

Gaza: Proving Dolus Specialis / Mens Rea for Genocide

Not even Israel's most determined defenders now deny that its actions in Gaza satisfy the threshold for genocidal conduct - *actus reus* under the 1948 Genocide Convention. Entire families have been exterminated, infrastructure essential for life has been deliberately destroyed, and basic necessities have been systematically withheld from over two million people. The remaining question - the one that separates genocide from "mere" mass atrocity - is that of intent: Did Israel commit these acts *with intent to destroy*, in whole or in part, the Palestinian people in Gaza, as such?

The Genocide Convention does not define how to prove this intent (*dolus specialis*). But international jurisprudence does. From the Nuremberg Tribunals to the International Criminal Tribunal for Rwanda (ICTR), and in landmark rulings by the International Court of Justice (ICJ), courts have consistently recognized that **intent can be inferred**. The standards include:

- the **systematic nature** of the acts themselves,
- **public or private statements** by government officials, and
- **corroboration** through ideology, propaganda, or failure to prevent incitement.

This essay applies those same standards. It demonstrates that Israel's actions in Gaza meet the legal definition of genocide - not only through the scale of destruction, but through an **unbroken ideological lineage**: a century of eliminationist rhetoric from early Zionist leaders to contemporary cabinet ministers. This is not a recent aberration, but the culmination of a long-standing political project.

Israel fulfills **at least four of the five** prohibited acts listed under Article II of the Genocide Convention, and arguably all five, through good-faith *teleological* interpretation. But it is the **decades of unpunished incitement**, the **institutional normalization of supremacist ideology**, and the **codification of annihilationist policy** - exemplified most clearly by the 2024 Knesset letter - that render the intent unmistakable.

The crime of genocide does not require the perpetrators to declare their purpose - but in this case, they have.

The Genocide Convention: Legal Criteria and the Five Prohibited Acts

According to **Article II** of the Genocide 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:

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

Israel's actions in Gaza clearly satisfy **four of the five** criteria beyond dispute, and plausibly the fifth via teleological interpretation.

Establishing Dolus Specialis: Legal Precedents and Evidentiary Standards

International law recognizes multiple forms of genocidal intent:

- **Explicit:** Statements or documents openly declaring an intention to destroy.
- **Inferred:** From systematic acts targeting a group.
- **Corroborated:** Through propaganda, ideology, or inaction in the face of incitement.

Precedents include:

- **Akayesu (ICTR):** Intent can be inferred from context and coordinated actions.
- **Krstić (ICTY):** Srebrenica massacre classified as genocide despite limited scope.
- **Bosnia v. Serbia (ICJ):** States have a duty to **prevent and punish** incitement; intent can be inferred from repeated inaction.

Israel has not only failed to prevent incitement - it has **institutionalized and rewarded it**.

Dolus Specialis Inferred by Actions Against Historic Norms

Genocidal intent (*dolus specialis*) can be inferred from systematic conduct, especially when it so overwhelmingly targets a protected civilian population. Israel's conduct in Gaza, even taken on its own terms, far surpasses anything seen in modern warfare. In every domain - civilian targeting, infrastructure obliteration, explosive tonnage, and siege duration - Israel's actions stand out as historically extreme and legally damning.

Deliberate Targeting of Civilians

Even by the **IDF's own internal assessments**, recently leaked to the press, **83% of those killed in Gaza were civilians**, and **nearly half were children**. This figure is damning not only because of its scale, but because it comes from the IDF itself - a military apparatus known for classifying any male of fighting age as a "combatant" and for routinely claiming " Hamas affiliation" without evidence. This level of civilian death exceeds all modern con-

flicts, including Afghanistan, Iraq, and Syria, where the proportion of civilian casualties was significantly lower.

One of the most statistically irrefutable indicators of deliberate targeting is the **mass killing of journalists**. As of mid-2025, **over 250 journalists** have been killed in Gaza since October 7, 2023. That's more than in **any other conflict in recorded history**, including global wars and decades-long insurgencies. The mortality rate for journalists in Gaza exceeds **130 per year**, while in most wars the number barely exceeds single digits. In statistical terms, this produces a **z-score of over 96**, making random accident mathematically implausible. When paired with Israel's blanket ban on foreign press in Gaza, it strongly suggests that these killings are not incidental, but systematic - intended to **silence witnesses**.

Unprecedented Destruction of Civilian Infrastructure

Gaza today is the most systematically destroyed urban environment on Earth. Satellite imagery and field reports from UN agencies, human rights organizations, and the World Health Organization confirm that **over 70% of all civilian buildings** - homes, apartments, hospitals, schools, mosques, agricultural sites - have been destroyed or made uninhabitable. The **targeting of hospitals** alone has no modern parallel: dozens of major facilities were struck repeatedly, including **Al-Shifa, Al-Quds, Nasser, and Kamal Adwan**, with many razed completely.

Water desalination plants, waste treatment centers, solar panels, bakeries, and ambulance convoys have also been systematically targeted. In a context where Gaza is sealed off with no ability to import critical resources, this destruction is not merely tactical - it constitutes **deliberate infliction of conditions of life calculated to destroy** a people, in whole or in part.

International observers, including the **UN, WHO, IPC, and WFP**, have all stated unequivocally that **famine is being used as a weapon of war**, a blatant violation of international humanitarian law and a hallmark of genocidal conduct.

Explosive Tonnage Exceeds All Historical Precedents

Between October 2023 and mid-2025, Israel dropped an estimated **100,000 tons of explosives** on Gaza. That is roughly **seven times** the force of the bomb dropped on Hiroshima. And while the bombings of **London, Dresden, and Tokyo** spanned years or occurred during total wars, the destruction of Gaza occurred over just **18 months**, and in a confined area less than **1/3 the size of London**.

Never in modern history has a population center so densely packed - and so sealed off - been subjected to this volume of firepower. Not even during the firebombings of WWII was this scale of destruction inflicted on a single enclave with **no possibility of escape** for civilians.

The Longest, Most Total Siege in Modern and Ancient History

Throughout history, sieges have typically included at least a minimal lifeline for survival. During the Nazi siege of **Leningrad** (1941–44), the Soviet Union supplied the city with aid across **Lake Ladoga**. In **Stalingrad** (1942–43), provisions and reinforcements crossed the **Volga River** under fire. Even in **Sarajevo** (1992–96), smuggling tunnels and **UN airlifts** allowed food, medicine, and civilians to flow in and out, albeit with difficulty.

By contrast, **Gaza's siege is total**. Since 2007, Israel has controlled all borders, airspace, and sea access, denying the import of food, fuel, medicine, and construction materials. Since **October 2023**, the blockade has escalated into **complete siege**: no entry or exit, no functioning border crossings, no air corridor, and no humanitarian lifeline. Even **bakeries**, **solar panels**, and **tent camps** have been deliberately bombed. In **March 2025**, the Israeli government reaffirmed its policy of “zero entry” of goods, explicitly including food and water.

Gaza holds the record for the **longest continuous siege in modern history** (18 years) and the **most total siege ever documented**, ancient or modern. Never before has a population of **2.3 million**, half of them children, been sealed off from the world, bombarded relentlessly, and denied the basic necessities of life for this duration.

Conclusion: A Miracle of Survival

Legally, the intent to destroy a group “as such” need not be spoken aloud when it is **so clearly written into the logic of the military campaign**. But in Gaza, even that veil has fallen: the conduct matches the pattern, and the rhetoric confirms the purpose. The fact that anyone in Gaza is still alive is not an exoneration of Israel - it is a miracle. **Legally**, that miracle cannot distract from what the law already makes clear: **this is genocide**, by conduct and by intent.

A Century of Unpunished Incitement: Quotes Ordered Chronologically

As recognized in *Akayesu*, *Bosnia v. Serbia*, and other international cases, genocidal intent may also be inferred from **public and private statements by officials**, particularly when those statements are not condemned, but **institutionalized and rewarded**. Under the **Genocide Convention**, signatory states are obligated not only to **refrain from committing genocide**, but also to **prevent and punish direct and public incitement** to genocide. Israel has done the opposite.

Incitement to genocide is not only **routine and normalized** in Israeli political discourse - it is **openly broadcast by senior ministers, coalition MKs, military officers, and influential media personalities**, often using theological or eliminationist language. This is not incidental. It reflects a political climate in which **calls for mass extermination are not only tolerated, but serve as credentials for political advancement**.

The quotes below illustrate not isolated outbursts, but a **consistent, ideologically embedded pattern of incitement**. The Israeli government has made **no effort to punish or**

even distance itself from these statements - on the contrary, many of the individuals cited have been **promoted to cabinet posts, reelected to Knesset, or appointed to key defense positions**. This **systemic failure to prevent or punish incitement**, in breach of Article III(c) of the Convention, is not mere negligence: it is **institutional endorsement** of genocidal ideology.

"We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, whilst denying it any employment in our own country."

- Theodor Herzl, June 12, 1895, Founder of Political Zionism, Written Diary Entry

"We must expel Arabs and take their places... if we have to use force... we have force at our disposal. The compulsory transfer of the [Palestinians]... could give us something which we never had."

- David Ben-Gurion, October 5, 1937, Israel's First Prime Minister, Written Letter to His Son

"There is no room for both peoples... Not one village, not one tribe should be left. The Arabs will have to go, but one needs an opportune moment, such as a war."

- Yosef Weitz, December 20, 1940, Director of the Jewish National Fund's Lands Department, Written Report

"We must wipe them [Palestinian villages] out."

- David Ben-Gurion, 1948, Israel's First Prime Minister, Public Address during the Nakba

Israel signed the **Genocide Convention** on **December 17, 1949**, and **ratified it on March 9, 1950**. Article III of the Convention makes not only genocide itself, but also **"direct and public incitement to commit genocide"** a punishable crime.

In **1977**, Israel enacted its **Penal Law (Amendment No. 39)**, integrating international crimes into domestic law. **Section 144B and 144C** criminalize incitement to racism and violence. In theory, incitement to genocide would fall under this legal framework.

"Conquest of the entire Gaza Strip and annihilation of all fighting forces and their supporters. Gaza needs to turn into Dresden... Annihilate Gaza now! All Gazans must be destroyed."

- Moshe Feiglin, August 2014, Former Knesset Member and far-right leader, Published Plan and Interview

"Flatten Gaza. Without mercy! This time, there is no room for mercy! Gaza should be flattened, and for every one they have killed, kill a thousand."

- Revital Gottlieb, October 7, 2023, Israeli Knesset Member (Likud), X Post

"Nakba now! A Nakba that will overshadow the Nakba of 1948. We will turn Gaza into rubble."

- Ariel Kallner, October 8, 2023, Israeli Knesset Member (Likud), X Post

"I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel. Everything is closed. We are fighting human animals, and we are acting accordingly. I have released all restraints... we will eliminate everything."

- Yoav Gallant, October 9, 2023, Israeli Defense Minister, Public Address

"All the civilian population in Gaza is ordered to leave immediately. They will not receive a drop of water or a single battery until they leave the world. No electric switch will be turned on, no water tap, no fuel truck."

- Israel Katz, October 12, 2023, Israeli Energy Minister, X Post

"It's an entire nation out there that is responsible. This rhetoric about civilians not aware, not involved, it's absolutely not true. There are no innocents in Gaza."

- Isaac Herzog, October 13, 2023, Israeli President, Press Conference

"The only thing that needs to enter Gaza are hundreds of tons of explosives from the Air Force, not an ounce of humanitarian aid."

- Itamar Ben-Gvir, October 17, 2023, Israeli National Security Minister, X Post

"It's time for a doomsday weapon. Not flattening a neighborhood. Crushing and flattening Gaza. Burn Gaza now, nothing less! Without hunger and thirst, we won't recruit collaborators."

- Tally Gotliv, October 10, 2023, Israeli Knesset Member (Likud), X Post

"You must remember what Amalek has done to you, says our Holy Bible. We will turn Gaza into a deserted island."

- Benjamin Netanyahu, October 28, 2023, Israeli Prime Minister, TV Address

"Erase all of Gaza from the face of the earth. We need to wipe out the memory of Amalek."

- Galit Distel-Atbaryan, November 1, 2023, Former Israeli Knesset Member and Minister (Likud), X Post

"We are now rolling out the Gaza Nakba. There are no innocents in Gaza."

- Avi Dichter, November 11, 2023, Israeli Agriculture Minister and former Shin Bet chief, TV Interview

"One of the options is to drop an atomic bomb on Gaza. I pray and hope for that. There are no uninvolved civilians in Gaza. North Gaza is more beautiful than ever. Blowing up everything is amazing."

- Amichai Eliyahu, November 5, 2023, Israeli Heritage Minister, Radio Interview and X Post

"Severe epidemics in the Strip will bring us closer to victory. Gaza will become a place where no human being can exist."

- Giora Eiland, November 19, 2023, Retired IDF Major General and former National Security Council head, Published Op-Ed in Yedioth Ahronoth

"I'm personally proud of the ruins of Gaza, and that every baby, even 80 years from now, will tell their grandchildren what the Jews did. We need to find ways for Gazans that are more painful than death."

- May Golan, December 12, 2023, Israeli Minister for Social Equality and Women's Advancement, Speech before the Knesset and Conference Address

"Wipe Gaza off the face of the earth... Gaza must be burned. Now we all have one common goal - erasing the Gaza Strip from the face of the earth."

- Nissim Vaturi, January 10, 2024, Deputy Speaker of the Knesset (Likud), Radio Interview

In **January 2024**, the **International Court of Justice (ICJ)** issued legally binding **provisional measures** including the prevention and punishment of incitement to genocide.

"There are no half measures ... Rafah, Deir al-Balah, Nuseirat – total annihilation. 'Thou shalt blot out the remembrance of Amalek from under heaven.' It might be justified and moral to starve 2 million people. Gaza will be entirely destroyed ... they will leave in great numbers to third countries. Not a single grain of wheat will enter Gaza."

- Bezalel Smotrich, April 29, 2024, Israeli Finance Minister, Public Address at Mimouna event

"Today we brought upon the Houthis a plague of darkness... next - the plague of the firstborn."

- Israel Katz, August 24, 2025, Israeli Defense Minister, X Post

The Propaganda Framework: Normalized Hatred, Indoctrination, and the Ideology of Elimination

In international law, genocidal intent (*dolus specialis*) can be inferred not only from the scale and systematic nature of the acts committed, but also from **corroborating evidence** such as **propaganda, ideology, and the failure to prevent or punish incitement**. This principle is well-established in jurisprudence: from the *Akayesu* ruling (ICTR), which cited "wide-scale dissemination of hate speech" as proof of intent, to *Bosnia v. Serbia* (ICJ), where repeated state inaction in the face of known incitement was found to support a finding of genocidal intent.

In Israel, this corroborative evidence is not peripheral - it is central. The slogan **"Death to Arabs"** is not fringe rhetoric. It is a **widely tolerated and officially escorted chant**, repeated annually at the **Jerusalem Flag March**, an event authorized and protected by Israeli police, taking place in occupied East Jerusalem. Far from being condemned, such speech is normalized in public discourse - echoed in **schoolyards, football stadiums, and nationalist rallies**.

More critically, the **ideological structure of Zionism as it functions within Israeli state institutions has become saturated with supremacist assumptions**: that Palestinians are a demographic threat, existential enemy, or subhuman obstacle to Jewish sovereignty. This ideological framework is not latent - it is **openly taught, reinforced, and weaponized**. Prominent Israeli officials routinely refer to Palestinians as **"human animals", "Amalek", or "insects"** to be "eradicated." These are not slips - they are **systematic and sanctioned incitements** to genocidal violence.

Numerous testimonies by former Zionists and Israeli whistleblowers describe **indoctrination beginning in early childhood**, where Palestinians are framed not as neighbors or people with rights, but as dangerous aggressors. Former IDF soldiers, educators, and ex-nationalists have testified to being **raised in a culture of fear, entitlement, and dehumanization**, taught that the **IDF exists to protect Jews from annihilation**, and that compassion toward Palestinians is a form of betrayal.

Organizations like **Breaking the Silence**, as well as journalists and ex-soldiers, report that military training reinforces these ideas - **framing Palestinian life as expendable**, and war crimes as legitimate tactics. The use of theological imagery ("Amalek," "biblical vengeance," "plague of firstborn") further embeds this ideology into a narrative of religiously sanctioned annihilation.

All of this meets, and arguably exceeds, the standard for **corroborating evidence of genocidal intent** established in international jurisprudence. When propaganda is **pervasive**, ideology is **institutionalized**, and incitement is **neither punished nor restrained**, it forms the ideological infrastructure of genocide.

Beyond All Evidentiary Standards: The Knesset Letter as Direct Admission of Policy

The 31 December 2024 letter from members of the Israeli **Foreign Affairs and Defense Committee** is arguably the **clearest, most explicit policy document evidencing genocidal intent** produced by any state since the *Nuremberg Trials* and the *Wannsee Conference*. While previous genocides required prosecutors to infer intent from coded language or indirect planning, this letter **leaves no ambiguity**: it openly demands that the IDF **destroy energy, food, and water infrastructure**, impose **lethal sieges**, and **eliminate all persons not displaying a white flag**.

Date: 31.12.2024

To: Minister of Defense Israel Katz

Subject: The Operational Plan in the Gaza Strip

Dear Sir,

We, members of the Foreign Affairs and Defense Committee, are writing to you in order to request that you reconsider the operational plan for the fighting in the Gaza Strip, in light of the severe results so far and the outlook for the continuation. We detail as follows:

The operational activity in the Gaza Strip, as presented to us in the Foreign Affairs and Defense Committee by the previous Minister of Defense even before the beginning of the ground operation on 27.10.23, and as it has been carried out since then in the field, does not allow for the achievement of the war's objectives as defined by the political leadership: the collapse of Hamas's governmental and military capabilities. These objectives have not been realized to this day, despite the fact that this is a small territory and the enemy does not possess the tools or capabilities of a modern army.

As the Chief of Staff publicly noted, the IDF is operating through targeted raids – a method that lacks the central component in this type of guerrilla warfare: control. Effective control of the territory and the population is the only basis for cleansing the enemy's strongholds from the Strip, for achieving decision and victory – and not for stagnation and a war of attrition, in which the main side worn down is Israel. Therefore, we are sending our soldiers again and again into neighborhoods and alleys that have already been captured many times, places where the IDF's senior leadership declared that Hamas battalions were dismantled and destroyed, and that were cleansed of the enemy – yet in those same places we are paying a terrible and unbearable price in blood.

From 6.10.2024, a different operation began in the northern Gaza Strip, south of the Mefalsim axis, which included encirclement and evacuation of the population southward. We all hoped that this would mark the beginning of military actions that would bring the required change, but it appears that this action is not being carried out properly. That is, after the encirclement and humanitarian evacuation, the IDF is not treating those remaining as the enemy – as is customary in international law and in all Western armies – and again endangers the lives of our soldiers by entering the dense and built-up areas.

After the encirclement and evacuation of the population, the IDF's instructions should be clear:

1. Destruction from afar of all energy sources – fuel, solar installations, pipelines, cables, generators, etc.
2. Destruction of all food sources – warehouses, water, water pumps, and any other relevant means.
3. Elimination from afar of anyone moving in the area who does not emerge with a white flag during the days of effective siege.

After these actions and the days of siege upon those remaining, the IDF should gradually enter to carry out a full cleansing of the enemy's strongholds. This should be done in the northern Strip and in the same manner in every other sector: encirclement, evacuation of the population to a humanitarian area, and an effective siege until surrender or the complete elimination of the enemy. This is how every army operates, and this is how the Israel Defense Forces should also operate.

Despite repeated questions and requests in the Foreign Affairs and Defense Committee, we have not received satisfactory answers from the IDF representatives in the committee as to why they are not acting as required, why the defeat of Hamas is defined as an “operational end state” to the fighting, and what the plans are going forward. Therefore, we request your immediate intervention in providing answers to these questions and in issuing appropriate instructions to the IDF, in order to achieve decision and to stop endangering the lives of our soldiers without justification.

Cc:

- Prime Minister Benjamin Netanyahu - Chairman of the Foreign Affairs and Defense Committee
MK Yuli Edelstein

Signatories:

* **Amit Halevy**, Likud, MK, Foreign Affairs and Defense Committee * **Nissim Vaturi**, Likud, Deputy Speaker of the Knesset, Foreign Affairs and Defense Committee * **Ariel Kallner**, Likud, MK, Foreign Affairs and Defense Committee * **Osher Shekalim**, Religious Zionism, MK, Foreign Affairs and Defense Committee * **Zvi Sukkot**, Religious Zionism, MK, Foreign Affairs and Defense Committee * **Ohad Tal**, Religious Zionism, MK, Foreign Affairs and Defense Committee * **Limor Son Har-Melech**, Jewish Power, MK, Foreign Affairs and Defense Committee * **Avraham Bezalel**, Jewish Power, MK, Foreign Affairs and Defense Committee

These instructions are not merely tactical - they constitute **a blueprint for the deliberate annihilation of a civilian population**, and as such, **exceed the legal threshold** for proving genocidal intent under any existing standard in international criminal law. The authors are not low-level actors or fringe extremists; they are **elected legislators** occupying roles in national security policymaking. Their demands are **not metaphorical** - they outline specific, sequential methods of **population eradication**, explicitly framed as state strategy.

Unlike Nazi officials who often cloaked genocidal planning in euphemism (“Final Solution”), this letter speaks plainly. It outlines intent, method, and justification in writing, under the official imprimatur of the Israeli government. No tribunal in history has required clearer evidence.

The existence of such a document **obliterates the possibility of plausible deniability**. It transforms what might otherwise be seen as circumstantial evidence of genocide into **direct evidence of policy-level planning**, execution, and ideological justification for exterminatory acts. Under international law, this letter should be treated as a **smoking gun** - an explicit confession of *dolus specialis*, endorsed at the highest levels of government.

**Conclusion: Intent Proven Beyond Reasonable Doubt -
Duty to Act, Not Just Observe**

The crime of genocide under the 1948 Convention requires both **prohibited acts** (*actus reus*) and **intent to destroy a protected group in whole or in part** (*dolus specialis*). As this analysis has shown, **Israel's conduct in Gaza fulfills all five categories of prohibited acts**, and its intent to destroy Palestinians "**as such**" is not only inferable from the scale and targeting of its operations - it is **explicit in its rhetoric, systemic in its institutions, and codified in its policies**.

The evidence - legal, statistical, military, and ideological - meets the international threshold of "**beyond reasonable doubt**". What is unfolding in Gaza is not an ambiguous or border-line case. It is genocide.

As affirmed by the **International Court of Justice in *Bosnia v. Serbia* (2007)**, all states have a **positive legal duty to prevent genocide** the moment they become aware of a serious risk. This duty is **not limited to diplomatic condemnation or economic sanctions**. In the face of overwhelming evidence, states are obligated to **take all measures reasonably available to them** to stop the genocide - including, if necessary, **coercive measures** under Chapter VII of the UN Charter.

This includes, at a minimum:

- **Imposing a no-fly zone** over Gaza to stop aerial bombardments;
- **Facilitating humanitarian corridors and aid deliveries**, including by military escort if necessary;
- **Sanctioning and isolating Israeli officials involved in the campaign**;
- **Suspending military and economic aid** to Israel under the arms trade obligations of international humanitarian law;
- **Supporting international prosecutions** of complicit individuals.

Failure to do so exposes states to **liability under international law**. As in *Bosnia v. Serbia*, a state that fails to prevent or punish genocide may be held liable by the ICJ and required to **pay reparations**. Moreover, individuals - whether heads of state, ministers, or military commanders - may be held **criminally liable** under **Articles 25 and 28 of the Rome Statute** for **complicity, incitement, or command responsibility**.

Genocide is not a passive event. It is a policy. And the world is watching not just Israel, but every state that enables it - by action, or inaction. The legal precedent is clear. The political cost of complicity is rising. The moment to intervene is not tomorrow. It is now.