteer doctor and the hospital's former director.[54]

50 API, Art. 52(1) and (2).

51 UK Joint Service Manual of the Law of Armed Conflict, Par. 16.29.

52 "The Pain Is Unbearable, but You Can't Scream: Maya's Story About Her Captivity in Gaza," Keshet, YouTube, March 18, s2024, https://www.youtube.com/watch?v=O7BnmNZlPWw.;Uri Sela, "'Hi, I'm Dr. Hamas': Emily Damari's Chilling Testimony on 'Treatment' Received in Captivity," The Jerusalem Post, March 2, 2025, updated March 3, 2025, https://www.jpost.com/israel-news/article-844385.[](https://www.jpost.com/)

53 Joel Gunter and David Gritten, "Israeli Forces Raid Gaza City's Al-Shifa Hospital," BBC News, March 18, 2024, https://www.bbc.com/news/world-middle-east-68594153.

54 See Avraham Russell Shalev, "The World Health Organization Is Covering for Hamas," National Review, March 24, 2025, https://www.nationalreview.com/2025/03/the-world-health-organization-is-covering-for-hamas/.

Inflicting Conditions of Life Calculated to Bring about Group Destruction

Siege of Gaza

Detractors claim that Israel's siege of Gaza is designed to inflict conditions of life calculated to bring about the destruction of Palestinians in Gaza. This claim is based on a distortion of the laws of armed combat.

A siege is a lawful military practice enshrined in the Hague Regulations, Geneva Conventions, Additional Protocols, and customary law.[55] Typically, a siege is employed in urban areas as a less lethal alternative to street-by-street combat. A siege is defined as the encirclement and isolation of enemy forces to prevent supplies and reinforcements, aiming to subdue them.[56] The U.S. Department of Defense's Law of War Manual permits besieging enemy forces by cutting off reinforcements, supplies, and communications to force surrender, explicitly allowing starvation to achieve this.[57] The United Kingdom recognizes sieges as lawful when directed against enemy armed forces and not against unarmed towns.[58]

Article 54(1) of the API forbids the starvation of civilians as a method of warfare. As such, a siege whose sole or primary purpose is to starve civilians would be unlawful. While there are no clear standards to determine the "sole or primary purpose" of siege, these could be inferred from humanitarian measures to protect civilians. A besieging party that facilitates evacuation or allows humanitarian aid clearly cannot be said to have the primary intent of starving civilians.[59] While Israel is not a signatory to Additional Protocol I, it is bound by its provisions to the extent they reflect customary law.

The existence of Israeli plans to evacuate populations to safe areas alongside supervised aid distribution in southern Gaza indicates that the siege's purpose is to defeat Hamas, not to starve civilians.[60] Israel's extensive humanitarian efforts can be seen on COGAT's website.[61]

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55 James Kraska, Siege, in MAX PLANCK ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW ¶ 2 (2009).

56 Jeroen C. van den Boogaard & Arjen Vermeer, Precautions in Attack and Urban and Siege Warfare, in 20 YEARBOOK OF INTERNATIONAL HUMANITARIAN LAW 2017, at 163, 165 (Terry D. Gill et al. eds., 2019); YORAM DINSTEIN, THE CONDUCT OF HOSTILITIES UNDER THE LAW OF INTERNATIONAL ARMED CONFLICT 133 (3d ed. 2016)

57 U.S. Dep't of Def., Law of War Manual § 5.19.1, at 320–21 (2023), https://media.defense.gov/2023/Jul/31/2003271432/-l/-l/O/DOD-LAW-OF-WAR-MANUAL-JUNE-2015-UPDATED-JULY%202023.PDF.

58 Ministry of Def., *The Joint Service Manual of the Law of Armed Conflict* ¶ 5.34.1, at 87 (2004) (U.K.), https://assets.publishing.service.gov.uk/media/5a7952bfe5274a2acd18bda5/JSP3832004Edition.pdf

59 Agnieszka Szpak, *Evolution of the International Humanitarian Law Provisions on Sieges*, in 22 YEARBOOK OF INTERNATIONAL HUMANITARIAN LAW 2019, at 11-12.

60 Ibid.

61 "Humanitarian Effort Within the Gaza Strip," Coordination of Government Activities in the Territories (COGAT), accessed May 25, 2025, https://gaza-aid-data.gov.il/main/humanitarian-effort-within-the-gaza-strip/.

Article 23 of the Fourth Geneva Convention (GCIV) mandates that parties allow the free passage of essential supplies, such as food and medical assistance, intended for civilians, particularly vulnerable groups like children, expectant mothers, and the elderly, **subject to non-diversion of the aid to the enemy**. Article 70 of API expands this obligation, requiring belligerents to facilitate rapid and unimpeded relief to civilian populations in areas controlled by enemy forces, provided the aid is humanitarian and impartial. Israel is not a signatory to the Additional Protocol; the API is binding only insofar as it reflects customary law.

According to the U.S. and U.K., there is an obligation to allow aid entry provided it is not diverted, effective control over distribution is ensured, and it does not provide a military or economic advantage to the enemy.[62] Article 70(1) prohibits arbitrary or capricious denial of aid but grants states broad discretion to consider security concerns.[63]

International law prioritizes evacuating civilians from siege areas over providing humanitarian aid.[64] While Article 70 of API requires aid to be subject to parties' consent, provisions for civilian evacuation are generally considered more binding. From a military perspective, the risks of enemy fighters escaping under the guise of civilian evacuation are often deemed more acceptable than the risk of aid diversion to enemy forces. Evacuation serves a dual purpose: fulfilling humanitarian obligations while removing civilians from active combat zones.[65]



Destruction of Marawi following its besiegement and capture from Islamic State insurgents. Noel Celis/AFP via Getty Images.

62 U.S. DEP'T OF DEFENSE, Law of War Manual, § 5.19.3, at 322 (2023); MINISTRY OF DEF, § 9.12.1, at 220.

63 Yoram Dinstein, The Right to Humanitarian Assistance, NAVAL COLL. WAR REV., Autumn 2000, at 84, https://digital-commons.usnwc.edu/nwc-review/vol53/iss4/7

64 SEAN WATTS, UNDER SIEGE: INTERNATIONAL HUMANITARIAN LAW AND SECURITY COUNCIL PRACTICE CONCERNING URBAN SIEGE OPERATIONS 6 (2014), p.18, http://blogs.law.harvard.edu/cheproject/files/2013/10/CHE-Project-IHL-and-SC-Practice-concerning-Urban-Siege-Operations.pdf

65 Watts, supra.

During the "Iron Swords" war, evacuation efforts faced consistent refusal by Egypt to open its border, violating its obligations as a signatory to the African Union's Convention on Refugees.[66] Hamas's systematic seizure of aid not only exempts Israel from allowing third-party aid transfers but also strengthens the legitimacy and rationale for voluntary migration projects as part of civilian evacuation during wartime, especially absent an Egyptian option. Major powers have also used siege warfare against insurgent groups controlling urban centers:

- **Second Battle of Fallujah (November–December 2004):** U.S. and British forces fought insurgents linked to Al-Qaeda. Before the assault, a siege was imposed, checkpoints were established, and civilians (except military-age males) were called to leave. Estimates suggest 70%–90% of civilians fled. The Iraqi government blocked roads to and from Fallujah, preventing civilian return. U.S. forces cut electricity and water to encourage evacuation and blocked Red Cross and Red Crescent aid convoys due to concerns over supply smuggling.[67]
- **Battle of Mosul (October 2016–July 2017):** Iraqi forces and a U.S.-led coalition fought ISIS militias. U.S. officials described it as one of the toughest urban battles since World War II. Mosul was cut off from supply lines, and bridges used for aid were destroyed, causing severe civilian food shortages. Aid groups could not reach ISIS-controlled areas, and "liberated" areas remained dangerous. Leaflets urged civilians to flee, and ~700,000 residents, a third of the original population, escaped.[68]
- **Battle of Marawi (May–October 2017):** A prolonged urban battle in the Philippines left Marawi in ruins. Islamic State-Philippines (IS-P) militias seized the city, smuggling fighters and weapons and building tunnels for the siege. The fighting displaced over 360,000 civilians, with thousands trapped and suffering severe food and water shortages. The military regime isolated the city with checkpoints blocking supplies and movement, causing widespread infrastructure destruction and over 1,100 deaths.[69]

Thus, sieges are a widely accepted and lawful combat strategy, applied by states and international coalitions, particularly in urban warfare, where they are often the only practical solution for capturing certain targets. Therefore, claims that Israel's siege of Gaza are illegal, constitute collective punishment or is a form of genocide are baseless.

66 *The Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa*, Article 1(2).

67 Shalev, Avraham Russell, Besieging International Law: The Gaza Conflict and the Future of Siege Warfare (July 01, 2024). San Diego Journal of International Law, Spring 2025, p.30-32. Available at SSRN: https://ssrn.com/abstract=5067897.

68 Ibid., p.32-34.

69 Ibid., p.34-36.

Forced Displacement and Evacuation Orders

Proponents of the genocide claim argue that Israeli calls for Palestinians to evacuate neighbourhoods ahead of strikes are in fact “forced displacement” intended to bring about their destruction. This is a complete reversal and cynical distortion of an Israeli measure designed to protect civilian lives.

Article 57(a)(ii) of the Fourth Geneva Convention calls upon sides to “According to Rule 15 of the ICRC International Humanitarian Law Database there is a duty to take “all feasible precautions” to avoid civilian harm.[70] Rule 20 recognizes advance warning as an accepted measure to minimize such harm.” Rule 20 of the ICRC International Humanitarian Law Database recognizes advance warning as an accepted measure to minimize such harm.[71]

The US and the coalition forces employed similar calls to the citizens to evacuate Fallujah and Mosul before the commencement of the military operation.[72] The precision that Israeli maps provide, down to the details of neighbourhood blocks, are unprecedented in warfare.



Israeli army maps warning of imminent military strikes. Source: X Avichay Adraee.

70 International Committee of the Red Cross (ICRC). Rule 15. Principle of Precautions in Attack. Customary IHL Database. https://ihl-databases.icrc.org/en/customary-ihl/v1/rule15.

71 “Rule 20. Advance Warning,” International Committee of the Red Cross (ICRC), Customary International Humanitarian Law Database, accessed May 25, 2025, https://ihl-databases.icrc.org/en/customary-ihl/v1/rule20.

72 "Warning Orders: Strategic Reasons for Publicizing Military Offensives", War on the Rocks, Carrie Lee, October 28, 2016.

Martial Statements

South Africa and others have cited statements by Israeli leaders to allege genocidal intent, but these claims lack context or misrepresent the purpose behind the statements. Many statements are made by politicians or public figures who are not part of the Security Cabinet and do not direct army policy. As for senior government statements, South Africa points to Prime Minister Benjamin Netanyahu's remarks about Israel operating "forcefully everywhere," striking enemies with "unprecedented might," and defeating "bloodthirsty monsters" intent on destroying Israel.[73] These statements reflect a commitment to combat Hamas, not a disregard for international humanitarian law, as they do not explicitly or implicitly advocate targeting civilians. Similarly, a statement by President Isaac Herzog, claiming "an entire nation out there that is responsible," was selectively quoted by South Africa, omitting Herzog's clarification that some Palestinians oppose Hamas.[74] Herzog's remarks highlight Hamas' popular support in Gaza, not a call to target civilians, and he reaffirmed Israel's adherence to international law.

The International Court of Justice (ICJ), in its January 26, 2023, order, referenced Herzog's statement alongside those of Defense Minister Yoav Gallant and then-Minister of Energy and Infrastructure Israel Katz to suggest potential violations of the Genocide Convention.[75] Gallant's full statement describes fighting "human animals" and the "ISIS of Gaza," clearly targeting Hamas, not all Palestinians, despite potential ambiguity. His vow to "eliminate everything" and ensure Gaza "won't return to what it was before" refers to dismantling Hamas' control, not annihilating civilians. These statements, when viewed in context, align with Israel's stated military objectives against Hamas and do not support claims of genocidal intent, as they are either misquoted, ambiguous, or consistent with lawful military conduct.

73 ICJ, *South Africa v. Israel*, Application (n 130), para 101

74 'One-On- One With Israeli President Isaac Herzog; Israel Warns Of 'Next Stages' Of The War; Israel Expected To Conduct 'Significant Ground Operations' Soon In Gaza', *CNN*, https://transcripts.cnn.com/show/cnr/date/2023-10-15/segment/01.; Isaac Herzog, 'The Case against Israel Rests on Lies', The Wall Street Journal, 11 February 2024, www.wsj.com/articles/the-case-against-israel-rests-on-lies-the-hague-south-africa-genocide-gaza-bc7c264c.

75 ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order: Provisional Measures in the Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel) [2024] para 52.

These martial statements are typical of wartime leaders. Compare this with President Bush calling al-Qaeda "barbaric criminals" in 2001. Barack Obama described ISIS as a "cancer" that "must be eradicated"[76]; UK Prime Minister David Cameron called them "monsters"[77], while US Secretary of State Kerry labeled them as "ugly, savage".[78]

Antisemitic Implications of the Genocide Charge

The charge of genocide against Israel has been a decades-long staple of contemporary antisemitism.[79] As researcher Izabella Tabarovsky determines, already in the 1950s and 1960s, the Soviet Union promoted the canard of Israeli (Jewish) genocide against Palestinians.[80] So common is the charge that Israel behaves like the Nazis that it is included in the examples of modern antisemitism provided by the International Holocaust Remembrance Alliance's working definition of antisemitism.



A protester holds a sign comparing Israel to the Nazis in an anti-Israel protest, in Dublin last year. (photo credit: CLODAGH KILCOYNE/REUTERS)

76 Obama, B. (2014, September 10). President Obama addresses the nation on ISIS [Speech]. Lawfare. https://www.lawfaremedia.org/article/president-obama-addresses-nation-isis.

77 NPR. (2014, September 14). ISIS are 'not Muslims, they are monsters,' Cameron says. The Two-Way. https://www.npr.org/sections/thetwo-way/2014/09/14/348416487/isis-are-not-muslims-they-are-monsters-cameron-says.

78 Byrnes, J. (2014, August 20). Kerry: ISIS must be destroyed. The Hill. https://thehill.com/policy/international/215615-kerry-isis-must-be-destroyed/

79 Lesley Klaff, 'Holocaust inversion'(2019) 24(2) *Israel studies 73*; Robert Solomon Wistrich, 'Antisemitism and Holocaust Inversion' in Jeffrey Herf and Anthony McElligott (eds) *Antisemitism Before and Since the Holocaust: Altered Contexts and Recent Perspectives* (Palgrave Macmillan Cham 2017) 37; Dovid Katz, 'Primary Holocaust Inversion and Eastern European Antisemitism' in Charles Asher Small (ed) *The ISGAP Papers: Antisemitism in Comparative Perspective* (CreateSpace Independent Publishing Platform 2018) 207.

80 Izabella Tabarovsky, 'Demonization Blueprints: Soviet Conspiracist Antizionism in Contemporary Left-Wing Discourse' (2022) 5(1) *Journal of Contemporary Antisemitism 1*.

Genocide accusations serve to appropriate terms and symbols associated with the genocide of Jews at the hands of the Germans and their collaborators and impose them on contemporary Jews. Turkey's President Tayyip Erdogan has said that 'Netanyahu has reached a level that would make Hitler jealous with his genocidal methods'.[81] Tunisian President Kais Saied rejected claims of antisemitism in Tunisia and accused Jews of repaying Tunisian help from the Nazis with genocide against Palestinians.[82] Brazilian President Luiz Inacio Lula da Silva said that 'what is happening in the Gaza Strip with the Palestinian people hasn't happened at any other moment in history' except one, 'When Hitler decided to kill the Jews'.[83] "Genocide" is a rhetorical shield against antisemitism because any discrimination or violence that Jews experience can be dismissed when compared with the "genocide" that Palestinians supposedly face.

Conclusion

The accusation that Israel is committing genocide in Gaza is not merely a misapplication of international law but a deliberate slander rooted in decades-old antisemitic tropes. Unlike the Holocaust, Rwandan Genocide, Srebrenica, Cambodian Genocide, and ISIS's Yazidi genocide—each marked by systematic civilian targeting and explicit intent to destroy protected groups—Israel's operations in Gaza target Hamas's military infrastructure, with civilian harm as unintended collateral damage in a complex urban war. The genocide libel, amplified by misquoted statements and distorted claims about sieges and evacuations, fuels real-world harm, from vandalized synagogues in Toronto and Pittsburgh to the murder of Israeli embassy staff in Washington, D.C. By appropriating the term "genocide," detractors trivialize the suffering of actual genocide victims and weaponize a grave legal concept to delegitimize Israel and endanger Jews worldwide. To counter this lie, the international community must reaffirm the rigorous standards of the Genocide Convention, reject inflammatory rhetoric, and confront the antisemitism driving this narrative. Only through truth and accountability can we honor the memory of genocide victims and prevent the misuse of their suffering to incite further hatred.

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82 Gabe Friedman' ,Days after Synagogue Attack ,Tunisian President Criticizes Israel and Says His Country Saved Jews in WWII ,'*Jewish Telegraphic Agency*, 16 May 2023, www.jta.org/2023/05/16/global/days-after-synagogue-attack-tunisian-president-criticizes-israel-and-says-his-country-saved-jews-in-wwii .

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