

The 'Genocide Moment'

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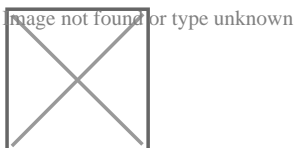
Gaza's utter devastation and masses of civilians facing death from bombardment and deliberate starvation already presents the world with a spectacle of mass murder of unspeakable proportions, writes Gareth Porter.



Palestinians in the ruins after an Israeli airstrikes in Khan Younis in the southern Gaza strip on Oct. 8. (Mahmoud Fareed, Palestinian News & Information Agency or Wafa, in contract with APImages, CC BY-SA 3.0)

By **Gareth Porter**

[Special to Consortium News](#)



Israel's systematic and wanton destruction of Gaza has raised long-standing issues of its political and legal culpability over the treatment of Palestinians to a new level of seriousness.

It obviously poses familiar issues of Israeli war crimes, and Amnesty International had already [clearly designated it as such](#) after just the first week. The human rights organization also asked the prosecutor of the International Criminal Court to "urgently expedite" its investigation of the aims of all parties.

But this Israeli campaign now poses the even graver issue of genocide of Palestinians as a nation. The utter devastation of Gaza and the vast numbers of civilians facing death from bombardment and from deliberately engineered starvation and sickness already presents the world with a spectacle of mass murder of unspeakable proportions.

The Israelis should face accountability for its crimes.

A panel of nine distinguished independent experts on human rights who investigated the Gaza emergency for the United Nations' Human Rights Council [has just warned](#) that the Israeli campaign of destruction of Gaza poses "a risk of genocide against the Palestinian people."

And there is a long history of genocidal thinking and action behind this "genocidal moment". It should be recalled that during the previous Gaza crisis in 2014, an equally extremist Israeli government [openly threatened genocide](#) against the Palestinians.

Israeli Justice Minister Ayelet Shaked [declared](#) on Facebook that "the entire Palestinian people is the enemy" and said:

"All of them are enemy fighters and all of them are bleeding from the head. Now it also includes the mothers of the martyrs, who send them to hell with flowers and kisses. They should follow in the footsteps of their sons, there is nothing fair about that. They have to go, and so does the physical house where they raised the snake. Otherwise, more small snakes will grow there."

That same year, the Likud deputy speaker of the Israeli Knesset, Moshe Feiglin [said](#):

"Gaza is part of our Land and we will remain there forever. Subsequent to the elimination of terror from Gaza, it will become part of sovereign Israel and will be populated by Jews. This will also serve to ease the housing crisis in Israel."

The present Israeli government — whose extremist right-wing politics resemble those of the 2014 government — has made no effort to hide its political, genocidal contempt for the 2.3 million Palestinians living in Gaza.

Nor has it hidden the proximate objective of the present campaign, which is to eliminate Palestinians entirely from Gaza.

Al Aqsa Flood



Interior view of the Al-Aqsa mosque in the Old City of Jerusalem. (Aseel zm, CC BY-SA 4.0, Wikimedia Commons)

The official reason for the murderous new Israeli campaign against Gaza Palestinians was Hamas's "Al Aqsa Flood" operation of Oct. 7, in which Palestinian commandos invaded *kibbutzim* near Gaza for the first time, taking the Israeli security system completely by surprise and inflicting a humiliating defeat on the government in the eyes of its own citizens.

Hamas said it was retaliating for hundreds of Israeli settlers who three days earlier had stormed the al-Aqsa mosque in Jerusalem/al-Quds, the third holiest site in Islam. Ultranationalist Jews [want to rebuild](#) the Roman-era Jewish temple, destroyed around 70 AD, on the mosque's site.

The Hamas operation clearly resulted in the deliberate killing of innocent civilians by Hamas. But surviving residents say it was the police — not the Hamas raiders — who destroyed many houses to ensure that everyone inside, both Hamas gunmen and hostages, would be killed, according to a standard Israeli procedure.

So the [Israeli claim that Hamas killed more than 1,400 civilians](#) in the operation must now be regarded with skepticism as part of the preparation for the massive murder to be inflicted on innocent Palestinian civilians in the weeks that followed.

The Israeli initial strategy for accomplishing its objective in Gaza appeared to be to carry out such heavy bombing on civilian targets throughout Gaza that the Palestinian population would be forced to leave Gaza for Egypt through the Rafah exit.

But that plan quickly ran into a serious obstacle that the Israelis apparently had not anticipated: the Egyptians have adamantly refused to open the exit for a Palestinian exodus.

The primary reason for this Egyptian resistance to the Israeli plan is that appearing to collaborate with

an Israeli policy of pushing the entire Palestinian population out of Gaza would be extremely unpopular with the Egyptian public, which [passionately supports](#) the Palestinian cause.

Egyptian leader Abdel Fattah el-Sisi was extremely harsh in his denunciation of the Israeli Gaza strategy in his joint press appearance with U.S. Secretary of State Antony Blinken on Oct. 15, [declaring](#) that the Israeli air war “went beyond the right to self-defence, turning into collective punishment for 2.3 million people in Gaza.”

Meanwhile, el-Sisi was [insisting](#) that the Israelis allow the trucks containing international assistance for displaced Palestinian families to enter the war zone, while Israel continued to delay approval for any humanitarian assistance day after day and to allow only a trickle to enter Gaza.

At the same time, the Israeli government took the position that Palestinian civilians have no legal right to protection whatsoever, on the ground that Hamas is a terrorist organization. That was the import of remarks by former Israeli Prime Minister Naftali Bennett in an [interview with Britain’s Sky News](#) Oct. 12.

When asked by a journalist what Israel planned to do about the Palestinian civilians in Gaza hospitals after it had cut off all fuel supplies on which the hospitals depended for power, Bennet shouted angrily, “Are you seriously asking me about Palestinian civilians? What is wrong with you? Have you not seen what’s happened? We’re fighting Nazis.”

No Legal Limits

By reducing the issue to Israel vs. “Nazis”, the Israeli government has sought to reject its legal and moral responsibility for humane treatment of civilians, or to abide by international law regarding its conduct of a war.

Seizing on the Hamas raid on the *kibbutzim*, the Israelis hoped to convince their key foreign allies — the United States and the major European states — that the Palestinian civilian population has forfeited all right to protection from Israeli bombing.

Thus it has made no commitment whatever to any such legal or ethical limits on its war in Gaza, which should have been recognized immediately as a threat to the entire civilian population there.

The Israeli government has not uttered the phrase “collective punishment” in this phase of the Israeli-Palestinian conflict. Nevertheless Israel has carried out [systematic punitive home demolitions](#) as a means of punishing entire communities because of individuals who were involved in resistance activities.

That has long been the central Israeli method for dealing with Palestinian resistance activities, as Human Rights Watch [concluded](#) last February.

Israeli leaders have presented their current war of destruction as a further application of the same principle, aimed at punishing the Palestinian population in Gaza for the military operation by Hamas on Oct. 7.

Blaming that operation on the entire Palestinian population on Oct. 12, the president of Israel, Isaac Herzog, [declared](#),

“It is an entire nation out there that is responsible. It is not true this rhetoric about civilians not being aware, not involved. ... They could have fought against that evil regime which took over Gaza in a coup d’etat.”

When a reporter asked Herzog if he was arguing that the failure of the civilian population to overthrow the Hamas government made them “legitimate targets”, he answered, “No, I didn’t say that.” But then he clearly contradicted the denial by arguing, “When you have a missile in your goddam kitchen and you want to shoot it at me, am I allowed to defend myself?”

There has never been any evidence, of course, that Hamas missiles have been hidden in civilian dwellings, nor would it make any military sense for Hamas to do so under the present circumstances.

The constant Israeli invocation of “the right to defend ourselves” is obviously paired silently with the unspoken belief in the right to inflict suffering and even genocide on the Palestinians. Israel has also been dropping leaflets in the northern Gaza Strip [warning the population](#).

“Whoever chooses not to leave north Gaza to the south of Wadi Gaza might be identified as an accomplice in a terrorist organization” clearly implies that they are indeed being treated as legitimate targets for bombing as punishment for the actions of Hamas.

No less than the former attorney general of Israel has [declared](#) unequivocally that in order to destroy Hamas, “you have to destroy Gaza, because almost every building there, is a stronghold of Hamas.”

Targeting hospitals in Gaza poses additional political risks of provoking media and even potentially U.S. government censure, so Israel has turned to an obvious disinformation operation to smooth the way.

When a missile struck the parking lot of the al-Ahli Arab Baptist Hospital, causing casualties among some of the more than 3,000 people who had sought refuge in that area, the IDF quickly blamed the explosion on a Hamas rocket that it claimed had misfired.

The IDF cited a video supposedly showing the misfired rocket exploding at the Baptist hospital, as well as what it called an intercepted conversation between a “former Hamas operative” and a Gaza resident that acknowledging that a misfired Hamas rocket had landed on the hospital grounds.

Counting on the US



Joe Biden as vice president visiting Israel March 2016. (U.S. Embassy, Tel Aviv)

The U.S. National Security Council [announced](#) its official position that Israel was innocent of the rocket attack, and the intelligence community obliged by expressing [“high confidence”](#) that it was an errant Palestinian rocket that had caused the blast.

But then the Israeli case began to fall apart. BBC [reported](#) they could find no cemetery anywhere near the location from which the IDF claimed the errant rocket had been fired.

And *The New York Times* reported that its own more thorough study of the relevant videos [did not support the U.S.-Israeli case](#). Instead it showed that the Palestinian rocket that misfired was “most likely not what caused the explosion at the hospital,” because it had “actually detonated in the sky roughly two miles away.”

Nevertheless, Israel could count on the backing of the Biden administration, which has provided political-diplomatic cover for Israel to carry out its scorched earth policy in Gaza since before the visit of President Joe Biden in mid-October.

Biden and Blinken were reduced to the role of virtual appendages to the Israel government mouthing the Israeli propagandist slogan that Israel has “the right to defend itself”, while adding a reference to the “laws of war” to which the visitors from Washington should have known perfectly well the Israelis were not paying the least attention.

That Biden administration’s craven support for the Israeli destruction of Gaza makes the U.S. complicit not only in Israeli crimes in Gaza but in the crime of genocide.

Although the genocide issue has not surfaced yet in the international politics of the Palestine issue, there is now good reason to expect that it will be raised both by Arab governments and by human rights organizations in the coming months.

This is certainly the historical moment to press the case against Israel genocide as called for by the Genocide Convention itself. The legal requirement for such an accusation is not proof of the mass murder of millions as was carried out by Hitler.

It is [sufficient to prove](#) that a state has the “intent to destroy, in whole or in part, a national, ethnical, racial or religious group...” and that it is

“[d]eliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.”

The war imposed on the Gaza population by Israel obviously qualifies under those two crucial provisions of the convention.

The Genocide Convention also provides for finding that a state is guilty of the crime of “complicity” in genocide, which accurately [describes the behavior](#) of the U.S. government under the Biden administration.

Again it is not necessary to show that the complicity was motivated by the desire for the genocide in question but only that genocide could be a foreseeable result of the actions in question.

The legal question of genocide will ultimately be decided by the International Criminal Court or a national court with universal jurisdiction, such as Spanish courts have assumed in the past. The ICC would no doubt also investigate Hamas’ actions on Oct. 7. The Observer State of Palestine is a member of the ICC and the prosecutor of that court has an open file on Israel and Palestine.

Both the United States and Israel are parties to the Genocide Convention, which makes a campaign to hold them accountable for their respective roles in the present genocide even more of an urgent moral obligation for people and organizations of good will.

Gareth Porter is an independent investigative journalist and historian writing on US national security policy. His latest book, *Manufactured Crisis: The Untold Story of the Iran Nuclear Scare*, was published in February of 2014. Follow him on Twitter: [@GarethPorter](#).