

## THE GAZA GENOCIDE WAS TELEVISED, AND THE WORLD DID NOTHING.

*A legal thesis on the commission of genocide and the abdication of the international legal order.*

### I. Legal Definition of Genocide Under International Law

The charge of genocide is not rhetorical. It is juridical. The term derives its legal definition from the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, a treaty ratified by 153 states – including Israel, the United States, the United Kingdom, and Germany.

#### A. Elements of the Crime (Article II, Genocide Convention)

According to the Genocide Convention, genocide is defined as:

*“Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:”*

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

This list is disjunctive, not cumulative. Any *one* of the acts, if committed with the requisite intent, is sufficient.

#### B. The Requisite Mens Rea: “Intent to Destroy”

The most crucial – and most difficult – element to establish in genocide is specific intent (*dolus specialis*). The perpetrator must possess the *purpose* of destroying the targeted group “in whole or in part.”

However, the International Criminal Tribunal for Rwanda (ICTR) and the ICJ have clarified that intent can be inferred from:

- The **scale** and **systematic nature** of acts
- **Patterns of behavior**, including speech, targeting of civilians, and obstruction of humanitarian relief
- **Statements of officials**, especially dehumanizing or extramatory rhetoric

#### C. The “Protected Group”: Palestinians in Gaza

The victims of the conduct in question are Palestinians, a group recognized in international law and jurisprudence as constituting a “national” and “ethnical” group under the meaning of the Convention. This classification is not controversial. It has been repeatedly affirmed by:

- **United Nations General Assembly resolutions**
- **ICJ advisory opinions (e.g. Wall Opinion 2004)**
- **Customary recognition** by international tribunals and UN organs

## **II. Genocidal Acts Committed Against Palestinians in Gaza (2023-2024)**

Law is not speculation. It is a framework applied to facts. If the Genocide Convention is to have meaning beyond performance, its terms must be applied to real-world conduct. Between October 2023 and July 2024, the State of Israel engaged in an unrelenting campaign of mass violence, population destruction, and life-denial against Palestinians in Gaza – a campaign that satisfies not one but multiple acts enumerated in Article II of the Convention. The factual record is no longer contested. The only question is whether the legal community will admit what the evidence plainly describes: a genocide carried out in the open, with legal impunity and political cover.

### **A. Killing Members of the Group – Article II(a)**

From the initial bombardment of Gaza in October 2023 through mid-2024, Israeli military forces engaged in the systematic targeting of civilian infrastructure and densely populated urban zones. This was not incidental or collateral: it was routine, expected, and repeated. Over **57,000 Palestinians** have been killed as of July 2025, the majority of them women and children – a ratio so grotesquely disproportional that it defies every claim to military necessity or discrimination under international humanitarian law.

The Israeli Air Force conducted repeated strikes on **residential towers, UN-run schools, refugee camps, and medical facilities** – often after instructing civilians to relocate into these exact locations. Human Rights Watch and Amnesty International have documented **dozens of mass casualty incidents** involving high-payload bombs dropped on civilian areas without identifiable military targets. In multiple cases, entire family lines were exterminated in a single strike.

A death toll of this magnitude is not accidental. The sheer volume of fatalities, when combined with the precision capabilities of the Israeli Defense Forces (IDF), gives rise to a presumption of intent under international law. The ICTR and ICJ have both recognized that a consistent pattern of widespread, indiscriminate, and targeted killings may itself constitute evidence of genocidal purpose – particularly when directed against a specific ethnonational population confined to a besieged territory.

### **B. Causing Serious Bodily or Mental Harm – Article II(b)**

Genocide is not limited to killing. The Convention explicitly prohibits actions intended to inflict “serious bodily or mental harm” on the protected group. This provision was designed to capture the **degradation, terror, mutilation, trauma, and psychological torture** inflicted en masse during exterminatory campaigns. In Gaza, all of these harms are not hypothetical – they are **documented, systematized, and ongoing**.

Tens of thousands of Palestinians have suffered **traumatic amputations**, untreated injuries, burns, and complex battlefield wounds due to the destruction of all major surgical facilities. According to Médecins Sans Frontières and the Palestinian Red Crescent, **anesthetics and antibiotics have been blocked**, forcing doctors to operate without sedation. Children have undergone amputations **without morphine**. This is not a war – it is a site of deliberate, televised human mutilation.

Psychological destruction is no less relevant. The UN Secretary-General has stated that **100% of Gaza's children are now experiencing post-traumatic stress disorder (PTSD)**. Over 1.7 million people have been displaced at least once. Families have been erased overnight. Survivors live in conditions of permanent fear, hunger, sleep deprivation, and grief. These are not the incidental costs of conflict. They are the engineered psychological destruction of a people – a form of genocide codified under Article II(b).

### **C. Deliberately Inflicting Conditions of Life Calculated to Bring About Destruction – Article II(c)**

This clause is the heart of modern genocide. It criminalizes not only killing, but **structural annihilation** – the imposition of living conditions so catastrophic, so life-denying, that death becomes statistical inevitability. In Gaza, this is not a projection. It is happening in real time.

The Israeli government has imposed a **total siege** on Gaza since October 2023, cutting off access to food, water, electricity, medicine, and fuel. This was not the byproduct of war – it was announced explicitly. Defense Minister Yoav Gallant stated that “there will be no electricity, no food, no water, no fuel... we are fighting human animals.” This is not coded language. It is the expression of exterminatory intent by a senior state official, delivered while implementing a starvation campaign.

As of mid-2024, **famine has been formally declared** in parts of Gaza by the Integrated Food Security Phase Classification (IPC). Infants have died from dehydration. The World Health Organization has documented entire regions where **clean water is unavailable**. Aid convoys have been attacked. Humanitarian workers have been assassinated. This is not siege warfare. It is the construction of **death by deprivation** – a method long recognized as constitutive of genocide.

The International Criminal Court has already issued warrants against Israeli leaders for **starvation as a method of warfare**. But under the Genocide Convention, starvation, disease proliferation, and the collapse of life-sustaining infrastructure – when implemented with the aim of eliminating the group – constitute a distinct crime. Gaza is no longer just being bombed. It is being **engineered into non-existence**.

### **D. Imposing Measures Intended to Prevent Births Within the Group – Article II(d)**

Genocide is not limited to killing the living. It criminalizes efforts to prevent the continuation of the group itself. Article II(d) targets reproductive suppression – including policies, military actions, or medical deprivation that obstruct the ability of a people to reproduce or raise future generations. In Gaza, Israel has done all three.

As of 2024, the **Israeli military campaign has made childbirth in Gaza a near-lethal event**. According to UNFPA and WHO, more than **50,000 pregnant women** were trapped under siege conditions – many without access to prenatal care, hospitals, or sterile birthing environments. Maternity wards were bombed. Doctors without Borders reported Caesarean sections conducted **without anesthesia** in tent hospitals. Newborns died from lack of incubators, fuel, and basic antibiotics.

This is not wartime triage. It is the **targeted collapse of maternal and infant healthcare**. The World Health Organization warned as early as January 2024 that Gaza's healthcare system had been **"systematically dismantled."** According to UN statistics, maternal mortality has increased **tenfold**. Premature births and miscarriages have surged. In April 2024, the last functioning neonatal unit in Rafah was struck, killing four infants on life support.

The Genocide Convention does not require a written policy of sterilization or forced abortion. It requires *intentional interference with reproduction* that prevents a group from continuing. Israel's campaign of total health blockade – especially against women and children – constitutes precisely this. **When pregnant women are denied medicine, hospitals, and safe delivery while under bombardment, the law does not ask whether a birth-control edict was issued. It asks whether the effect was destruction.** And it was.

#### **E. Forcibly Transferring Children of the Group – Article II(e)**

This clause was drafted in direct response to the abduction and forced assimilation of children during mass atrocities – most notably during the Holocaust. Its inclusion in the Convention criminalizes the removal, disappearance, or forced relocation of children from the targeted group, particularly when done with the aim of assimilation, erasure, or demographic erasure.

There is credible documentation that **Palestinian children have been forcibly removed from Gaza during military operations**, separated from parents during attacks, and transferred into **Israeli custody** without notification or legal process. In January 2024, Euro-Med Monitor and Defense for Children International reported that **dozens of Palestinian minors** were transported across the Erez checkpoint into **Israeli detention centers**, with families denied access or knowledge of their whereabouts.

Further, the systematic destruction of orphanages, displacement of families, and deliberate targeting of civilian shelters has created an **unaccompanied child crisis**. Israel has blocked evacuation corridors, bombed known family compounds, and killed multiple generations in single airstrikes – effectively orphaning survivors. These children have no known guardians, and **Israeli forces have detained some without returning them.**

Although large-scale adoption or transfer into Israeli families has not yet been substantiated, **the removal and custodial isolation of children without parental consent or legal justification falls within the scope of Article II(e)**. The Genocide Convention criminalizes not only biological extermination, but the **interruption of generational continuity** – and the **forced estrangement of children from their community**, whether through abduction, incarceration, or institutionalization, qualifies.

### III. Western Complicity / Material Support / Political Immunity

Genocide is not committed in isolation. It is enabled. Sustained. Supplied. When a state executes a campaign of extermination, the surrounding powers make a choice: to obstruct it, or to subsidize it. The Western world – led by the United States, the United Kingdom, and Germany – did not merely fail to prevent the Gaza genocide. It made it possible.

Under international law, complicity in genocide is not a moral lapse. It is a crime. The Genocide Convention itself – in Article III(e) – criminalizes the act of “complicity in genocide” as a standalone offense. So too does the Rome Statute of the International Criminal Court. In every major tribunal from Rwanda to Yugoslavia, parties who financed, armed, or logistically enabled genocidal states have been held accountable. There is no exemption for liberal democracies. No doctrine of benevolent neglect. When you fuel the furnace, you are part of the fire.

#### A. The United States

Between October 2023 and June 2024, the United States transferred over **\$14 billion in military aid** to Israel, including precision-guided bombs, bunker busters, white phosphorus shells, and 2,000-pound JDAMs – weapons repeatedly used to obliterate civilian infrastructure in Gaza. These transfers continued despite mounting evidence of war crimes, genocidal conduct, and violations of the ICJ’s provisional orders.

In December 2023, January 2024, and March 2024, the United States exercised its **UN Security Council veto** to block ceasefire resolutions – even as famine conditions spread and the civilian death toll crossed 40,000. This veto power was not neutral. It was instrumental. Under international legal doctrine, **supply plus obstruction constitutes complicity**.

The International Law Commission’s Draft Articles on State Responsibility (2001) clarify that **a state bears responsibility when it knowingly aids the commission of an internationally wrongful act by another state**. In this case, the United States did not merely “know” – it was **briefed** by its own intelligence agencies, warned by international monitors, and directly appealed to by humanitarian organizations. It acted anyway.

Furthermore, U.S. President Joseph R. Biden and Secretary of State Antony Blinken continued to **publicly downplay** or deny Israel’s violations, even as mass graves were discovered, hospitals bombed, and famine confirmed. The ICJ has ruled in prior cases (e.g. Bosnia v. Serbia) that **the duty to prevent genocide begins when the state is aware – or should have been aware – of the serious risk**. The U.S. met that threshold within weeks. Its response was more weapons.

#### B. Germany and the United Kingdom

Germany, despite its ostensible historical duty to uphold the Genocide Convention, acted as Israel’s second-largest arms supplier during the Gaza campaign. Between October 2023 and March 2024, Germany approved over **€326 million** in arms exports – a **tenfold increase** compared to the previous year.

The weapons included bombs, tank parts, and communications equipment. These were not defensive. They were deployed in a campaign that the ICJ determined could plausibly constitute genocide.

In March 2024, **Nicaragua filed a formal case against Germany** before the ICJ, alleging that Berlin had materially contributed to Israel's genocidal actions by supplying weapons, providing diplomatic cover, and ignoring the ICJ's provisional measures. The case, still pending, has already forced Germany to **admit awareness of the humanitarian crisis** – and yet it has continued arms shipments.

The United Kingdom mirrored this complicity. Prime Minister Rishi Sunak's government repeatedly reaffirmed support for Israel's "right to defend itself" – even after mass displacement, starvation, and evidence of widespread child casualties emerged. The UK rejected calls to suspend arms licenses, including the export of aircraft parts, guidance systems, and military software. Its official justification – that Israel had not yet violated international law – directly contradicts findings by the UN, ICJ, and dozens of human rights organizations.

Under the Rome Statute and customary international law, **aiding and abetting** requires only that the actor knowingly provide assistance which contributes to the crime – not that they share the genocidal intent. Germany and the UK, fully aware of the consequences of their arms and rhetoric, continued to supply the machinery of death. That makes them culpable.

### **C. Obstruction**

While material support is the most obvious vector of complicity, informational cover is no less critical. Western media outlets, acting in tandem with government officials and defense think tanks, engaged in a sustained campaign of **obfuscation, false equivalence, and genocide denial**.

Major publications like *The New York Times*, *The Guardian*, and *BBC* framed Israel's destruction of Gaza as a "military response," repeatedly citing **Israeli government sources** without verification. Civilian massacres were described as "collateral." Starvation was framed as "supply chain issues." In some cases, journalists were instructed not to use the term "siege" or "famine." All while Palestinians in Gaza were **denied internet, power, and media access**, rendering them unable to contest the dominant narrative.

This is not passive coverage. It is **active distortion** – the same structural propaganda that accompanied past genocides in Bosnia, Rwanda, and Ethiopia. The international community's response is shaped by the frame in which events are presented. By laundering extermination through the language of "self-defense," Western media provided political cover for legal atrocity.

And the effect was real. Public pressure for ceasefire in Western states was muted. Arms transfers continued. UN resolutions were vetoed. Genocide was made bureaucratically invisible.

### **IV. Legal Culpability of Officials: Biden, Netanyahu, Scholz, and Sunak**

Genocide is a leadership crime. It is not the anonymous act of soldiers or algorithms. It is designed, permitted, and orchestrated by identifiable agents of state power. The international legal order

recognizes this. Under the Rome Statute of the International Criminal Court, customary international criminal law, and the Genocide Convention, senior state officials may be held individually liable for genocide, conspiracy to commit genocide, and complicity – even in the absence of direct participation.

The defense of distance – that one did not “pull the trigger” – has been rejected in every post-WWII tribunal, from Nuremberg to The Hague. In genocide law, the test is not physical proximity. It is legal authority, knowledge, and failure to act. If you enabled it, ordered it, ignored it, or funded it – you are liable.

#### **A. Benjamin Netanyahu (Prime Minister of Israel)**

Benjamin Netanyahu is the chief architect of the Gaza campaign. As Prime Minister, he exercises **supreme civilian command over Israel’s military**, as well as oversight of the Mossad, Shin Bet, and all branches of government responsible for foreign policy and war strategy. His liability is not in doubt. It is documented.

Netanyahu presided over:

- The formal declaration of **“total siege”** on Gaza (October 2023)
- The cabinet decisions authorizing bombardments of schools, hospitals, and refugee camps
- The public defiance of the ICJ’s provisional measures (January and March 2024)
- The blockade of humanitarian aid, despite UN warnings of mass famine
- Explicit public statements minimizing civilian casualties as “necessary collateral”
- Post-factum justifications for attacks that killed thousands of children

In May 2024, the **International Criminal Court issued an arrest warrant** for Netanyahu on charges including **extermination, starvation as a method of warfare, and crimes against humanity**. While genocide was not explicitly charged in that filing, the ICC left the door open for future inclusion, citing the *“systematic targeting of conditions of life required for civilian survival.”*

Under Article 25(3)(a) of the Rome Statute, a person is criminally liable if they commit genocide **“directly or through another person, regardless of whether that other person is criminally responsible.”** Under Article 28, a military or political leader is criminally liable if they knew or should have known the crime was occurring and **failed to prevent or punish** the perpetrators. Netanyahu qualifies on both counts.

#### **B. Joseph R. Biden (Former President of the United States)**

President Biden was not a passive observer. He was a principal enabler of Israel’s genocidal campaign, whose administration provided the financial, logistical, and political infrastructure that made the Gaza siege possible – even after the ICJ had ruled that the risk of genocide was legally plausible.

From October 2023 through July 2024, the Biden administration:

- Approved **over \$14 billion** in direct military aid to Israel
- Authorized expedited weapons deliveries via emergency waiver
- Vetoed multiple UN ceasefire resolutions
- Publicly minimized death tolls, suggesting Israel was exercising restraint
- Blocked any invocation of international legal accountability mechanisms
- Ignored direct pleas from humanitarian organizations and its own staff

In November 2023, a civil lawsuit was filed in a U.S. federal court by Palestinian human rights organizations, alleging that **President Biden, Secretary of State Antony Blinken, and Secretary of Defense Lloyd Austin were complicit in genocide** by providing arms and political cover in full knowledge of the consequences. While the case was dismissed on political question grounds, the **ICJ's ruling in Bosnia v. Serbia** provides a broader framework: a state may be liable for **failing to prevent genocide**, and its leaders may be criminally liable for aiding and abetting.

Under Article 25(3)(c) of the Rome Statute, a person is liable for genocide if they **“contribute to the commission or attempted commission of such a crime by a group of persons acting with a common purpose.”** Biden's material support, repeated vetoes, and unwavering diplomatic shield made him such a contributor.

### **C. Olaf Scholz (Former Chancellor of Germany)**

Chancellor Scholz's government accelerated Germany's arms exports to Israel to **unprecedented levels**, even as evidence of starvation, infrastructure annihilation, and indiscriminate bombings mounted. Between October 2023 and March 2024, Germany supplied over €300 million in weapons, representing a **10x increase** from prior years.

Despite the ICJ's provisional measures (January 2024) mandating that all states ensure that no genocide occurs – including through the **suspension of military support** – Scholz refused to halt exports. His administration repeatedly cited Israel's “right to self-defense,” even while admitting awareness of mass civilian casualties.

In March 2024, **Nicaragua filed a formal case against Germany** before the ICJ, arguing that Germany had **violated the Genocide Convention** by aiding Israel despite clear evidence of genocidal acts. The case is still pending, but the mere **admissibility of the claim by the ICJ** underscores Scholz's exposure under international law.

As Germany's head of government and commander-in-chief of its defense apparatus, Scholz holds direct legal responsibility. Under **Article 16 of Germany's Basic Law**, international treaties have the force of domestic law. The Genocide Convention is binding. Ignorance is not a defense. **The weapons Scholz shipped to Israel were used in the mass destruction of a civilian population.**

### **D. Rishi Sunak (Former Prime Minister of the United Kingdom)**



Prime Minister Sunak's liability is quieter – but no less actionable. The UK is one of Israel's major arms suppliers and political allies. During the Gaza campaign, Sunak's government:

- Maintained arms export licenses, including for aircraft components and software
- Rejected calls for embargo, even after ICJ ruling
- Publicly echoed Israeli defense claims, framing the genocide as “defensive warfare”
- Downplayed civilian death tolls and rebuffed demands for war crimes investigations
- Suppressed internal civil service resignations and dissent from FCDO legal advisors

The UK is a **State Party to the Rome Statute**, and is bound by the Genocide Convention. Under **the principle of command responsibility**, a civilian leader is liable if they knew or had reason to know crimes were being committed and **failed to take necessary and reasonable measures** to prevent them. Sunak's consistent inaction, arms supply, and rhetorical exoneration satisfy this test.

## V. Systemic Collapse

The Genocide Convention was born from the ashes of atrocity – drafted in the shadow of Nuremberg, ratified in the hope that “never again” would become legal fact rather than moral slogan. It established a singular promise: that the intentional destruction of a people would be met not with silence, but with intervention; not with impunity, but with prosecution. That promise is now void. Gaza is the proof.

The events of 2023–2024 exposed not only the reality of genocide, but the total dysfunction of the legal regime designed to prevent it. Every mechanism failed:

- The UN Security Council was paralyzed by vetoes
- The International Criminal Court acted too slowly, and too narrowly
- The ICJ issued orders – and they were ignored
- Western democracies supplied the weapons
- Media institutions covered the blood with narrative veils
- And the majority of the legal community – the scholars, bar associations, tribunals – watched in procedural stupor as a people was starved, bombed, orphaned, and erased

This is not a crisis of enforcement alone. It is a crisis of **belief in law**. A system that requires Security Council consensus to stop genocide is not a system. It is **a cartel of selective intervention**. A court that issues binding orders with no means of implementation is not a court. It is **an advisory body in exile**. A treaty that is violated in full view of its signatories, with no consequence, is not law. It is **theater**.

Under Article I of the Genocide Convention, all signatories have a **positive obligation** not only to punish, but to prevent genocide. That means action. Arms embargoes. Diplomatic isolation. Humanitarian corridors. Legal referrals. Instead, the response of the international system to the Gaza genocide was a coordinated shrug – punctuated by photo-ops, delay tactics, and editorial euphemisms.

The law was not absent. It was **present – and mocked**.

Israel, a signatory to the Convention, violated every operative clause. The United States, the United Kingdom, and Germany – also signatories – became active participants, not just bystanders. And the institutions of international justice, hobbled by state interest and structural vetoes, issued condemnations while the death toll doubled.

This is not a breakdown. It is a **revelation**: that genocide, so long as it is committed by the right allies against the right targets, will be tolerated – even subsidized – by the so-called “rules-based order.” That **law is not neutral**, but weaponized. That the survivors of Gaza have no forum, no shield, and no recourse.

And thus the system ends – not with a failure to act, but with a decision **not to matter**.

## **VI. Concluding Memorandum**

Genocide is not defined by body count, but by intent – the deliberate attempt to destroy a people “in whole or in part.” It is not subject to narrative spin, nor diplomatic euphemism. It is adjudicated by evidence, not excuses. And in the case of Gaza, the evidence is overwhelming. Every legal element of the crime has been fulfilled. Every institutional safeguard has failed. And every major actor responsible for prevention instead chose complicity.

Let it be stated, then, without qualification:

- The State of Israel, under the leadership of Prime Minister Benjamin Netanyahu, carried out a systematic campaign of mass killing, infrastructure obliteration, starvation, reproductive sabotage, and child destruction, all directed at the Palestinian national group within Gaza.
- These acts meet each of the five prongs enumerated in Article II of the Genocide Convention.
- They were committed with knowledge, planning, and purpose – as evidenced by public statements, military directives, and policy continuity.

Israel is not the only party liable.

- The United States, under Fomer President Joe Biden, supplied the weapons, vetoed the ceasefires, and shielded the perpetrator from accountability.
- Germany, under Former Chancellor Olaf Scholz, exponentially increased arms shipments even after ICJ warning.
- The United Kingdom, under Former Prime Minister Rishi Sunak, maintained logistical and rhetorical cover.
- All three are state parties to the Genocide Convention. All three violated their obligation to prevent, and in so doing, became accessories.

And what of the system itself?

- The International Court of Justice found plausible risk of genocide, issued binding provisional measures, and was ignored.

- The International Criminal Court issued partial arrest warrants, while omitting genocide from its charges.
- The UN Security Council, designed to preserve peace, became a veto-driven accomplice to war.

These failures are not procedural. They are structural. They expose that the “rules-based international order” is **selective, captured, and morally exhausted**. That treaties are only binding on the weak. That genocide – when televised by allies – is **a policy dispute**, not a crime.

**The law has spoken. It was ignored. The world saw. It did nothing.**

This is not an open question, it is a resolved crime. Unpunished.

The Gaza genocide was planned, enabled, and executed.

The actors named herein – Israel’s government and its Western enablers – are not ambiguously involved. They are **legally culpable**.

The institutions designed to prevent genocide failed not by error, but by design.

The Convention is still law. But without enforcement, it is hollow.

Let future lawyers, scholars, survivors, and tribunals read these words:

**The Gaza genocide happened. It was filmed. It was footnoted. It was confirmed. It was facilitated.**

And it was allowed.

written by @ess.f