

INTERNATIONAL COURT OF JUSTICE

APPLICATION
INSTITUTING PROCEEDINGS

containing a

REQUEST
FOR THE INDICATION
OF PROVISIONAL MEASURES

filed in the Registry of the Court
on 29 December 2023

APPLICATION OF THE CONVENTION
ON THE PREVENTION AND PUNISHMENT
OF THE CRIME OF GENOCIDE
IN THE GAZA STRIP

(SOUTH AFRICA v. ISRAEL)

COUR INTERNATIONALE DE JUSTICE

REQUÊTE
INTRODUCTIVE D'INSTANCE

assortie d'une

DEMANDE
EN INDICATION
DE MESURES CONSERVATOIRES

enregistrée au Greffe de la Cour
le 29 décembre 2023

APPLICATION DE LA CONVENTION
POUR LA PRÉVENTION ET LA RÉPRESSION
DU CRIME DE GÉNOCIDE
DANS LA BANDE DE GAZA

(AFRIQUE DU SUD c. ISRAËL)

She stressed that “States must prevent and punish such acts in accordance with their responsibilities under the Genocide Convention.”⁴³⁸

*D. Expressions of Genocidal Intent against the Palestinian People
by Israeli State Officials and Others*

101. Evidence of Israeli State officials’ specific intent (“*dolus specialis*”) to commit and persist in committing genocidal acts or to fail to prevent them has been significant and overt since October 2023. Those statements of intent — when combined with the level of killing, maiming, displacement and destruction on the ground, together with the siege — evidence an unfolding and continuing genocide. They include statements by the following individuals in the positions of the highest responsibility:

- *Prime Minister of Israel*: On 7 October 2023, in a televised address by the Government Press Office, Prime Minister Benjamin Netanyahu promised to “operate forcefully everywhere”⁴³⁹. On 13 October 2023, he confirmed that “[w]e are striking our enemies with unprecedented might . . .”⁴⁴⁰. On 15 October 2023, when Israeli airstrikes had already killed over 2,670 Palestinians, including 724 children⁴⁴¹, the Prime Minister stated that Israeli soldiers “understand the scope of the mission” and stand ready “to defeat the bloodthirsty monsters who have risen against [Israel] to destroy us”⁴⁴². On 16 October 2023, in a formal address to the Israeli Knesset, he described situation as “a struggle between the children of light and the children of darkness, between humanity and the law of the jungle”⁴⁴³, a dehumanising theme to which he returned on various occasions, including: on 3 November 2023, in a letter to Israeli soldiers and officers also published on the platform “X” (formerly Twitter); the letter asserted that: “[t]his is the war between the sons of light and the sons of darkness. We will not let up on our mission until the light overcomes the darkness — the good will defeat the extreme evil that threatens us and the entire world.”⁴⁴⁴ The Israeli Prime Minister also returned to the theme in his “Christmas message”, stating: “we’re facing monsters, monsters who murdered children in front of their parents . . . This is a battle not only of Israel against these barbarians, it’s a battle of civilization against

⁴³⁸ UN OHCHR, “Press Release, Women bearing the brunt of Israel-Gaza conflict: UN expert”, 20 November 2023, <https://www.ohchr.org/en/press-releases/2023/11/women-bearing-brunt-israel-gaza-conflict-un-expert> (emphasis added).

⁴³⁹ Prime Minister of Israel, @IsraeliPM, Tweet (10:31 p.m.), 7 October 2023, <https://twitter.com/IsraeliPM/status/1710769906373775373>.

⁴⁴⁰ Address by the Prime Minister of Israel, 13 October 2023, <https://www.youtube.com/watch?v=T4HXaZ20M6Q>. Translation in “‘Only the beginning’ says Netanyahu as Israel makes first raids into Gaza”, *Reuters*, 13 October 2023, <https://www.reuters.com/world/middle-east/nor-is-time-war-says-israels-military-chief-2023-10-12>.

⁴⁴¹ UNICEF, “Immediate Needs Document in the State of Palestine (October-December 2023)”, 17 October 2023, <https://reliefweb.int/report/occupied-palestinian-territory/immediate-needs-document-state-palestine-october-december-2023>. (Total as of 17:45, 15 October 2023; children as of 12:00, 14 October 2023).

⁴⁴² Israel Prime Minister’s Office, “PM Netanyahu asks Ministers to Rise for a Moment of Silence”, 15 October 2023, <https://www.gov.il/en/departments/news/spoke-start151023> (emphasis added).

⁴⁴³ Israel Ministry of Foreign Affairs, “Press Release: Excerpt from PM Netanyahu’s remarks at the opening of the Winter Assembly of the 25th Knesset’s Second Session”, 16 October 2023, <https://www.gov.il/en/departments/news/excerpt-from-pm-netanyahu-s-remarks-at-the-opening-of-the-knesset-s-winter-assembly-16-oct-2023>.

⁴⁴⁴ Prime Minister’s Office in Hebrew, @IsraeliPM heb, Tweet (11:44 a.m.), 3 November 2023, https://twitter.com/IsraeliPM_heb/status/1720406469055500583.

barbarism”⁴⁴⁵. On 28 October 2023, as Israeli forces prepared their land invasion of Gaza, the Prime Minister invoked the Biblical story of the total destruction of Amalek by the Israelites, stating: “you must remember what Amalek has done to you, says our Holy Bible. And we do remember”⁴⁴⁶. The Prime Minister referred again to Amalek in the letter sent on 3 November 2023 to Israeli soldiers and officers⁴⁴⁷. The relevant biblical passage reads as follows: “Now go, attack Amalek, and proscribe all that belongs to him. Spare no one, but kill alike men and women, infants and sucklings, oxen and sheep, camels and asses.”⁴⁴⁸

- *President of Israel*: On 12 October 2023, President Isaac Herzog made clear that Israel was not distinguishing between militants and civilians in Gaza, stating in a press conference to foreign media — in relation to Palestinians in Gaza, over one million of whom are children: “It’s an entire nation out there that is responsible. It’s not true this rhetoric about civilians not aware not involved. It’s absolutely not true. . . . and we will fight until we break their backbone.”⁴⁴⁹ On 15 October 2023, echoing the words of Prime Minister Netanyahu, the President told foreign media that “we will uproot evil so that there will be good for the entire region and the world”⁴⁵⁰. The Israeli President is one of many Israelis to have handwritten “messages” on bombs to be dropped on Gaza⁴⁵¹.
- *Israeli Minister of Defence*: On 9 October 2023, Defence Minister Yoav Gallant in an Israeli army “situation update” advised that Israel was “imposing a complete siege on Gaza. No electricity, no food, no water, no fuel. Everything is closed. We are fighting human animals and we are acting accordingly”⁴⁵². He also informed troops on the Gaza border that he had “released all the restraints”⁴⁵³, stating in terms that: “Gaza won’t return to what it was before. We will eliminate everything. If it doesn’t take one day, it will take a week. It will take weeks or even months,

⁴⁴⁵ Israel Ministry of Foreign Affairs, “Christmas message from PM Netanyahu”, 24 December 2023, <https://www.gov.il/en/departments/news/christmas-message-from-pm-netanyahu-24-dec-2023>.

⁴⁴⁶ Address by the Prime Minister of Israel, 28 October 2023, <https://www.youtube.com/watch?v=IIPkoDk6isc>. Translation in “Israel-Hamas war: ‘We will fight and we will win’, says Benjamin Netanyahu”, *Sky News*, 28 October 2023, <https://news.sky.com/video/israel-hamas-war-we-will-fight-and-we-will-win-says-benjamin-netanyahu-12995212>.

⁴⁴⁷ Prime Minister’s Office in Hebrew, @IsraeliPM heb, Tweet (11:43 a.m.), 3 November 2023, https://twitter.com/IsraeliPM_heb/status/1720406463972004198.

⁴⁴⁸ I Samuel 15:1-34 (New Jewish Publication Society, 1985), https://www.sefaria.org/I_Samuel.15.1-34?lang=bi.

⁴⁴⁹ Rageh Omaar, “Israeli president Isaac Herzog says Gazans could have risen up to fight ‘evil’ Hamas”, *ITV News*, 13 October 2023, <https://www.itv.com/news/2023-10-13/israeli-president-says-gazans-could-have-risen-up-to-fight-hamas>.

⁴⁵⁰ President of the State of Israel, @Isaac_Herzog, Tweet (10:00 p.m.), 15 October 2023, https://twitter.com/Isaac_Herzog/status/1713661051986678189.

⁴⁵¹ President of the State of Israel, @Isaac_Herzog, Tweet (5:16 p.m.), 25 December 2023, https://twitter.com/Isaac_Herzog/status/1739334302670745946.

⁴⁵² Statement by Yoav Gallant, 9 October 2023, <https://www.youtube.com/watch?v=1nxvS9VY-t0>. Translation in Emanuel Fabian, “Defense minister announces ‘complete siege’ of Gaza: No power, food or fuel”, *The Times of Israel*, 9 October 2023, https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel.

⁴⁵³ Filmography: Ariel Harmoni, Ministry of Defense, *Kipa News*, 10 October 2023, <https://www.youtube.com/watch?v=19wx7e4u-xM>. Translation in Emanuel Fabian, “Gallant: Israel moving to full offense, Gaza will never return to what it was”, *The Times of Israel*, 10 October 2023, https://www.timesofisrael.com/liveblog_entry/gallant-israel-moving-to-full-offense-gaza-will-never-return-to-what-it-was.

we will reach all places.”⁴⁵⁴ He further announced that Israel was moving to “a full-scale response” and that he had “removed every restriction” on Israeli forces⁴⁵⁵.

- *Israeli Minister for National Security*: On 10 November 2023, Itamar Ben-Gvir clarified the government’s position in a televised address, stating: “[t]o be clear, when we say that Hamas should be destroyed, it also means those who celebrate, those who support, and those who hand out candy — they’re all terrorists, and they should also be destroyed.”⁴⁵⁶
- *Israeli Minister of Energy and Infrastructure*: “Tweeting” on 13 October 2023, Israel Katz stated: “All the civilian population in Gaza is ordered to leave immediately. We will win. They will not receive a drop of water or a single battery until they leave the world.”⁴⁵⁷ On 12 October 2023, he ‘tweeted’: “Humanitarian aid to Gaza? No electrical switch will be turned on, no water hydrant will be opened and no fuel truck will enter until the Israeli abductees are returned home. Humanitarianism for humanitarianism. And no one will preach us morality.”⁴⁵⁸
- *Israeli Minister of Finance*: On 8 October 2023, Bezael Smotrich stated at a meeting of the Israeli Cabinet that “[w]e need to deal a blow that hasn’t been seen in 50 years and take down Gaza.”⁴⁵⁹
- *Israeli Minister of Heritage*: On 1 November 2023, Amichai Eliyahu posted on Facebook: “The north of the Gaza Strip, more beautiful than ever. Everything is blown up and flattened, simply a pleasure for the eyes . . . We must talk about the day after. In my mind, we will hand over lots to all those who fought for Gaza over the years and to those evicted from Gush Katif” [a former Israeli settlement]⁴⁶⁰. He later argued against humanitarian aid as “[w]e wouldn’t hand the Nazis humanitarian aid”, and “there is no such thing as uninvolved civilians in Gaza”⁴⁶¹. He also posited a nuclear attack on the Gaza Strip⁴⁶².

⁴⁵⁴ *Ibid.* Translation in “Israeli Defense Minister Warns Hamas ‘Will Regret’ Deadly Attacks”, *Bloomberg*, 10 October 2023, <https://www.youtube.com/watch?v=vtjHcnNB0E8>.

⁴⁵⁵ Bill Hutchinson, “Bombarded by Israeli airstrikes, conditions in Gaza grow more dire as power goes out”, *ABC News*, 12 October 2023, <https://abnews.go.com/International/bombarded-israeli-airstrikes-conditions-gaza-grow-dire-power/story?id=103899193>.

⁴⁵⁶ Interview with Itamar Ben-Gvir on Channel 12, 11 November 2023, <https://www.youtube.com/watch?v=2yRl-cc-D3w> [10:30 onwards]. Translated by *Quds News Network*, @QudsNen, Tweet (7:28 p.m.), 12 November 2023, <https://twitter.com/QudsNen/status/1723784790682358189>.

⁴⁵⁷ Israel Katz, Minister of Energy and Infrastructure, Member of the Political-Security Cabinet, Member of Knesset, @Israel_katz, Tweet (6:01 p.m.), 13 October 2023, https://twitter.com/Israel_katz/status/1712876230762967222.

⁴⁵⁸ Israel Katz, Minister of Energy and Infrastructure, Member of the Political-Security Cabinet, Member of Knesset, @Israel_katz, Tweet (7:34 a.m.), 12 October 2023, https://twitter.com/Israel_katz/status/1712356130377113904. Translation in “First Thing: no power, water or fuel for Gaza until hostages are freed, Israel says”, *The Guardian*, 12 October 2023, <https://www.theguardian.com/us-news/2023/oct/12/first-thing-no-power-water-fuel-gaza-until-hostages-freed-israel-says>.

⁴⁵⁹ “By abducting over 100 people into Gaza, Hamas has put Netanyahu in a political bind”, *The Times of Israel*, 8 October 2023, <https://www.timesofisrael.com/by-abducting-over-100-people-into-gaza-hamas-has-put-netanyahu-in-a-political-bind>.

⁴⁶⁰ Amichai Eliyahu, Facebook Post, 1 November 2023, <https://www.facebook.com/eliyau.a/videos/148918588283326>.

⁴⁶¹ Gili Cohen, Dov Gil-Har, Itay Blumenthal and Suleiman Masveda, “Minister Amichai Eliyahu: Atomic bomb on Gaza? This is one of the possibilities”, *Kan*, 5 November 2023, <https://wwwj.kan.org.il/content/kan-news/politic/596470>. Translation in “Far-right minister: Nuking Gaza is an option, population should ‘go to Ireland or deserts’”, *The Times of Israel*, 5 November 2023, https://www.timesofisrael.com/liveblog_entry/far-right-minister-nuking-gaza-is-an-option-population-should-go-to-ireland-or-deserts.

⁴⁶² *Ibid.* The radio comment was criticised by the Prime Minister. Prime Minister of Israel,

- *Israeli Minister of Agriculture*: On 11 November 2023, Avi Dichter in a television interview recalled the Nakba of 1948, in which over 80 per cent of the Palestinian population of the new Israeli State was forced from or fled their homes, stating that “[w]e are now actually rolling out the Gaza Nakba”⁴⁶³.
- *Deputy Speaker of the Knesset and Member of the Foreign Affairs and Security Committee*: On 7 October 2023, Nissim Vaturi “tweeted” that: “[n]ow we all have one common goal — erasing the Gaza Strip from the face of the earth. Those who are unable will be replaced.”⁴⁶⁴

102. Similar statements have been made by Israeli army officials, advisers and spokespersons, and others engaging with Israeli troops being deployed in Gaza:

- *Israeli army Coordinator of Government Activities in the Territories (“COGAT”)*: On 9 October 2023, in a video statement addressed to Hamas and Gaza residents, published by COGAT’s official channel, Major General Ghassan Alian warned: “Hamas became ISIS and the citizens of Gaza are celebrating instead of being horrified. Human animals are dealt with accordingly. Israel has imposed a total blockade on Gaza, no electricity, no water, just damage. You wanted hell, you will get hell.”⁴⁶⁵
- *Israeli army reservist Major General, former head of the Israeli National Security Council, and adviser to the Defence Minister*⁴⁶⁶: On 7 October 2023, Giora Eiland, describing the Israeli order to cut off water and electricity to Gaza, wrote in an online journal: “This is what Israel has begun to do — we cut the supply of energy, water and diesel to the Strip . . . But it’s not enough. In order to make the siege effective, we have to prevent others from giving assistance to Gaza . . . *The people should be told that they have two choices; to stay and to starve, or to leave.* If Egypt and other countries prefer that these people will perish in Gaza, this is their choice.”⁴⁶⁷ On the same day, he asserted in a national newspaper that “[w]hen you are at war with another country you don’t feed them, you don’t provide them electricity or gas or water or anything else . . . *A country can be attacked in a much broader way, to bring the country to the brink of dysfunction. This is the necessary outcome of events*” in Gaza⁴⁶⁸. He has repeatedly asserted the benefits for Israel of the creation of a humanitarian crisis in Gaza, stating that “*Israel has no interest in*

⁴⁶³ @IsraeliPM, Tweet (8:05 a.m.), 5 November 2023, <https://twitter.com/IsraeliPM/status/1721076229518823826>. The Prime Minister’s Office announced that the MK had been suspended from government meetings until further notice, although he reportedly voted in a meeting later that day. “Netanyahu ‘suspended’ the minister who did not fire an atom bomb on Gaza — even though there is no such option in the government regulations”, *Yedioth Ahronoth*, 5 November 2023, <https://www.ynet.co.il/news/article/rjdl5ebm6>.

⁴⁶⁴ Interview with Avi Dichter on Channel 12: Hanno Hauenstein, @hahauenstein, <https://twitter.com/hahauenstein/status/1723441134221869453>, 11 November 2023, 8:42 p.m.).

⁴⁶⁵ Nissim Vaturi, Deputy Speaker of the Knesset, Member of the Foreign Affairs and Security Committee, @nissimv, Tweet (5:33 p.m.), 7 October 2023, <https://twitter.com/nissimv/status/1710694866009596169>. Translation in “Public Statement: Scholars Warn of Potential Genocide in Gaza”, *Opinio Juris*, 18 October 2023, <https://opiniojuris.org/2023/10/18/public-statement-scholars-warn-of-potential-genocide-in-gaza>.

⁴⁶⁶ Video address by Ghassan Alian, 10 October 2023, <https://www.youtube.com/shorts/5a0EWv-o7mE>.

⁴⁶⁷ “Former security officials and strategic advisor: the ‘cabinet’ established by Gallant for himself”, *Yedioth Ahronoth*, 26 October 2023, <https://www.ynet.co.il/news/article/r1zlcnoqa>.

⁴⁶⁸ Giora Eiland, “A new turning point in the history of the State of Israel. Most people don’t understand that”, *Fathom*, 7 October 2023, <https://fathomjournal.org/opinion-a-new-turning-point-in-the-history-of-the-state-of-israel-most-people-dont-understand-that/> (emphasis added).

⁴⁶⁹ Giora Eiland, “The state of Gaza has started a war against Israel — and it should be fought accordingly”, *Mako*, 7 October 2023, https://www.mako.co.il/news-columns/2023_q4/Article-fcf787ad0ba0b81027.htm (emphasis added).

the Gaza Strip being rehabilitated and this is an important point that needs to be made clear to the Americans⁴⁶⁹, and that “[i]f we ever want to see the hostages alive, the only way is to create a *severe humanitarian crisis in Gaza*”⁴⁷⁰. He has indicated that water should be targeted, noting that water in Gaza “comes from wells with salt water unfit for consumption. They have water treatment plants, Israel should hit those plants. When the entire world says we have gone insane and this is a humanitarian disaster — we will say, it’s not an end, it’s a means”⁴⁷¹. In a Times radio interview on 12 October 2023, he reiterated the army should: “[C]reate such a huge pressure on Gaza, that Gaza will become an area where people cannot live. People cannot live, until Hamas is destroyed, which means that Israel not only stops to supply energy, diesel, water, food . . . as we did in the last 20 years . . . but we should prevent any possible assistance by others, and to create in Gaza such a terrible, unbearable situation, that can last weeks and months”⁴⁷². Giora Eiland has repeatedly been given a media platform to call for Gaza to be made uninhabitable, declaring “*the State of Israel has no choice but to make Gaza a place that is temporarily, or permanently, impossible to live in*”⁴⁷³. In an interview on 6 November 2023, he suggested that, “if there is an intention for a military action at Shifa [Hospital], which I think is inescapable, I hope that the head of the CIA got an explanation of why this is necessary, and why *the US must ultimately back even an operation like this, even if there are thousands of bodies of civilians in the streets afterward*”⁴⁷⁴. Further he proposed that “Israel needs to create a humanitarian crisis in Gaza, compelling tens of thousands or even hundreds of thousands to seek refuge in Egypt or the Gulf . . . *Gaza will become a place where no human being can exist.*”⁴⁷⁵ Echoing the words of President Herzog, he has repeatedly underscored that there should be no distinction between Hamas combatants and Palestinian civilians, saying: “Who are the ‘poor’ women of Gaza? *They are all the mothers, sisters or wives of Hamas murderers.* On the one hand, they are part of the infrastructure that supports the organization, and on the other hand, if they experience a humanitarian disaster, then it can be assumed that some of the Hamas fighters and the more junior commanders will begin to understand that the war is futile . . . The international community warns us of a humanitarian disaster in Gaza and of severe epidemics. We must not shy away from this, as difficult as that may be. After all, *severe epidemics in the south of the Gaza Strip will bring victory closer . . . It is precisely its civil collapse that will bring the end of the war closer.* When senior Israeli figures say in the media ‘It’s either us or them’ we should clarify the question of who is ‘them’. ‘They’ are not only Hamas fighters with weapons, but also *all the ‘civilian’ officials, including hospital administrators and school*

⁴⁶⁹ Interview with Giora Eiland on Kann News, 17 November 2023; Kann News, @kann_news, Tweet (6:42 p.m.), 17 November 2023, https://twitter.com/kann_news/status/1725585143333622129 (emphasis added).

⁴⁷⁰ Ariel Whitman, “Giora Eiland outlines plan to get hostages back alive”, *Globes*, 8 October 2023, <https://en.globes.co.il/en/article-giora-eiland-outlines-plan-to-get-hostages-back-alive-1001459631> (emphasis added).

⁴⁷¹ “How should one respond to the massacre of hundreds?”, *Yedioth Ahronoth* (print), 9 October 2023, <https://drive.google.com/file/d/115Ow2T0Na20BcoL2yautiobj8ldNsVK/view>.

⁴⁷² How Israel plans to “destroy Hamas” | Major General Giora Eiland, 12 October 2023, <https://www.youtube.com/watch?v=CRHz0dZwF2A>.

⁴⁷³ Giora Eiland, “This is not revenge. It’s either us or them”, *Yedioth Ahronoth*, 10 October 2023, <https://www.ynet.co.il/yedioth/article/yokra13625377> (emphasis added).

⁴⁷⁴ “Ex-top general: IDF op against Hamas at Shifa Hospital inescapable; US must back it”, *The Times of Israel*, 6 November 2023, https://www.timesofisrael.com/liveblog_entry/ex-top-general-idf-op-against-hamas-at-shifa-hospital-inescapable-us-must-back-it/ (emphasis added).

⁴⁷⁵ Giora Eiland, “It’s time to rip off the Hamas band-aid”, *Yedioth Ahronoth*, 12 October 2023, <https://www.ynetnews.com/article/sju3uabba> (emphasis added).

*administrators, and also the entire Gaza population who enthusiastically supported Hamas and cheered on its atrocities on October 7th.*⁴⁷⁶

- *Israeli army reservist “motivational speech”*: On 11 October 2023, 95-year old Israeli army reservist Ezra Yachin — a veteran of the Deir Yassin massacre during the 1948 Nakba — reportedly called up for reserve duty to “boost morale” amongst Israeli troops ahead of the ground invasion, was broadcast on social media inciting other soldiers to genocide as follows, while being driven around in an Israeli army vehicle, dressed in Israeli army fatigues: “Be triumphant and finish them off and don’t leave anyone behind. *Erase the memory of them. Erase them, their families, mothers and children. These animals can no longer live . . .* Every Jew with a weapon should go out and kill them. If you have an Arab neighbour, don’t wait, go to his home and shoot him . . . We want to invade, not like before, we want to enter and *destroy what’s in front of us, and destroy houses, then destroy the one after it.* With all of our forces, *complete destruction*, enter and destroy. As you can see, we will witness things we’ve never dreamed of. Let them drop bombs on them and erase them.”⁴⁷⁷
- *Head of the Israeli army’s Air Operations Group*: On 28 October 2023, Lieutenant Colonel Gilad Kinan described the Air Force as “work[ing] together with all the bodies in the IDF when the goal is clear — to *destroy everything* that has been touched by the hand of Hamas”⁴⁷⁸.
- *Commander in the 2908th Battalion of the Israeli army*: In a video posted online on 21 December 2023, Yair Ben David said that the Israeli army had “entered Beit Hanoun and did there as Shimon and Levi did in Nablus”, and that “[t]he entire Gaza should resemble Beit Hanoun”, referring to the city in northern Gaza which has been entirely devastated by the Israeli army⁴⁷⁹. The biblical passage in issue reads: “On the third day, when they were in pain, Simeon and Levi, two of Jacob’s sons, brothers of Dinah, took each his sword, came upon the city unmolested, and *slew all the males.*”⁴⁸⁰

⁴⁷⁶ Giora Eiland, “Let’s not be intimidated by the world”, *Yedioth Ahronoth* (print), 19 November 2023, in Bezael Smotrich, Minister of Finance, Chairman of the Religious Zionist Party, @bezaelsm, Tweet (11:20 a.m.), 19 November 2023, <https://twitter.com/bezaelsm/status/1726198721946480911>. Translation by Talula Sha, Tweet, 19 November 2023, <https://twitter.com/TalulaSha/status/1726267178201362438> (emphasis added).

⁴⁷⁷ *Bazz News*, @1717Bazz, Tweet (7:39 p.m.), 11 October 2023, <https://twitter.com/1717Bazz/status/1712176168823107986>. Translation by *Middle East Eye*, @MiddleEastEye, Tweet (8:48 p.m.), 13 October 2023, <https://twitter.com/MiddleEastEye/status/1712918166437806294> (emphasis added).

⁴⁷⁸ Israel Defense Forces, @idfonline, Tweet (6:23 a.m.), 28 October 2023, <https://twitter.com/idfonline/status/1718136442805686351>. (Informal translation) (emphasis added).

⁴⁷⁹ Yair Ben David, Commander in the 2908th Battalion, statement, 20 December 2023, <https://www.youtube.com/watch?v=NK8ZnGKspel>. Translation in “War on Gaza: Israeli commander vows to flatten ‘entire’ Gaza Strip”, *Middle East Eye*, 21 December 2023, <https://www.middleeasteye.net/news/war-gaza-israeli-commander-vows-flatten-entire-gaza-strip>.

⁴⁸⁰ Genesis 34:25 (New Jewish Publication Society, 1985), <https://www.sefaria.org/Genesis.34.25?lang=bi&with=all&lang2=en> (emphasis added).

ten[ed]”⁴⁸⁶, “eras[ed]”⁴⁸⁷, and “[c]rush[ed] . . . on all its inhabitants”⁴⁸⁸. Parliamentarians have publicly deplored anyone “feel[ing] sorry” for the “uninvolved” Gazans, asserting repeatedly that “there are no uninvolved”⁴⁸⁹, that “[t]here are no innocents in Gaza”⁴⁹⁰, that “the killers of the women and children should not be separated from the citizens of Gaza”⁴⁹¹, that “the children of Gaza have brought this upon themselves”⁴⁹², and that “there should be one sentence for everyone there — death”⁴⁹³. Parliamentarians have stated “[w]e must not forget that even the ‘innocent citizens’ — the cruel and monstrous people from Gaza took an active part . . . there is no place for any humanitarian gesture — the memory of Amalek must be protested”⁴⁹⁴, and that “[w]ithout hunger and thirst among the Gazan population, we will not be able to recruit collaborators”⁴⁹⁵. Parliamentarians have also called for “mercilessly” bombing “from the air”⁴⁹⁶, calling for the use of nuclear (“doomsday”) weapons⁴⁹⁷, and a “Nakba that will overshadow the Nakba of [19]48”⁴⁹⁸.

106. Similar genocidal rhetoric is also commonplace in Israeli civil society, with genocidal messages being routinely broadcast — without censure or sanction — in [the] Israeli media. The media reports call for Gaza to be

⁴⁸⁶ Interview with Katrin “Keti” Shitrit-Peretz on *Now 14*, 1 November 2023; *Now 14*, @Now14Israel, Tweet (9:50 p.m.), 1 November 2023, <https://twitter.com/Now14Israel/status/1719834297832526215>; Revital Gottlieb, @TallyGotliv, Tweet (10:41 a.m.), 10 October 2023, <https://twitter.com/TallyGotliv/status/1711678420235534705>.

⁴⁸⁷ Galit Distel Atbaryan, @GalitDistel, Tweet (12:13 p.m.), 1 November 2023, <https://twitter.com/galitdistel/status/1719689095230730656>.

⁴⁸⁸ Elyahu Revivo, @revivoelياهو, Tweet (2:46 p.m.), 1 November 2023, <https://twitter.com/revivoelياهو/status/1719727722459508915>.

⁴⁸⁹ Revital Gottlieb, @TallyGotliv, Tweet (3:46 p.m.), 7 December 2023, <https://twitter.com/TallyGotliv/status/1732788632430186872>.

⁴⁹⁰ Avigdor Lieberman, @AvigdorLieberman, Tweet (6:45 p.m.), 30 November 2023, <https://twitter.com/avigdorliberman/status/1730297081959530685> (emphasis added).

⁴⁹¹ Interview with Katrin “Keti” Shitrit-Peretz on *Now 14*, 1 November 2023; *Now 14*, @Now14Israel, Tweet (9:50 p.m.), 1 November 2023, <https://twitter.com/Now14Israel/status/1719834297832526215> (emphasis added).

⁴⁹² Meirav Ben-Ari, Knesset Session, 16 October 2023, https://www.facebook.com/watch/live/?ref=watch_permalink&v=3497251110531404 [2:29:57] (emphasis added). Translation by Jonathan Ofir, “Israeli Politician Says ‘Children of Gaza Have Brought This Upon Themselves’”, *Truthout*, 18 October 2023, <https://truthout.org/articles/israeli-politician-says-children-of-gaza-have-brought-this-upon-themselves>.

⁴⁹³ “MK Yitzhak Kroizer: ‘The Gaza Strip should be wiped off the map’”, *Galey Israel*, 5 November 2023, <https://www.gly.co.il/item?id=30587>. Translation in “Fire Israel’s Far Right”, *Haaretz*, 6 November 2023, <https://www.haaretz.com/opinion/editorial/2023-11-06/ty-article/.premium/fire-israels-far-right/0000018b-a11c-dc0b-a1cb-e5de69890000>.

⁴⁹⁴ Boaz Bismuth, @BismuthBoaz, Tweet (8:02 a.m.), 16 October 2023, <https://twitter.com/BismuthBoaz/status/1713812686784311358>.

⁴⁹⁵ Statement by Revital Gottlieb in the Knesset, 23 October 2023; Knesset Channel, @KnessetT, Tweet (6:10 p.m.), 23 October 2023, <https://twitter.com/KnessetT/status/1716502486331113922>.

⁴⁹⁶ Revital Gottlieb, @TallyGotliv, Tweet (7:39 a.m.), 13 December 2023, <https://twitter.com/TallyGotliv/status/1734840416522948800>.

⁴⁹⁷ Revital Gottlieb, @TallyGotliv, Tweet (5:59 p.m.), 9 October 2023, <https://twitter.com/TallyGotliv/status/1711426284322996613>.

⁴⁹⁸ Ariel Kallner, @ArielKallner, Tweet (10:29 p.m.), 7 October 2023, <https://twitter.com/ArielKallner/status/1710769363119141268>. Translated in *The New Arab*: “Erase Gaza’: How genocidal rhetoric became normalised in Israel”, *The New Arab*, 30 November 2023, <https://www.newarab.com/analysis/erase-gaza-how-genocidal-rhetoric-normalised-israeland> (informal translation).

“erase[d]”⁴⁹⁹, turned into a “slaughterhouse”⁵⁰⁰, that “ Hamas should not be eliminated” but rather “Gaza should be razed”⁵⁰¹, on the repeated claim that “[t]here are *no innocents* . . . There is no population. *There are 2.5 million terrorists*”⁵⁰². One local official, reportedly called for Gaza to be “desolate and destroyed” like the Auschwitz Museum, “demonstrating the madness of the people who lived there”⁵⁰³. Former MKs have called for a level of destruction akin to that of Dresden and Hiroshima⁵⁰⁴, asserting that it would be “immoral” for the Israeli army not to show themselves to be “vengeful and cruel”⁵⁰⁵. In an Israeli news interview, one former MK called for all Palestinians in Gaza to be killed saying:

“I tell you, *in Gaza without exception, they are all terrorists, sons of dogs. They must be exterminated, all of them killed. We will flatten Gaza, turn them to dust, and the army will cleanse the area. Then we will start building new areas, for us, above all, for our security.*”⁵⁰⁶

107. Those statements by prominent members of Israeli society — including former parliamentarians and news anchors — constitute clear direct and public incitement to genocide, which has gone unchecked and unpunished by the Israeli authorities. That such sentiment appears to be so widespread and mainstream in Israeli society is of particular concern, in circumstances where the soldiers serving in Gaza are largely reservists, drawn from and informed by civil society.

E. Recognition of Israel’s Genocidal Intent against Palestinians

108. As set out above, numerous States have rightly recognised Israel’s statements in relation to Gaza as demonstrating genocidal intent. That assessment is shared by a significant number of United Nations experts who have repeatedly warned since at least mid-October 2023 that the Palestinian people are at grave risk of genocide by Israel. By way of example:

— On 19 October 2023, *nine United Nations Special Rapporteurs* sounded “the alarm”, warning that “[t]here is an ongoing campaign by Israel resulting in crimes against humanity in Gaza. Considering statements made by Israeli political leaders and their allies, accompanied by military action in Gaza and escalation of arrests

⁴⁹⁹ Interview with Eyal Golan on *Now 14*, 15 October 2023: *Now 14*, @Now14Israel, Tweet (1:24 p.m.), 15 October 2023, <https://twitter.com/Now14Israel/status/1713531211300167928>.

⁵⁰⁰ David Mizrahy Verthaim, @dverthaim, Tweet (4:52 p.m.), 7 October 2023, <https://twitter.com/dverthaim/status/1710684531114602891>.

⁵⁰¹ Moshe Feiglin, @moshefeiglin, Tweet (6:16 a.m.), 12 October 2023, <https://twitter.com/moshefeiglin/status/1712336429982846977>.

⁵⁰² Interview with Eliyahu Yossain on *Now 14 Israel*, 29 October 2023: *Now 14*, @Now14Israel, Tweet (9:32 p.m.), 29 October 2023, <https://twitter.com/Now14Israel/status/1718742747455053922>. Translated by Ahmed Eldin, Instagram Post, 30 October 2023, <https://www.instagram.com/reel/CzB77tJrjtW/> (emphasis added).

⁵⁰³ “Israel should make Gaza look like Auschwitz — council head”, *Jerusalem Post*, 17 December 2023, <https://www.jpost.com/israel-hamas-war/article-778367>.

⁵⁰⁴ Interview with Moshe Feiglin on *Al Jazeera*, 25 October 2023, <https://www.aljazeera.com/news/politics/2023/10/25/عضو-كنيست-سابق-يدعو-لتكرار-سيناريو-2023/10/25>.

⁵⁰⁵ Galit Distel Atbaryan, @GalitDistel, Tweet (12:13 p.m.), 1 November 2023, <https://twitter.com/galitdistel/status/1719689095230730656>.

⁵⁰⁶ “Former Israeli Knesset member calls on the complete destruction of Gaza”, *Middle East Eye*, 25 December 2023, <https://www.middleeasteye.net/live-blog/live-blog-update/former-israeli-knesset-member-calls-complete-destruction-gaza> (emphasis added).