

**Conseil de sécurité**

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Lettre datée du 29 mai 2024, adressée au Président du Conseil de sécurité par la Représentante permanente de l'Afrique du Sud auprès de l'Organisation des Nations Unies

Je souhaite vous faire tenir ci-joint un dossier public de preuves relatives à l'intention de l'État d'Israël de commettre un génocide contre les Palestiniens de Gaza et à l'incitation par celui-ci à commettre un tel génocide (voir annexe).

Je vous serais reconnaissante de bien vouloir porter le texte de la présente lettre et de son annexe à l'attention des membres du Conseil de sécurité.

Je vous serais également reconnaissante de bien vouloir faire publier le texte de la présente lettre et de son annexe comme document du Conseil de sécurité.

L'Ambassadrice,
Représentante permanente de la République sud-africaine
auprès de l'Organisation des Nations Unies
(Signé) Mathu Joyini



**Annexe à la lettre datée du 29 mai 2024 adressée au Président du
Conseil de sécurité par la Représentante permanente de l'Afrique
du Sud auprès de l'Organisation des Nations Unies**

**DOSSIER PUBLIC DE PREUVES
RELATIVES À L'INTENTION DE L'ÉTAT D'ISRAËL
DE COMMETTRE UN GÉNOCIDE CONTRE LES PALESTINIENS DE GAZA
ET À L'INCITATION PAR CELUI-CI À COMMETTRE UN TEL GÉNOCIDE**

**PRÉSENTÉ PAR L'AFRIQUE DU SUD
AU PRÉSIDENT DU CONSEIL DE L'ORGANISATION DES NATIONS UNIES**

I. INTRODUCTION

1. Le présent document est un dossier public des preuves recueillies par la République sud-africaine (« l'Afrique du Sud ») concernant l'intention génocidaire de l'État d'Israël (« Israël ») à l'égard des Palestiniens de Gaza et l'incitation au génocide à laquelle celui-ci se livre. On y trouvera des éléments attestant clairement de la violation continue et systématique par Israël de la Convention pour la prévention et la répression du crime de génocide (« la Convention sur le génocide ») et des mesures conservatoires ordonnées par la Cour internationale de Justice (« la Cour », ou « la CIJ ») le 26 janvier, le 28 mars et, le plus récemment, le 24 mai 2024. Les preuves rassemblées dans ce dossier sont présentées au Conseil de sécurité pour qu'il les examine d'urgence.
2. Le génocide au sens de la Convention sur le génocide, qui l'interdit, comprend deux éléments¹. Le premier est l'élément moral, notamment « l'intention de détruire » le groupe protégé comme tel, « en tout ou en partie ». C'est ce que l'on appelle souvent l'« intention spécifique » ou « dol spécial ». La preuve de cette intention peut être directe, sous la forme de documents officiels ou de déclarations faites par des agents de l'État, ou être déduite d'une ligne de conduite². Le second élément est l'élément physique, qui comprend un ou plusieurs des actes énoncés à l'article II de la Convention sur le génocide, notamment « a) [le][m]eurtre de membres du groupe ; b) [l'][a]tteinte grave à l'intégrité physique ou mentale de membres du groupe ; c) [la][s]oumission intentionnelle du groupe à des conditions d'existence devant entraîner sa destruction physique totale ou partielle ; d) [les][m]esures visant à entraver les naissances au sein du groupe ; e) [le][t]ransfert forcé d'enfants du groupe à un autre groupe ».
3. L'Afrique du Sud rassemble des preuves des deux éléments du génocide que présentent les opérations militaires actuellement menées par Israël à Gaza. Elle rassemble également des preuves d'autres actes de génocide commis par Israël en violation de l'article III de la Convention sur le génocide, notamment l'interdiction de l'incitation directe et publique à commettre le génocide, visée à l'alinéa c) dudit article, et des déclarations faites par des responsables israéliens attestant du mépris dans lequel sont tenues les ordonnances de caractère contraignant rendues à leur rencontre par la Cour internationale de Justice le 26 janvier, le 28 mars et le 24 mai 2024 (« l'Ordonnance du 24 mai ») afin de préserver le droit des Palestiniens de Gaza à ne pas être soumis à des actes de génocide.

¹ Nations Unies, Convention pour la prévention et la répression du crime de génocide, <https://www.ohchr.org/fr/instruments-mechanisms/instruments/convention-prevention-and-punishment-crime-genocide>, art.

II. [https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention on the Prevention and Punishment of the Crime of Genocide.pdf](https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf)

² *Application de la convention pour la prévention et la répression du crime de génocide (Bosnie-Herzégovine c. Serbie-et-Monténégro)*, arrêt, C.I.J. Recueil 2007, p. 43, aux pages 196 et 197, par. 373 ; *Application de la convention pour la prévention et la répression du crime de génocide (Croatie c. Serbie)*, arrêt, C.I.J. Recueil 2015, p. 3, à la page 68, par. 148.

4. À la connaissance de l'Afrique du Sud, aucun autre pays ou aucune organisation ne s'emploie ainsi à rassembler les déclarations génocidaires d'Israël et les preuves de l'incitation au génocide à laquelle il se livre. Ayant à l'esprit la valeur de *jus cogens* (de norme impérative du droit international général) de l'interdiction du génocide et le caractère *erga omnes* et *erga omnes partes* (opposable à tous et à toutes les parties) des obligations faites aux États par la Convention sur le génocide, l'Afrique du Sud a choisi de communiquer ce dossier aux membres du Conseil de sécurité. Elle le présente en exécution des obligations que lui impose l'article premier de la Convention d'agir pour prévenir le génocide en contribuant à ce que les auteurs de génocide répondent de leurs actes et en aidant à empêcher que de nouveaux actes de génocide soient commis ou risquent de l'être, actes qui continuent de faire peser une menace grave et imminente sur les droits des Palestiniens.

5. Après la présente introduction (section I), on trouvera dans le dossier des informations de contexte sur la démarche que l'Afrique du Sud a effectué auprès de la Cour (section II), ainsi que sur les ordonnances rendues par la Cour le 26 janvier, le 28 mars et le 24 mai 2024 (section III). La section IV donne un très bref aperçu de la situation catastrophique et inhumaine que connaissent quelque 2,3 millions de Palestiniens après sept mois d'attaques de la part des forces israéliennes et la récente incursion de celles-ci à Rafah, dernier « refuge » de Gaza. La section V offre un résumé des déclarations génocidaires faites régulièrement par les dirigeants et l'armée d'Israël, ainsi que des incitations au génocide lancées par des dirigeants, des responsables et des personnalités israéliens de premier plan. La section VI a pour but d'appeler l'attention sur la nécessité d'une action urgente de la part du Conseil de sécurité.

6. Le dossier est accompagné de quatre appendices :
 - **L'appendice I** présente des exemples illustratifs des déclarations génocidaires faites par de hauts responsables publics israéliens, dont le Premier Ministre, Benjamin Netanyahu, et le Ministre de la défense, Yoav Gallant, contre lesquels le Procureur de la Cour pénale internationale a demandé la délivrance de mandats d'arrêt pour crimes de guerre et crimes contre l'humanité ;

 - **L'appendice II** est une liste de déclarations — pour certaines filmées — émanant de hauts responsables militaires et d'autres militaires israéliens actifs sur le terrain à Gaza et prouvant l'intention génocidaire et l'incitation au génocide, ainsi que la commission d'actes de génocide visés aux articles II et III de la Convention sur le génocide ;

 - **L'appendice III** illustre l'incitation généralisée au génocide contre les Palestiniens constatée dans la société israélienne en général, dont sont issus les soldats israéliens servant à Gaza, et à laquelle se livrent notamment des membres de la Knesset ne faisant pas partie du Gouvernement, d'anciens responsables de l'armée et des services de renseignement, des journalistes et des experts, ainsi que des chanteurs à succès ;

 - **L'appendice IV** présente les déclarations faites et les actes accomplis par Israël au mépris des ordonnances en indication de mesures conservatoires à caractère contraignant rendues contre Israël par la Cour internationale de Justice. Ces déclarations et ces actes montrent que les États parties à la Convention sur le génocide et, plus généralement, la communauté internationale doivent d'urgence prendre de nouvelles mesures pour qu'Israël respecte les obligations que lui font la Convention et les ordonnances de la Cour.

7. Les déclarations et enregistrements dont il est question dans les appendices I, II et IV sont tous le fait de hauts responsables, agents et représentants de l'État israélien, ce qui, selon le projet d'articles sur la responsabilité de l'État

de la Commission du droit international³, engage la responsabilité internationale d'Israël pour faits illicites. Ils engagent également la responsabilité pénale individuelle de leurs auteurs, notamment pour le crime de génocide et pour l'incitation au génocide, visés aux articles 5 a), 6 et 25 3) e) du Statut de Rome de la Cour pénale internationale (« le Statut de Rome »). Les déclarations en question constituent en outre des preuves de la perpétration de crimes de guerre et de crimes contre l'humanité – les actes de génocide s'inscrivant nécessairement dans un continuum, comme Raphaël Lemkin, créateur du terme « génocide », l'avait compris⁴. Ces crimes, visés par les dispositions des articles 7 et 8 du Statut de Rome, sont l'extermination, la persécution, la torture et la commission d'autres actes inhumains, l'homicide intentionnel, le fait de causer intentionnellement de grandes souffrances ou de porter gravement atteinte à l'intégrité physique ou à la santé, et le fait de diriger intentionnellement des attaques contre la population civile en tant que telle, contre des civils qui ne participent pas directement aux hostilités, contre des biens de caractère civil et contre le personnel, les installations, le matériel, les unités ou les véhicules employés dans le cadre de missions d'aide humanitaire ou de maintien de la paix.

8. Les déclarations qui font l'objet de l'appendice III relèvent toutes de l'incitation au génocide visée à l'article 25 3) e) du Statut de Rome, à lire conjointement avec l'article 6 dudit statut. Notamment, et contrairement à ce qu'affirme Israël, un État ne peut prétendre exercer le droit de légitime défense prévu à l'Article 51 de la Charte des Nations Unies contre un territoire qu'il occupe⁵, et la légitime défense ne peut pas non plus constituer un moyen de défense en cas de génocide, que celui ait été perpétré par un État ou par des individus⁶.
9. Les Palestiniens subissent actuellement un dernier assaut contre Gaza, et Israël a expressément dit qu'il ne tiendrait pas compte de l'ordonnance rendue par la Cour le vendredi 24 mai 2024 pour fournir une certaine protection aux Palestiniens et faire respecter l'autorité de la Cour, du système des Nations Unies et du droit international. Le présent dossier offre des preuves qui non seulement justifient, mais également commandent, que le Conseil de sécurité agisse dans l'intérêt de la paix et de la sécurité en décidant de prendre d'urgence des mesures appropriées.

II. CONTEXTE

10. Le 7 octobre 2023, Israël, dont des civils israéliens, a été la cible d'une attaque susceptible de constituer un crime de guerre menée par le Hamas et d'autres groupes armés palestiniens et que l'Afrique du Sud a condamnée sans réserve⁷. La riposte d'Israël, qui utilise des moyens militaires bien que puissance occupante, est illicite. Cet assaut a été infligé à l'ensemble de la population de Gaza. On ne peut voir dans l'ampleur des attaques israéliennes, leur durée et le fait qu'elles frappent sans discrimination qu'une tentative de détruire le groupe des Palestiniens de Gaza. Le 29 décembre 2023, l'Afrique du Sud a donc introduit une requête contre Israël devant la Cour internationale de Justice à raison des violations de la Convention sur le génocide découlant des opérations militaires menées par celui-ci contre les Palestiniens vivant à Gaza⁸. Elle s'est ainsi acquittée de l'obligation spéciale que ladite convention impose à tous les États parties de prévenir le génocide. Comme elle l'a expliqué le 8 octobre 2023, « [l]es résolutions des organes de l'ONU et le droit international comptent. La communauté internationale ne peut se soustraire à son devoir d'agir et,

³ Nations Unies, Commission du droit international, *Projet d'articles sur la responsabilité de l'État pour fait internationalement illicite* (2001), articles 4, 5 et 7, https://legal.un.org/ilc/texts/instruments/french/draft_articles/9_6_2001.pdf.

⁴ *Afrique du Sud c. Israël, requête introductive d'instance et demande en indication de mesures conservatoires* du 29 décembre 2023, p. 1 et 2, par. 2.

⁵ *Conséquences juridiques de l'édification d'un mur dans le territoire palestinien occupé, avis consultatif*, C.I. J. Recueil 2004, p. 136, à la page 194, par. 139.

⁶ *Afrique du Sud c. Israël, compte rendu* 2024/1 (11 janvier 2024), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240111-ora-01-00-bi.pdf>, p. 80 et 81, par. 28 à 35.

⁷ Afrique du Sud, Ministère des relations internationales et de la coopération (« DIRCO »), *DIRCO démarches the Ambassador of the State of Israel* (10 novembre 2023), <https://www.dirco.gov.za/dirco-demarches-the-ambassador-of-the-state-of-israel/>.

⁸ *Afrique du Sud c. Israël, requête introductive d'instance*, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-fr.pdf>, par. 1.

ensemble, nous devons assumer la responsabilité d'éliminer les obstacles à la paix et toute violation du droit international »⁹ (traduction non officielle).

11. L'Afrique du Sud est également intervenue en raison de son soutien de longue date au peuple palestinien. Elle rappelle l'observation faite à cet égard par son ancien président, Nelson Mandela, à l'occasion de la Journée internationale de solidarité avec le peuple palestinien, en 1997 : « ... nous ne savons que trop bien que notre liberté est incomplète sans la liberté des Palestiniens »¹⁰. Dans le même ordre d'idées, elle a déclaré devant la Cour, dans le cadre d'une autre procédure, que la cause palestinienne trouvait une forte résonance auprès du peuple sud-africain, chez qui elle réveillait le souvenir douloureux de sa propre lutte contre l'apartheid, la ségrégation et l'oppression¹¹.

III. LES ORDONNANCES DE LA COUR

12. Le 26 janvier 2024, la Cour a fait droit à la demande en indication de mesures conservatoires que lui avait présentée l'Afrique du Sud, concluant qu'il existait un risque réel et imminent pour les droits des Palestiniens de Gaza de ne pas subir d'actes génocidaires, et a ordonné à Israël de prendre certaines mesures nécessaires à la sauvegarde du droit des Palestiniens de Gaza de ne pas être victimes d'un génocide¹². L'ordonnance rendue et la Convention sur le génocide, qui sont directement contraignantes pour Israël, exigent de ce dernier qu'il prenne toutes les mesures en son pouvoir pour empêcher la commission de tous les actes relevant de l'article II de ladite convention et indiqués par l'Afrique du Sud dans sa requête introductive d'instance et demande en indication de mesures conservatoires. Selon l'ordonnance du 26 janvier 2024, et comme l'Afrique du Sud l'a alors déclaré, il n'existe aucun élément crédible permettant à Israël de continuer à prétendre que ses actions militaires sont pleinement conformes au droit international, y compris à la Convention sur le génocide¹³. En outre, du fait de cette ordonnance, les États tiers sont désormais informés de l'existence d'un risque sérieux de génocide contre le peuple palestinien à Gaza¹⁴.
13. Le 16 février 2024, comme suite à une deuxième demande de l'Afrique du Sud, la Cour a redit qu'Israël était tenu de mettre en œuvre les mesures conservatoires¹⁵.
14. L'Afrique du Sud a de nouveau saisi la Cour le 6 mars 2024 en raison de la persistance de la catastrophe humanitaire provoquée par Israël, qui, en particulier, affamait délibérément les Palestiniens à Gaza. En réponse, Israël a affirmé à la Cour qu'il existait « de nombreux exemples ... illustr[ant] les actions mises en œuvre par [lui] dans le domaine humanitaire pour atténuer les souffrances de la population civile en général et remédier au problème de l'insécurité alimentaire en particulier », et que la requête de l'Afrique du Sud n'était pas justifiée¹⁶.

⁹ Afrique du Sud, DIRCO, *South Africa calls for the immediate cessation of violence, restraint, and peace between Israel and Palestine* (7 octobre 2023), <https://dirco.gov.za/south-africa-calls-for-the-immediate-cessation-of-violence-restraint-and-peace-between-israel-and-palestine/>.

¹⁰ Nelson Mandela, discours prononcé lors de la Journée internationale de solidarité avec le peuple palestinien, Pretoria (4 décembre 1997) (en anglais seulement), <http://www.mandela.gov.za/mandelaspeeches/1997/971204palestinian.htm>.

¹¹ Compte rendu, *Audience publique tenue le mardi 20 février 2024, à 10 heures, au Palais de la Paix, sous la présidence de M. Salam, président, sur les Conséquences juridiques découlant des politiques et pratiques d'Israël dans le Territoire palestinien occupé, y compris Jérusalem-Est (Demande d'avis consultatif soumise par l'Assemblée générale des Nations Unies)*, <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240220-ora-01-00-bi.pdf>, p.11, par. 7.

¹² *Application de la convention pour la prévention et la répression du crime de génocide dans la bande de Gaza (Afrique du sud c. Israël)*, ordonnance du 26 janvier 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-fr.pdf>, p. 23, par. 78.

¹³ Afrique du Sud, DIRCO, *Statement by South Africa welcoming the provisional measures ordered by the International Court of Justice against Israel* (26 janvier 2024), <https://dirco.gov.za/statement-by-south-africa-welcoming-the-provisional-measures-ordered-by-the-international-court-of-justice-against-israel/>.

¹⁴ Ibid.

¹⁵ *Afrique du Sud c. Israël, Décision de la Cour sur la demande en indication de mesures additionnelles présentée par l'Afrique du Sud*, 16 février 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240216-pre-01-00-fr.pdf>.

¹⁶ *Afrique du Sud c. Israël*, ordonnance du 28 mars 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00-fr.pdf>, par. 29.

15. Le 28 mars 2024, la Cour a estimé que « la situation [...] dont elle [était] saisie entraîn[ait] un risque accru qu'un préjudice irréparable soit causé aux droits plausibles revendiqués par l'Afrique du Sud et qu'il y a[vait] urgence, c'est-à-dire qu'il exist[ait] un risque réel et imminent qu'un tel préjudice soit causé avant que la Cour ne se prononce de manière définitive en l'affaire »¹⁷. Elle a indiqué de nouvelles mesures conservatoires, ordonnant à Israël de prendre toutes les mesures nécessaires et effectives pour que soit assurée la fourniture des services de base et de l'aide humanitaire requis de toute urgence, et de « veiller, avec effet immédiat, à ce que son armée ne commette pas d'actes constituant une violation de l'un quelconque des droits des Palestiniens de Gaza en tant que groupe protégé en vertu de la Convention pour la prévention et la répression du crime de génocide, y compris en empêchant, d'une quelconque façon, la livraison d'aide humanitaire requise de toute urgence »¹⁸.
16. Malheureusement, Israël n'a pas tenu compte des ordonnances de la Cour, et le risque pesant sur les droits des Palestiniens s'est fait plus lourd encore. Au mépris des instructions de la Cour, Israël a lancé une offensive sur Rafah, précipitant une fois de plus, en trois semaines, le déplacement de près de 40 % de la population de Gaza, dont plus de 815 000 Palestiniens qui essayaient de trouver refuge à Rafah¹⁹.
17. Le 10 mai 2024, l'Afrique du Sud a saisi la Cour d'une nouvelle demande urgente, à laquelle celle-ci a répondu en programmant une audience urgente, tenue la semaine suivante. L'Afrique du Sud demandait l'indication de mesures conservatoires additionnelles ou la modification des mesures déjà prescrites afin d'empêcher Israël de causer de préjudice irréparable aux droits conférés aux Palestiniens par la Convention sur le génocide, ainsi que conformément aux droits et aux obligations qu'elle avait, au titre de cette convention, d'agir pour prévenir le génocide.
18. À l'issue des audiences, le juge Nolte a posé une question à Israël dans les termes suivants :

Israël peut-il fournir des informations sur la situation humanitaire existante dans les zones d'évacuation désignées, en particulier à Al-Mawasi, et sur la manière dont il garantirait un passage sûr vers ces zones et assurerait la fourniture d'abris, de nourriture, d'eau et d'autres formes d'aide et d'assistances humanitaire à toutes les personnes évacuées se trouvant dans ces zones ou dont on peut s'attendre à ce qu'elles y arrivent ?

19. La réponse qu'Israël a déposée le 18 mai 2024 et la réplique de l'Afrique du Sud à cette réponse, déposée le 20 mai 2024, peuvent être consultées sur le site Web de la Cour²⁰. Comme les demandes et rapports précédemment présentés à la Cour par l'Afrique du Sud, la réplique de cette dernière était fondée sur des sources onusiennes et des informations émanant d'organisations non gouvernementales internationales crédibles. Israël n'a contesté les faits exposés que par des affirmations non sourcées, non étayées et unilatérales.
20. Forensic Architecture, une unité de recherche indépendante et respectée rattachée à Goldsmiths (University of London), a étudié et évalué les mesures prises par Israël pour s'acquitter de ses responsabilités en matière

¹⁷ *Afrique du Sud c. Israël*, ordonnance du 28 mars 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240328-ord-01-00-fr.pdf>, par. 40.

¹⁸ Ibid., par. 51.

¹⁹ Office de secours et de travaux des Nations Unies pour les réfugiés de Palestine dans le Proche-Orient (« UNRWA »), rapport de situation n° 109 sur la situation dans la bande de Gaza et en Cisjordanie, y compris Jérusalem-Est (24 mai 2024) (en anglais seulement), <https://www.unrwa.org/resources/reports/unrwa-situation-report-109-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

²⁰ Réponse écrite de l'État d'Israël à la question posée par M. le juge Nolte à l'audience tenue le 17 mai 2024 (18 mai 2024) (en anglais seulement), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240518-oth-01-00-en.pdf> ; observations écrites de l'Afrique du Sud sur la réponse de l'État d'Israël à la question posée par M. le juge Nolte à l'audience tenue le 17 mai 2024 (20 mai 2024) (en anglais seulement), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240520-oth-01-00-en.pdf>.

humanitaire²¹. Elle a étudié en particulier les mesures relatives à la création de « zones humanitaires » dans lesquelles seraient fournis suffisamment d'abris, de moyens de subsistance et d'aide médicale, et vers lesquelles le passage en toute sécurité serait facilité depuis le 6 mai 2024. Ses conclusions sont annexées à la réplique de l'Afrique du Sud²².

21. Forensic Architecture a formulé les conclusions ci-après, qui font considérablement douter de la véracité des affirmations d'Israël devant la Cour internationale de Justice :

- Depuis le 6 mai, Israël n'a pas indiqué aux personnes évacuées de Rafah d'itinéraire sûr et clair pour se rendre dans la « zone humanitaire » qu'il a désignée ;
- Israël a bombardé, pilonné et envahi à de nombreuses reprises des zones qu'il avait précédemment désignées comme des « zones humanitaires » sûres ;
- Israël a également, à de nombreuses reprises, déplacé des Palestiniens de lieux où il leur avait précédemment dit qu'ils pourraient trouver refuge ;
- Israël a restreint l'acheminement de l'aide nécessaire à Gaza et a systématiquement pris pour cible l'aide et les infrastructures d'aide à l'intérieur de Gaza.

22. Le 24 mai 2024, la Cour a rejeté les affirmations d'Israël. Elle a dit ce qui suit :

D'après les informations dont elle dispose, la Cour n'est pas convaincue que les mesures d'évacuation et dispositions connexes qu'Israël affirme avoir prises en vue de renforcer la protection des civils de la bande de Gaza, et en particulier des personnes récemment contraintes de fuir le gouvernorat de Rafah, soient suffisantes pour atténuer le risque immense auquel l'offensive militaire à Rafah expose la population palestinienne²³.

23. Par 13 voix contre 2, la Cour a ordonné à Israël d'arrêter immédiatement son offensive militaire, et toute autre action menée dans le gouvernorat de Rafah, qui serait susceptible de soumettre le groupe des Palestiniens de Gaza à des conditions d'existence capables d'entraîner sa destruction physique totale ou partielle, conformément aux obligations lui incombant au titre de la Convention sur le génocide, et au vu de la dégradation des conditions d'existence auxquels étaient soumis les civils dans le gouvernorat de Rafah. Elle a en outre ordonné à Israël de maintenir ouvert le point de passage de Rafah pour que puisse être assurée, sans restriction et à grande échelle, la fourniture des services de base et de l'aide humanitaire requis de toute urgence ; de prendre des mesures permettant effectivement de garantir l'accès sans entrave à la bande de Gaza à toute commission d'enquête, toute mission d'établissement des faits ou tout autre organisme chargé par les organes compétents de l'Organisation des Nations Unies d'enquêter sur des allégations de génocide ; de soumettre à la Cour, dans un délai d'un mois à compter de la date de l'ordonnance en question, un rapport sur l'ensemble des mesures qu'il aurait prises pour donner effet à cette ordonnance²⁴.

²¹ Forensic Architecture, *Inhumane Zones: An assessment of Israel's actions with respect to the provision of aid, shelter, safe passage, and assistance to evacuees in Gaza; response to questions raised in the ICJ on 17 May 2024* (19 mai 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/05/Inhumane-Zones-Report-Forensic-Architecture_WEBSITE.pdf. Forensic Architecture enquête sur les violations des droits humains, y compris la destruction et la violence environnementales commises par les États, les forces de police, les forces armées et les entreprises. Les dossiers constitués par cette structure ont été présentés comme éléments de preuve dans le cadre de procédures judiciaires engagées devant des juridictions nationales dans le monde entier, y compris devant des tribunaux israéliens. Ses conclusions ont également été soumises ou présentées devant des juridictions internationales, notamment la Cour européenne des droits de l'homme et l'Assemblée générale des Nations Unies, ainsi que dans le cadre de procédures nationales, d'enquêtes parlementaires et de commissions de vérité partout dans le monde. Rapport joint aux observations écrites de l'Afrique du Sud (en anglais seulement) : <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240520-oth-01-00-en.pdf>, p. 23.

²² Observations écrites de l'Afrique du Sud sur la réponse de l'État d'Israël à la question posée par M. le juge Nolte à l'audience tenue le 17 mai 2024 (20 mai 2024), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240520-oth-01-00-en.pdf>, p. 23.

²³ *Application de la convention pour la prévention et la répression du crime de génocide dans la bande de Gaza (Afrique du sud c. Israël)*, ordonnance du 24 mai 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-ord-01-00-fr.pdf>, par. 46.

²⁴ Ibid., par. 50 à 53.

24. La dernière ordonnance en date a été rendue la semaine même où le Procureur de la Cour pénale internationale (« la CPI ») a annoncé qu'il avait demandé la délivrance de mandats d'arrêt contre le Premier Ministre et le Ministre de la défense israéliens, ainsi que trois dirigeants du Hamas, pour des crimes contre l'humanité et des crimes de guerre qui auraient été commis depuis le 7 octobre 2023²⁵. L'Afrique du Sud a saisi la CPI pour ces crimes en novembre 2023.

IV. LE NON-RESPECT PAR ISRAËL DES ORDONNANCES DE LA COUR ET LA SITUATION ACTUELLE À GAZA

25. Malgré les décisions à valeur contraignante rendues par la Cour le 26 janvier, le 28 mars et le 24 mai 2024, Israël a poursuivi et continue de poursuivre sa campagne génocidaire contre le peuple palestinien en violation de la Convention sur le génocide et des ordonnances de la Cour. Il poursuit cette campagne en attaquant directement les Palestiniens de Gaza, en les chassant de chez eux et de leurs communautés, en détruisant ces communautés et les infrastructures dont elles ont besoin, en les affamant et en les privant d'aide humanitaire, notamment en empêchant les organismes des Nations Unies et d'autres services d'assistance de distribuer de l'aide à cette population assiégée.
26. Israël a de nouveau affirmé qu'il ne se conformerait pas aux décisions de la CIJ²⁶ et qu'il ne respecterait pas l'enquête ouverte par la CPI²⁷. Ce dédain va de pair avec le comportement d'Israël, qui poursuit ses activités génocidaires, et avec la dénonciation publique dont font l'objet les ordonnances de la CIJ depuis janvier 2024. D'autres ministres responsables de la conduite des opérations militaires israéliennes en tant que membres du Comité ministériel chargé des questions de sécurité nationale ou du Cabinet de guerre – les « deux organes centraux » qui « gèrent » les opérations militaires israéliennes à Gaza « au nom du Gouvernement » – ont fait preuve du même mépris à l'égard de la Cour et de son ordonnance²⁸. On trouvera dans l'appendice IV des exemples détaillés du mépris qu'Israël ne cesse de manifester à l'égard des ordonnances de la Cour, ainsi que des organismes des Nations Unies en général, et de l'UNRWA en particulier.
27. Le 22 mai 2024, un bilan complet de la situation catastrophique à Gaza a été présenté au Conseil de sécurité.
28. Entre le 7 octobre et le 27 mai 2024, au moins 36 050 Palestiniens auraient été tués et 81 026 blessés²⁹. Le massacre n'a pas cessé après que la Cour a rendu sa dernière ordonnance, dans laquelle elle a enjoint à Israël d'« *arrêter immédiatement son offensive militaire, et toute autre action menée dans le gouvernorat de Rafah, qui serait susceptible de soumettre le groupe des Palestiniens de Gaza à des conditions d'existence capables d'entraîner sa destruction physique totale ou partielle* »³⁰. Les bombardements aériens, terrestres et maritimes israéliens se poursuivraient dans la majeure partie de la bande de Gaza, faisant de nouvelles victimes civiles et provoquant des déplacements et la destruction d'habitations et d'autres infrastructures civiles³¹. Israël a réagi à l'ordonnance du 24 mai 2024, quelques heures seulement après qu'elle a été rendue, en procédant à des frappes aériennes sur un village de tentes des environs de Khan Younès, vers lequel il avait précédemment ordonné aux Palestiniens de Gaza

²⁵ Cour pénale internationale, *Déclaration du Procureur de la CPI, Karim A.A. Khan KC : dépôt de requêtes aux fins de délivrance de mandats d'arrêt concernant la situation dans l'État de Palestine* (20 mai 2024), <https://www.icc-cpi.int/fr/news/declaration-du-procureur-de-la-cpi-karim-aa-khan-kc-depot-de-requetes-aux-fins-de-delivrance>.

²⁶ Voir les déclarations rapportées dans l'appendice IV accompagnant la présente note.

²⁷ Voir par exemple <https://www.bbc.com/news/articles/c9eev88xy59o> (« Israel's defence minister rejects ICC prosecutor's request for warrants ») ; <https://www.bbc.com/news/articles/cmllykpwgdyo> (« Netanyahu denounces bid to arrest him over Gaza war »).

²⁸ Voir, là encore, les déclarations rassemblées dans l'appendice IV.

²⁹ Bureau des Nations Unies pour la coordination des affaires humanitaires, *Hostilities in the Gaza Strip and Israel | Flash Update #171* (27 mai 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-171>.

³⁰ *Application de la convention pour la prévention et la répression du crime de génocide dans la bande de Gaza (Afrique du sud c. Israël), ordonnance du 24 mai 2024*, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-ord-01-00-fr.pdf>, par. 57.

³¹ Bureau des Nations Unies pour la coordination des affaires humanitaires, *Hostilities in the Gaza Strip and Israel | Flash Update #171* (27 mai 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-171>.

d'évacuer³². Le 26 mai 2024, deux jours seulement après l'ordonnance de la CIJ, une frappe aérienne israélienne a provoqué un gigantesque incendie dans une zone de tentes pour personnes déplacées à Rafah, dans lequel 45 Palestiniens, dont 23 femmes, enfants et personnes âgées, ont perdu la vie et 249 ont été blessés³³. Cette attaque des plus pénibles³⁴ a suscité l'indignation, notamment de l'Irlande³⁵, de la France, de l'Italie, de l'Égypte, de la Jordanie et de la Commission de l'Union africaine³⁶. Le chef de la politique étrangère de l'Union européenne s'en est dit horrifié³⁷, et le Vice-Premier Ministre irlandais a qualifié la frappe aérienne de « barbare »³⁸. Le Secrétaire général de l'ONU, António Guterres, a condamné les actes d'Israël, lesquels, a-t-il dit, ont provoqué la mort de dizaines de civils innocents qui ne faisaient rien d'autre qu'essayer de se mettre à l'abri dans ce conflit meurtrier³⁹. Le Secrétaire général adjoint, Martin Griffiths, a déclaré qu'une telle impunité ne pouvait plus durer⁴⁰.

29. Ces attaques surviennent alors qu'Israël est la cause, depuis plus de sept mois, de déplacements incessants et de souffrances humanitaires indicibles à Gaza. Malgré l'Ordonnance du 24 mai, dans laquelle la Cour a enjoint à Israël de « [m]aintenir ouvert le point de passage de Rafah pour que puisse être assurée, sans restriction et à grande échelle, la fourniture des services de base et de l'aide humanitaire requis de toute urgence », l'UNRWA indique que, au soir du 27 mai 2024, *pas un seul* camion humanitaire n'était entré par le point de passage de Rafah depuis le 4 mai 2024⁴¹. L'acheminement de l'aide par le point de passage de Kerem Shalom reste perturbé⁴².
30. Israël ayant émis cinq autres ordres d'évacuation à Rafah et dans le nord de Gaza⁴³ (deux à Rafah, les 6 et 11 mai⁴⁴, et trois dans le nord de Gaza⁴⁵), le 18 mai 2024, près de la moitié de la population de Rafah – 800 000 personnes – avait dû quitter la première⁴⁶ et 100 000 personnes avaient été déplacées dans le second. Les Palestiniens déplacés n'ont pas de lieu sûr où aller. Il n'y a, à Gaza, aucune « zone humanitaire » où de l'aide et de l'assistance humanitaires, y compris des abris, de la nourriture et de l'assistance médicale, seraient fournies. Il existe une zone, Al-Mawasi,

³² Ramy Abdul, @RamAbdu, tweet (18 heures 51, 24 mai 2024), <https://x.com/RamAbdu/status/1794048649716273581> ; Khalissee, @Khalissee, tweet (19 heures 28, 24 mai 2024), <https://x.com/Khalissee/status/1794057883564335282>. <https://edition.cnn.com/2024/05/27/middleeast/gaza-rafah-displaced-people-camp-israel-strike-mime-intl/index.html>.

³³ Bureau des Nations Unies pour la coordination des affaires humanitaires, *Hostilities in the Gaza Strip and Israel | Flash Update #171* (27 mai 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-171>. Israël a revendiqué cette attaque le même jour : GLZ, @GLZRadio, tweet (22 heures, 26 mai 2024), <https://x.com/GLZRadio/status/1794821028042125779>.

³⁴ UNRWA, « The scenes coming out of #Rafah last night are harrowing » (27 mai 2024), <https://www.unrwa.org/newsroom/official-statements/scenes-coming-out-rafah-last-night-are-harrowing>.

³⁵ « Micheál Martin condemns "barbaric" strike on Rafah », BBC (27 mai 2024), <https://www.bbc.com/news/articles/cz99nvlzl0yo>.

³⁶ Bethan McKernan, « Global shock after Israeli airstrike kills dozens in Rafah tent camp », *The Guardian* (27 mai 2024), <https://www.theguardian.com/world/article/2024/may/27/global-shock-after-israeli-airstrike-kills-dozens-in-rafah-tent-camp>.

³⁷ Josep Borell Fontelles, @JosepBorrellF, tweet (14 heures 22, 27 mai 2024), <https://x.com/JosepBorrellF/status/1795068129460019632>.

³⁸ « Micheál Martin condemns "barbaric" strike on Rafah », BBC (27 mai 2024), <https://www.bbc.com/news/articles/cz99nvlzl0yo>.

³⁹ António Guterres, @antonioguterres, tweet (22 heures 2, 27 mai 2024), <https://x.com/antonioguterres/status/1795183705448710160>.

⁴⁰ Martin Griffiths, @UNReliefChief, tweet (19 heures 31, 28 mai 2024), <https://x.com/UNReliefChief/status/1795145909237342466/photo/1>.

⁴¹ UNRWA, tableau de bord Gaza Supplies and Dispatch Tracking (suivi de l'aide et des envois pour Gaza) (consulté le 27 mai 2024), <https://www.unrwa.org/what-we-do/gaza-supplies-and-dispatch-tracking>.

⁴² Bureau des Nations Unies pour la coordination des affaires humanitaires, *Hostilities in the Gaza Strip and Israel | Flash Update #171* (27 mai 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-171>.

⁴³ Bureau des Nations Unies pour la coordination des affaires humanitaires, *Hostilities in the Gaza Strip and Israel | Flash Update #166* (15 mai 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-166>.

⁴⁴ Bureau des Nations Unies pour la coordination des affaires humanitaires, *Hostilities in the Gaza Strip and Israel | Flash Update #162* (6 mai 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-162>. Bureau des Nations Unies pour la coordination des affaires humanitaires, *Hostilities in the Gaza Strip and Israel | Flash Update #165* (13 mai 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-165>.

⁴⁵ Bureau des Nations Unies pour la coordination des affaires humanitaires, *Hostilities in the Gaza Strip and Israel | Flash Update #166* (15 mai 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-166>.

⁴⁶ Nations Unies, « Gaza: Nearly 800,000 now displaced from Rafah » (18 mai 2024), <https://news.un.org/en/story/2024/05/1149951>.

dont les limites changent constamment et de la taille de l'aéroport d'Heathrow⁴⁷, dans laquelle Israël a ordonné à plusieurs reprises aux Palestiniens terrifiés, épuisés et affamés de se rendre. Il ne s'agit pas d'une zone humanitaire sûre au sens du droit international, notamment parce qu'elle a été déclarée comme telle unilatéralement par Israël⁴⁸. Il ne s'agit pas non plus d'une zone humanitaire sûre dans les faits, parce qu'il n'y a pas ou pas assez d'abris, de nourriture, d'assistance médicale et d'autres formes d'aide humanitaire pour les Palestiniens qui fuient vers ces zones. Tel était le cas avant mai 2024, et tel est toujours le cas aujourd'hui.

31. Le Groupe sectoriel pour la santé à Gaza (Gaza Health Cluster) signale que la récente incursion à Rafah, qui, en réalité, a entraîné une intensification des attaques non seulement à Rafah mais aussi dans le nord de Gaza et à Deir el-Balah, a encore détérioré l'accès aux soins de santé pour les Palestiniens de Gaza⁴⁹. Il n'y a actuellement *aucun* hôpital accessible dans le nord de Gaza⁵⁰, le personnel de santé ne peut pas travailler en toute sécurité (près de 500 agents de santé et partenaires ont perdu la vie) et Israël continue de prendre pour cible les établissements de santé, détruisant les institutions, les fournitures médicales et le matériel⁵¹. Les cas de maladies contagieuses sont en augmentation, les enfants de moins de cinq ans étant, d'après l'Organisation mondiale de la Santé, particulièrement touchés⁵².
32. Comme l'a dit le Secrétaire général adjoint aux affaires humanitaires et Coordonnateur des secours d'urgence le 24 mai 2024, après que la Cour a rendu son ordonnance :

Les souffrances et les épreuves que l'opération militaire israélienne à Rafah inflige à la population de Gaza n'ont jamais rien eu de limité. Comme on le craignait, c'est une tragédie sans nom. L'incursion terrestre à Rafah a provoqué le déplacement de plus de 800 000 personnes qui, craignant une fois de plus pour leur vie, ont cherché refuge dans des zones dépourvues d'abris adéquats, de latrines et d'eau propre. Elle a interrompu l'acheminement de l'aide vers le sud de Gaza et paralysé une opération humanitaire qui avait déjà atteint son point de rupture. Elle a mis un coup d'arrêt à la distribution de vivres dans le sud, et les points vitaux de Gaza – boulangeries, hôpitaux et puits d'eau – ne sont plus approvisionnés en carburant qu'au goutte-à-goutte⁵³.

V. LA PREUVE DE L'INTENTION GÉNOCIDAIRE ET DE L'INCITATION AU GÉNOCIDE COMME CATALYSEUR D'ACTION URGENTE DE LA PART DU CONSEIL DE SÉCURITÉ

33. Au mépris manifesté ouvertement à l'égard des ordonnances de la CIJ, et aux préjudice et maux croissants qui en découlent pour le peuple palestinien, s'ajoutent les déclarations publiques d'intention génocidaire, du même ordre, que ne cessent de faire Israël et ses agents, depuis les plus hauts échelons du Gouvernement et de l'armée israéliens

⁴⁷ Heba Saleh, Mehul Srivastava et Jana Tauschinski, « Satellite images show Gazans forced to cram into Al-Mawasi tent city », *Financial Times* (15 mai 2024), <https://www.ft.com/content/07202a13-08fd-4a27-b612-50927561b4c5> ; <https://www.bbc.com/news/world-middle-east-67646964>.

⁴⁸ ONU Info, « Gaza : UN rights office condemns "chaotic" Israeli mass evacuation orders » (26 janvier 2024), <https://news.un.org/en/story/2024/01/1145932>.

⁴⁹ Groupe sectoriel pour la santé à Gaza (Gaza Health Cluster), *Gaza Sub-national Bi-Weekly Report February : Gaza Health Cluster Partners Bi-Weekly Update* (22 mai 2024), <https://reliefweb.int/report/occupied-palestinian-territory/gaza-sub-national-bi-weekly-reportfebruary-gaza-health-cluster-partners-bi-weekly-update-21-may-2024?>.

⁵⁰ Groupe sectoriel pour la santé à Gaza (Gaza Health Cluster), *Gaza Sub-national Bi-Weekly Report February : Gaza Health Cluster Partners Bi-Weekly Update* (22 mai 2024), <https://reliefweb.int/report/occupied-palestinian-territory/gaza-sub-national-bi-weekly-reportfebruary-gaza-health-cluster-partners-bi-weekly-update-21-may-2024?>.

⁵¹ Groupe sectoriel pour la santé à Gaza (Gaza Health Cluster), *Gaza Sub-national Bi-Weekly Report February : Gaza Health Cluster Partners Bi-Weekly Update* (22 mai 2024), <https://reliefweb.int/report/occupied-palestinian-territory/gaza-sub-national-bi-weekly-reportfebruary-gaza-health-cluster-partners-bi-weekly-update-21-may-2024?>.

⁵² Groupe sectoriel pour la santé à Gaza (Gaza Health Cluster), *Gaza Sub-national Bi-Weekly Report February : Gaza Health Cluster Partners Bi-Weekly Update* (22 mai 2024), <https://reliefweb.int/report/occupied-palestinian-territory/gaza-sub-national-bi-weekly-reportfebruary-gaza-health-cluster-partners-bi-weekly-update-21-may-2024?>.

⁵³ Martin Griffiths, @UNReliefChief, tweet (10 heures 23, 24 mai 2024), <https://reliefweb.int/report/occupied-palestinian-territory/statement-rafah-martin-griffiths-under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-24-may-2024>.

jusqu'aux plus simples soldats. Ainsi, par exemple, les soldats du rang continuent de se faire l'écho, en paroles et en actes, des déclarations des responsables israéliens qui identifient *l'ensemble* de la population palestinienne aux actes commis par le Hamas et d'autres groupes armés le 7 octobre 2023⁵⁴.

34. En outre, de hauts responsables israéliens, y compris des membres du Comité ministériel chargé des questions de sécurité nationale, qui prend les décisions concernant l'acheminement de l'aide humanitaire vers et dans Gaza, continuent d'exprimer leur intention de priver les Palestiniens de Gaza de l'aide humanitaire et des services de base qui ont été ordonnés par la Cour et qui doivent être fournis immédiatement et impérativement si l'on veut que plus personne ne meure de faim à Gaza⁵⁵. Les ministres israéliens ont clairement dit vouloir établir des colonies sur les décombres des habitations palestiniennes détruites par l'armée israélienne et déclaré qu'ils « distribuer[aient] des parcelles à tous ceux qui se battaient depuis des années pour Gaza, et aux expulsés de Gush Katif » [ancienne colonie israélienne] »⁵⁶. Le Gouvernement israélien n'a pris *aucune* mesure effective pour « prévenir et punir l'incitation directe et publique à commettre le génocide », et encore moins « pr[is] toutes les mesures en son pouvoir » à cet effet.
35. L'Afrique du Sud demande donc respectueusement au Conseil de sécurité d'examiner les quatre appendices joints au présent dossier, dans lesquels sont répertoriés les déclarations de dirigeants et d'officiers israéliens qui sont en elles-mêmes génocidaires, et des exemples de l'incitation permanente et croissante au génocide qui a cours au sein de la société israélienne, parmi laquelle les soldats israéliens sont recrutés.

VI. LA NÉCESSITÉ D'UNE ACTION URGENTE DE LA PART DU CONSEIL DE SÉCURITÉ

36. Aux termes du paragraphe 1 de l'Article 94 de la Charte des Nations Unies, « [c]haque Membre des Nations Unies s'engage à se conformer à la décision de la Cour internationale de Justice dans tout litige auquel il est partie. » Le paragraphe 2 du même article dispose ce qui suit : « Si une partie à un litige ne satisfait pas aux obligations qui lui incombent en vertu d'un arrêt rendu par la Cour, l'autre partie peut recourir au Conseil de sécurité et celui-ci, s'il le juge nécessaire, peut faire des recommandations ou décider des mesures à prendre pour faire exécuter l'arrêt. »
37. Vu les ordonnances rendues par la Cour en l'affaire *Afrique du Sud c. Israël*, les dispositions susmentionnées obligent clairement le Conseil de sécurité à faire exécuter les décisions de la Cour.
38. Dans chacune des demandes qu'elle a adressées à la Cour, l'Afrique du Sud a appelé l'attention sur le préjudice irréparable infligé au peuple palestinien et sur un comportement qui vise à réduire à néant le droit même des Palestiniens à l'existence. Ce conflit sans précédent et les assauts auxquels se livre régulièrement Israël ont déstabilisé le Moyen-Orient et mettent en péril la paix et la sécurité. La Cour internationale de Justice s'est acquittée des obligations qui sont les siennes en tant que principal organe judiciaire des Nations Unies, en se réunissant et en statuant d'urgence sur les demandes en indication de mesures conservatoires et de mesures modifiées et additionnelles présentées par l'Afrique du Sud. Pourtant, comme elle l'a elle-même fait observer, il y a des limites à ce qu'elle peut faire face à un acteur étatique récalcitrant. Le juge Tladi a ainsi dit dans sa déclaration du 24 mai 2024⁵⁷ :

Aujourd'hui, la Cour a, en termes exprès, ordonné à l'État d'Israël de mettre un terme à son offensive à Rafah. Elle lui avait déjà ordonné, quoique de manière implicite et indirecte, de ne pas mener d'opérations militaires ailleurs à Gaza, car de telles opérations empêchent l'acheminement de l'aide humaine et portent

⁵⁴ « My Experience Fighting Inside Gaza - Israeli Paratrooper Master Sergeant Interview », Willy OAM (24 mars 2024), <https://www.youtube.com/watch?v=usf6apnBMek> [12:00].

⁵⁵ « LIVE: The Daily Briefing - 21/03/2024 », *הלאומי ההסברה מערך*, 21 mars 2024), <https://www.youtube.com/live/y-7G2MzKQxk>, [8:10].

⁵⁶ *Afrique du Sud c. Israël*, requête introductive d'instance du 29 décembre 2023, p. 74. par. 101.

⁵⁷ Déclaration de M. le juge Tladi (en anglais seulement), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-ord-01-04-en.pdf>, par. 19.

atteinte au peuple palestinien. Elle a aussi demandé une nouvelle fois, instamment, au Hamas de libérer les otages. Mais la Cour n'est rien d'autre qu'une cour !

39. Le juge Nolte, dans une déclaration également datée du 24 mai 2024, a ajouté⁵⁸ :

Le Conseil de sécurité de l'ONU a « la responsabilité principale du maintien de la paix et de la sécurité internationales » (paragraphe 1 de l'Article 24 de la Charte des Nations Unies). C'est le Conseil de sécurité qui « décide quelles mesures seront prises conformément aux Articles 41 et 42 pour maintenir ou rétablir la paix et la sécurité internationales » (Article 39 de la Charte des Nations Unies), et donc pour prévenir la violation des règles pertinentes du droit international, y compris celles qui découlent de la Convention sur le génocide.

40. L'agressivité militaire d'Israël, conjuguée au mépris de la Cour délibérément manifesté par celui-ci et à l'escalade de l'incitation au génocide, impose au Conseil de sécurité de s'acquitter de sa responsabilité non seulement d'accepter et de faire exécuter les ordonnances de la Cour, mais également de prendre toutes les mesures qu'il juge appropriées pour garantir la paix et la sécurité, comme le requiert son mandat.

41. Les différentes mesures conservatoires ordonnées par la Cour et que le Conseil de sécurité devrait obliger Israël à respecter sont indiquées dans les appendices. Il s'agit de ce qui suit : i) arrêter immédiatement [l']offensive militaire, et toute autre action menée dans le gouvernorat de Rafah, qui serait susceptible de soumettre le groupe des Palestiniens de Gaza à des conditions d'existence capables d'entraîner sa destruction physique totale ou partielle ; ii) maintenir ouvert le point de passage de Rafah pour que puisse être assurée, sans restriction et à grande échelle, la fourniture des services de base et de l'aide humanitaire requis de toute urgence ; iii) prendre des mesures permettant effectivement de garantir l'accès sans entrave à la bande de Gaza à toute commission d'enquête, toute mission d'établissement des faits ou tout autre organisme chargé par les organes compétents de l'Organisation des Nations Unies d'enquêter sur des allégations de génocide⁵⁹.

42. En ce qui concerne les otages, la Cour a jugé « profondément inquiétant que nombre de[s] otages demeurent en captivité et réit[éré] son appel en faveur de leur libération immédiate et inconditionnelle »⁶⁰. Bien que la Cour n'ait rien ordonné à cet égard, le Conseil de sécurité devrait également tenir compte de cette situation dans ses décisions.

43. Comme indiqué dans l'appendice IV, les attaques concertées dirigées par Israël contre l'ONU, ses organes et les organismes apparentés – y compris le meurtre en masse de membres de leur personnel, qui représente « la plus grande perte en vies humaines de l'histoire » de l'Organisation – appellent une action urgente de la part de l'ONU, qui doit faire en sorte qu'Israël respecte les ordonnances à caractère contraignant rendues par la Cour internationale de Justice, et protéger les institutions et processus des Nations Unies ainsi que l'état de droit international.

⁵⁸ Déclaration de M. le juge Nolte (en anglais seulement), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-ord-01-02-en.pdf>, par. 10.

⁵⁹ *Application de la convention pour la prévention et la répression du crime de génocide dans la bande de Gaza (Afrique du sud c. Israël)*, ordonnance du 24 mai 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-ord-01-00-fr.pdf>, par. 57.

⁶⁰ *Application de la convention pour la prévention et la répression du crime de génocide dans la bande de Gaza (Afrique du sud c. Israël)*, ordonnance du 24 mai 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-ord-01-00-fr.pdf>, par. 56.

Appendice I*

STATEMENTS EVIDENCING GENOCIDAL INTENT AND INCITEMENT TO GENOCIDE BY SENIOR ISRAELI GOVERNMENTAL OFFICIALS

1. 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 of Gaza and restrictions on humanitarian assistance — evidence an unfolding and continuing genocide. They include statements by individuals in positions of the highest responsibility within the Israeli government, including members of the Israeli Ministerial Committee on National Security Affairs ('Security Cabinet') and of the War Cabinet, responsible for decision-making in relation to Israel's military operations in Gaza.¹ The wartime roles of the thirteen-person Security Cabinet include "defining the strategic goals of military operations" and "providing policy guidelines to military leaders, while indicating the objectives that should be achieved by the end of the military campaign, and underscoring the limits that have to be respected while the campaign is ongoing",² with the three-person War Cabinet being responsible for "the realization and implementation of the security cabinet's decisions" in Gaza.³
2. A number of such statements were cited by the International Court of Justice in its January Order as part of the "facts and circumstances" giving rise to its indication of provisional measures against Israel in light of the real and imminent risk of irreparable harm to the rights under the Genocide Convention which it found to be "plausible".⁴ Those rights include the right of Palestinians in Gaza to be protected from acts of genocide and related prohibited acts identified in Article III of the Genocide Convention, and the right of South Africa to seek Israel's compliance with its obligations under the Convention.⁵
3. Instead of publicly and comprehensively retracting and repudiating those statements after the January Order, the Israeli President, Prime Minister and other ministers – including members of Israel's Security Cabinet and War Cabinet have continued to issue such genocidal statements against the Palestinian people in Gaza.

* Distribué uniquement dans la langue de l'original.

¹ The 'Security Cabinet' is responsible *inter alia* for "defining the strategic goals of military operations", "providing policy guidelines to military leaders", "indicating the objectives that should be achieved by the end of the military campaign", and "underscoring the limits that have to be respected while the campaign is ongoing". The Israeli War Cabinet is responsible for realizing and implementing the Security Cabinet's decisions. See Amichai Cohen and Yuval Shany, "Israel's War Cabinet: A Brief History of War Powers and Institutional Ambiguity", *Israel Democracy Institute* (14 November 2023), <https://en.idi.org.il/articles/51509>.

² Amichai Cohen and Yuval Shany, "Israel's War Cabinet: A Brief History of War Powers and Institutional Ambiguity", *Israel Democracy Institute* (14 November 2023), <https://en.idi.org.il/articles/51509>.

³ *Ibid.*

⁴ *South Africa v. Israel, Provisional Measures, Summary of the Order of 26 January 2024*, pp. 5 – 7.

⁵ *South Africa v. Israel, Provisional Measures, Order of 26 January 2024*, pp. 17-18, paras. 52-54.

President of Israel, Isaac Herzog

4. Statements by the Israeli President, Isaac Herzog, evidencing genocidal intent and inciting to genocide include the following:

43.1.1. On 12 October 2023, he 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, were not involved. It’s absolutely not true . . . and we will fight until we’ll break their backbone.”⁶

43.1.2. On 15 October 2023, he told foreign media that Israel is “faced with an extremely cruel, inhumane enemy, which we have to uproot, with no mercy . . . [T]he story is not Israel versus Palestinians, or Judaism versus Islam, God forbid. The story is about human, humanity. Are we with the good, or are we with evil. That’s where humanity should stand, and the battle that we are carrying out now, as a nation, rising up as a lion, is against evil. And we will uproot evil, so that there will be good for the entire region and the world. For the last two years we enabled a huge economic growth in Gaza, for the first time we enabled tens of thousands of Palestinians from Gaza to work in Israel, to break bread, to enjoy life, what happened? There is no justification, it is simply an ISIS-type ideology that wants to eliminate us off the ground, and therefore they need to be eliminated off the ground.”⁷

- On 25 December 2023, he joined the ranks of the large number of Israelis who have handwritten ‘messages’ on bombs to be dropped on Gaza.⁸

5. The Israeli President’s 12 October 2023 statement was expressly cited by the International Court of Justice in its January Order indicating provisional measures against Israel.⁹ While the President has subsequently attempted to distance himself from his statement — including in a ‘paywalled’ article in the United States’ newspaper the Wall Street Journal — in an attempt to launder his reputation internationally, he has made no effort to retract such statements domestically, whether to Israeli troops in Gaza or to Israeli civil society more generally.¹⁰ That is notwithstanding that Israeli soldiers committing

⁶ Office of the President of Israel, @IsraelPresident, Tweet (10:13 am, 12 October 2023), <https://x.com/IsraelPresident/status/1712380955669758455> [19:00]. See also Isaac Herzog, President of Israel, הרצוג יצחק - Isaac Herzog, Facebook (12 October 2023), https://www.facebook.com/IsaacHerzog/videos/278073995128781/?extid=CL-UNK-UNK-UNK-IO5_GK0T-GK1C&ref=sharing&mibextid=I6gGtw.

⁷ President of the State of Israel, @Isaac_Herzog, Tweet (11:00 pm, 15 October 2023), https://twitter.com/Isaac_Herzog/status/1713661051986678189.

⁸ President of the State of Israel, @Isaac_Herzog, Tweet (6:16 pm, 25 December 2023), https://x.com/Isaac_Herzog/status/1739334302670745946.

⁹ *South Africa v. Israel, Provisional Measures, Order of 26 January 2024*, pp. 17-18, para. 52.

¹⁰ Isaac Herzog, “The Case Against Israel Rests on Lies: Among them is a quote of mine that South Africa grossly distorted in its presentation to the ICJ”, *Wall Street Journal* (11 February 2024), <https://www.wsj.com/articles/the-case-against-israel-rests-on-lies-the-hague-south-africa-genocide-gaza-bc7c264c>; See Israeli Ministry of Foreign Affairs, *President Herzog addresses ICJ Ruling* (28 January 2024), <https://www.gov.il/en/departments/news/president-herzog-addresses-icj-ruling-28-jan-2024> (English); Israeli President, *The President’s remarks at the Bible Circle in memory of 929 CEO Moshe Ohion and his son Eliad* (28 January 2024), [https://www.president.gov.il/משה-929-מנכ"ל-של-לזכרו-תנך-בחוץ-בדברי-הנשיא-בחוג-תנך-לזכרו-של-מנכ"ל-929-משה](https://www.president.gov.il/משה-929-מנכ) (Hebrew, as a remark at a Bible study circle).

atrocities on the ground in Gaza continue to directly invoke his words that there are no “uninvolved” civilians”.¹¹

Prime Minister of Israel, Benjamin Netanyahu
Member of the Israeli War Cabinet and Chair of the Israeli Security Cabinet

6. Israeli Prime Minister, Benjamin Netanyahu, is the Chairman of the Israeli Security Cabinet and member of the Israeli War Cabinet, in addition to being head of the Israeli government and Chairperson of the Likud Party. An arrest warrant has been sought against him by the Prosecutor of the International Criminal Court, including for the war crime of starvation as a method of war, and for crimes against humanity, including extermination and persecution, in the context of Israel’s depriving the population in Gaza of objects indispensable to its survival.¹² Illustrative examples of statements the Israeli Prime Minister has made since 7 October 2023 evidencing genocidal intent and inciting genocide against Palestinians include the following:

- On 7 October 2023, in a televised address by the Government Press Office, he warned Palestinians that: “All of the places which Hamas is deployed, hiding in, and operating from, that wicked city, we will turn them into rubble. *I say to the residents of Gaza: leave now because we will operate forcefully everywhere*”.¹³ (emphasis added)
- On 9 October 2023, in a televised address in English, he warned: “Hamas will understand that by attacking us, they have made a mistake of historic proportions. *We will exact a price that will be remembered by them* and Israel’s other enemies for decades to come . . . when Israel wins, the entire civilized world wins.”¹⁴ (emphasis added)
- On 13 October 2023, he confirmed that “[w]e are striking our enemies with *unprecedented might* . . .”.¹⁵

¹¹ See Annex II.

¹² International Criminal Court (‘ICC’), *Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine* (20 May 2024), <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>; Panel of Experts in International Law Convened by the Prosecutor of the ICC, *Report of the Panel of Experts in International Law* (20 May 2024), <https://www.icc-cpi.int/sites/default/files/2024-05/240520-panel-report-eng.pdf>.

¹³ Prime Minister of Israel, @IsraeliPM, Tweet (10:31 pm, 7 October 2023), <https://twitter.com/IsraeliPM/status/1710769906373775373>.

¹⁴ Prime Minister of Israel, @IsraeliPM, Tweet (9:41 pm, 9 October 2023), <https://x.com/IsraeliPM/status/1711466887844864332>.

¹⁵ “Address by the Prime Minister of Israel”, *Israeli PM* (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/now-is-time-war-says-israels-military-chief-2023-10-12/>.

- On 15 October 2023, when Israeli airstrikes had already killed over 2,670 Palestinians, including 724 children,¹⁶ he 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”.¹⁷ (emphasis added)
- On 16 October 2023, in a formal address to the Knesset, he described the situation as “a struggle between the *children of light and the children of darkness*, between humanity and the law of the jungle [“between humanity and animality” in the Hebrew language statement]”¹⁸— a dehumanising theme to which he returned on numerous occasions.
- On 17 October 2023, in a joint press conference with the visiting Prime Minister of Romania, he asserted that Israel was “not fighting just our war, we’re fighting the war of all civilized countries and all civilized peoples”.¹⁹
- On 18 October 2023, in an address from Israel’s military headquarters in Tel Aviv to Israeli citizens, he stated: “we will not allow humanitarian assistance in the form of food and medicines from our territory to the Gaza Strip”.²⁰ That same day, the World Food Programme (‘WFP’) had warned that “the dire humanitarian situation in Gaza is aggravating by the hour” and that “the scarcity of water, power, food, and medicine supplies is putting people’s lives in jeopardy”.²¹
- On 28 October 2023, as Israeli forces prepared their land invasion of Gaza, he invoked the Old Testament tale of the total destruction of Amalek by the Israelites, calling on Israelis to: “remember

¹⁶ United Nations Children’s Fund (‘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).

¹⁷ 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); Published in Hebrew to the same effect at Israel’s Prime Minister Office, @IsraeliPM_heb, Tweet (1:57 pm, 15 October 2023), https://x.com/IsraeliPM_heb/status/1713524550070083996.

¹⁸ 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>; Published in Hebrew at Israel’s Prime Minister Office, @IsraeliPM_heb, Tweet (5:01 pm, 16 October 2023), https://x.com/IsraeliPM_heb/status/1713933085752934743, (informal translation provided: “a struggle between the children of light and the children of darkness, between humanity and animality”).

¹⁹ Prime Minister of Israel, @IsraeliPM, Tweet (3:23 pm, 17 October 2023), <https://x.com/IsraeliPM/status/1714270930569216041>; Hebrew available at, Prime Minister’s Office, Government Press Office, *Prime Minister Benjamin Netanyahu met with Romanian Prime Minister Marcel Ciolacu* (17 October 2023), <https://www.gov.il/he/pages/ironwords171020231>.

²⁰ Ministry of Foreign Affairs, *Statement by PM Netanyahu* (18 October 2023), <https://www.gov.il/en/pages/pm-netanyahu-statement-18-oct-2023>; Published in Hebrew at Israel’s Prime Minister Office, @IsraeliPM_heb, Tweet (4:28 pm, 18 October 2023), https://x.com/IsraeliPM_heb/status/1714649568216838550 (informal translation provided: “Israel will not allow any humanitarian aid from its territory to the Gaza Strip as long as our abductees are not returned”).

²¹ World Food Program (‘WFP’), *WFP Palestine Emergency Response External Situation Report #3* (18 October 2023), https://www.un.org/unispal/wp-content/uploads/2023/10/WFP-Palestine-Emergency-Response-External-Situation-Report-3_18-October-2023.pdf.

what Amalek has done to you, we have been commanded. And we do remember”.²² As explained by Israeli non-governmental organisation B’Tselem, a reference in Israel to ‘Amalek’ is: “a dog whistle that anyone who has gone through Israel’s education system will recognize as meaning a response to an attack in a way that would obliterate any memory of that nation, women and children included. When the fight against Hamas is compared to the war against Amalek, the conclusion is clear: The order is to wipe out Gaza”.²³ Notably, Old Testament references to Amalek include: “Remember what Amalek did to you on your journey, after you left Egypt . . . Therefore, when your God grants you safety from all your enemies around you, in the land that your God is giving you as a hereditary portion, *you shall blot out the memory of Amalek from under heaven*. Do not forget!” (emphasis added);²⁴ and (God to King Saul) “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!*”.²⁵ (emphasis added) As set out in Annex II, Israeli soldiers — who have laid waste to Gaza, killing over 36,050 Palestinians — including an estimated 24,000 women, children and infants²⁶ — alongside cattle,²⁷ have themselves invoked “Amalek” in so doing.²⁸

- On 3 November 2023, in a letter to Israeli soldiers and officers published on the platform ‘X’ (formerly Twitter), he again invoked the Old Testament tale of Amalek, writing that “[t]he current war against the Hamas murderers is another chapter in the story of our national resilience through the generations”, calling on Israeli soldiers to “[r]emember what Amalek did to you.”²⁹ He told Israeli soldiers 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.”³⁰ (emphasis added)
- On 5 December 2023, at a press conference with Defence Minister Yoav Gallant and Minister Benny Gantz, he stated that Israeli “soldiers will bring light to the darkness, in the alleyways of Gaza, in the

²² “Address by the Prime Minister of Israel”, (28 October 2023), <https://www.youtube.com/watch?v=IIPkoDk6isc> (informal translation provided); See also “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>.

²³ B’Tselem, *Manufacturing Famine: Israel is Committing the War Crime of Starvation in the Gaza Strip* (April 2024), https://www.btselem.org/publications/202404_manufacturing_famine.

²⁴ Sefaria, Deuteronomy 25:17-19, JPS, 1985, <https://www.sefaria.org/Deuteronomy.25.19>.

²⁵ Sefaria, I Samuel 15:3, see also I Samuel 15:1-35, JPS, 1985, https://www.sefaria.org/I_Samuel.15.3. See also Sefaria, Leviticus 27:28-29, JPS, 1985, <https://www.sefaria.org/Leviticus.27.29>: “But of all that anyone owns, be it human or beast or land-holding, nothing that has been proscribed for the Lord may be sold or redeemed; every proscribed thing is totally consecrated to the Lord. No human being who has been proscribed can be ransomed: that person shall be put to death”.

²⁶ United Nations Office for the Coordination of Humanitarian Affairs (‘UN OCHA’), *Hostilities in the Gaza Strip and Israel - reported impact | Day 234* (27 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-234>; UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #165* (13 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-165>.

²⁷ Esmaeel Omar, @esma3eel_omar, Instagram (5 February 2024), <https://www.instagram.com/p/C2-xcLHrDcR/>.

²⁸ See Annex II.

²⁹ *South Africa v. Israel, Application and Request for Provisional Measures of 29 December 2023*, p. 60, para.101; Prime Minister’s Office in Hebrew, @IsraeliPM_heb, Tweet (12:43 pm, 3 November 2023), https://twitter.com/IsraeliPM_heb/status/1720406463972004198 (emphasis added) (informal translation provided).

³⁰ Prime Minister’s Office in Hebrew, @IsraeliPM_heb, Tweet (12:44 am, 3 November 2023), https://twitter.com/IsraeliPM_heb/status/1720406469055500583 (emphasis added) (informal translation provided).

ruins of Sajaiya [*sic*], in the terrorist lairs in Khan Yunis. The lights together, as a great light, will cleave the darkness.”³¹

- On 24 December 2023, he returned to his dehumanising 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 barbarism”.³²
- On 25 December 2023, he confirmed in a Likud party meeting — in response to a question by Likud MK Danny Danon who has actively advocated for the transfer of Palestinians out of Gaza³³ — that he is working on plans for the “voluntary emigration” of Palestinians from Gaza,³⁴ stating “[o]ur problem is [finding] countries that are willing to absorb Gazans, and we are working on it”.³⁵ He had previously made clear that he has no intention of allowing Palestinians to control Gaza, stating: “After we’ve fought and done this whole thing we’re supposed to hand over the [Gaza] Strip to them [the Palestinian Authority]?”.³⁶
- On 24 January 2024, he ‘tweeted’ in relation to the Israeli army’s destruction in November 2023 of the Palestinian Legislative Council Building in Gaza³⁷ that “[t]here is no real parliament in Gaza. That is why the parliament of extremism and hatred being destroyed by our forces is *an image of victory*. It is a powerful image, a very symbolic one, in a long and difficult campaign”.³⁸
- On 30 January 2024 – addressing students in the ‘Israeli Defence Force preparation program’ at the ‘Bnei David’ (‘Sons of David’) pre-military religious academy in the illegal Israeli West Bank

³¹ Israel Prime Minister’s Office, *Statement by PM Netanyahu* (5 December 2023), <https://www.gov.il/en/departments/news/event-press051223> (emphasis added); Published in Hebrew to the same effect at Israel’s Prime Minister Office, @IsraeliPM_heb, Tweet (10:56 pm, 5 December 2023), https://x.com/IsraeliPM_heb/status/1732142010453176321.

³² 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>.

³³ See, e.g., MK Danny Danon (Likud) and MK Ram Ben-Barak (Yesh Atid), “The West Should Welcome Gaza Refugees”, *The Wall Street Journal* (13 November 2023), <https://www.wsj.com/articles/the-west-should-welcome-gaza-refugees-asylum-seekers-hamas-terrorism-displacement-5d2b5890>.

³⁴ Ariel Kahana, “Netanyahu: Working for voluntary immigration of Gazans from the Gaza Strip”, *Israel Hayom* (25 December 2023), <https://www.israelhayom.co.il/news/geopolitics/article/15002089> (informal translation provided).

³⁵ Shalom Yerushalmi, “Israel in talks with Congo and other countries on Gaza ‘voluntary migration’ plan”, *Times of Israel* (3 January 2024), <https://www.timesofisrael.com/israel-in-talks-with-congo-and-other-countries-on-gaza-voluntary-migration-plan/>.

³⁶ Itamar Eichner, “Netanyahu, in the shadow of the introduction of fuel: ‘We fended off pressure from the world, we need a political iron dome’”, *Ynet* (18 November 2023), <https://www.ynet.co.il/news/article/hksy6ui4p> (informal translation provided).

³⁷ *South Africa v. Israel, Application and Request for Provisional Measures of 29 December 2023*, p. 55, para. 89; Eve Brennan and Gianluca Mezzofiore, “Satellite images show Gaza’s Palestinian Legislative Council building partially destroyed”, *CNN* (18 November 2023), https://edition.cnn.com/middleeast/live-news/israel-hamas-war-gaza-news-11-18-23/h_815f9ef2d2a63cc4c840d095067e8f1d; “IDF soldiers share photo in conquered Hamas parliament”, *The Jerusalem Post* (13 November 2023), <https://www.jpost.com/breaking-news/article-773089>.

³⁸ Prime Minister of Israel, @IsraeliPM, Tweet (4:07 pm, 24 January 2024), <https://x.com/IsraeliPM/status/1750173383575077228>; published in Hebrew at Israel’s Prime Minister Office, @IsraeliPM_heb, Tweet (12:25 pm, 24 January 2024), https://x.com/IsraeliPM_heb/status/1750117712318042270 (informal translation provided: “the parliament of fanaticism and hatred being destroyed by our forces is an image of victory. It is a powerful image, a very symbolic one, in a long and difficult campaign”).

settlement of Eli — he again described Israel’s military operation in Gaza as one “between the sons of light and the sons of darkness”, and described the Israeli war goal as being “total victory”, stating:

“This is not ‘another round’, neither is it an exchange of blows, nor is it an operation — it is total victory. Nothing less. I am committed to it. Our fighters are committed to it and the overwhelming majority of the people is committed to it. We will not compromise on anything less than total victory.

I hear talk about all kinds of deals. I would like to make it clear: We will not conclude this war without achieving all of its goals. This means eliminating Hamas, returning all of our hostages and ensuring that Gaza never again constitutes a threat to Israel.

We will not withdraw the IDF from the Gaza Strip and we will not release thousands of terrorists. None of this will happen. What will happen? Total victory. This victory, as it is written, will be achieved 'Not by might and not by power but by My spirit says the Lord of Hosts.' [Zechariah 4:6]. By spirit; it will be achieved by spirit.”³⁹

- On 17 February 2024, addressing the Israeli War Cabinet on Israel’s planned operation against Rafah, he stated: “[w]hoever wants to prevent us from operating in Rafah is telling us in effect to lose the war. I will not allow this . . . We will not surrender to any pressure. We will not surrender, because we are a people of heroes. We will not surrender, because we are a people that desires life. We will not surrender because *we must, must, defeat the evil.*”⁴⁰
- On 18 March 2024, he described Israel’s military operations in Gaza as a “*a war of civilization against barbarism*, those who want to bring back the Middle East to the . . . early Middle Ages, and those who want to see it going to the century of progress and advance in the 21st century”.⁴¹ He reiterated that “no force in the world will stop us”.⁴²

³⁹ Israel Prime Minister’s Office, *PM Netanyahu to the Students of the Bnei David Institutions in Eli: “The testament of the fallen is our mission – total victory”* (30 January 2024), <https://www.gov.il/en/departments/news/event-visit300124> (emphasis added), Published in Hebrew to the same effect at Israel’s Prime Minister Office, @IsraeliPM_heb, Tweet (7:45 pm, 30 January 2024), https://x.com/IsraeliPM_heb/status/1752387489862467842.

⁴⁰ Israel Prime Minister’s Office, *Statement by PM Netanyahu* (17 February 2024), <https://www.gov.il/en/departments/news/spoke-press170224> (emphasis added); Published in Hebrew at Israel’s Prime Minister Office, @IsraeliPM_heb, Tweet (8:52 pm, 17 February 2024), https://x.com/IsraeliPM_heb/status/1758927456214413464 (informal translation provided: “Those who want to prevent us from acting in Rafah, are basically telling us “you will lose the war”. I will not accept this. The political campaign that I am leading with my friends allows us to operate with unprecedented military freedom of action for five months, which was not the case in Israel’s wars.”), and Israel’s Prime Minister Office, @IsraeliPM_heb, Tweet (8:52 pm, 17 February 2024), https://x.com/IsraeliPM_heb/status/1758927459267891452 (informal translation provided: “We will not give in to any pressure. We will not surrender, because we are a nation of heroes. We will not give up, because we are a nation that wishes to live. We will not surrender, because we must, must eradicate evil”).

⁴¹ Prime Minister of Israel, @IsraeliPM, Tweet (3:38 pm, 18 March 2024), <https://twitter.com/IsraeliPM/status/1769735099140985033>; Published in Hebrew at Israel’s Prime Minister Office, @IsraeliPM_heb, Tweet (3:36 pm, 18 March 2024), https://x.com/IsraeliPM_heb/status/1769719484519010403 (informal translation provided “Because this is a war of civilization against barbarism, between those who want to return the Middle East to the early Middle Ages and those who want to see it march towards the 21st century which will be a century of progress. This is the essence of war. This is a very big war.”).

⁴² Prime Minister of Israel, @IsraeliPM, Tweet (3:38 pm, 18 March 2024), <https://x.com/IsraeliPM/status/1769735089028546707>; Published in Hebrew at Benjamin Netanyahu, @netanyahu, Tweet (7:17 pm, 9 April 2024), <https://x.com/netanyahu/status/1777747582128689228> (informal translation provided: “There is no force in the world that will stop us.”).

- On 25 March 2024, in an address to Israeli soldiers and military police, he reiterated that Israel's objective in Gaza is to "achieve total victory".⁴³
- On 9 and 30 April 2024, he further described Israel's war aims as being not only to "destroy Hamas' military and governing capabilities", or a release of all the hostages, but also to "ensure that Gaza [sic] never poses a threat to Israel again".⁴⁴
- On 20 May 2024, following the Prosecutor of the International Criminal Court's announcement of his application for arrest warrants for the Israeli Prime Minister and Minister of Defence, Benjamin Netanyahu stated: "Two weeks ago, on Holocaust Memorial day, I pledged this: '*no amount of pressure, and no decision in any international forum, will prevent Israel from defending itself against those who seek its destruction*'. To all the enemies of Israel, *including their collaborators in The Hague*, I renew that pledge today."⁴⁵

Israeli Minister of Defence, Yoav Gallant
Member of the Israeli War Cabinet and Security Cabinet

7. The Israeli Minister of Defence, Yoav Gallant — who is a member of both the Israeli Security Cabinet and the Israeli War Cabinet — is the "Minister in charge of the Army on behalf of the Government".⁴⁶ He is a member of the Prime Minister's Likud party, who previously served as the Commander of the Southern Command of the Israeli Army. An arrest warrant has been sought against him by the Prosecutor of the ICC, on the same charges as the Israeli Prime Minister.⁴⁷ Statements by him evidencing genocidal intent and incitement to genocide, including those published to his 111.6K followers on X — a number of which were cited by the International Court of Justice in its Order of 26 January 2024 — include the following:

⁴³ Israel Prime Minister's Office, *PM Netanyahu attended a reading of the Book of Esther with commanders and soldiers from the various crossings, from the Military Police Erez Battalion* (25 March 2024), <https://www.gov.il/en/departments/news/event-purim240324>; Published in Hebrew at Israel's Prime Minister Office, @IsraeliPM_heb, Tweet (7:35 pm, 24 March 2024), https://x.com/IsraeliPM_heb/status/1771953876008128517, (informal translation provided: "As in ancient times, we also unite, dream and win. We will enter Rafah and achieve total victory."); See also Israel Prime Minister's Office, *Statement by Prime Minister Benjamin Netanyahu* (20 March 2024), <https://www.gov.il/en/departments/news/spoke-update200324>.

⁴³ Israel Prime Minister's Office, *PM Netanyahu at the IDF Induction Base at Tel Hashomer, met with IDF recruits slated to be fighters at crossings and field observers in the various sectors* (9 April 2024), <https://www.gov.il/en/departments/news/event-idf090424> (emphasis added). Published in Hebrew to the same effect, at Israel's Prime Minister Office, @IsraeliPM_heb, Tweet (2:21 pm, 9 April 2024), https://x.com/IsraeliPM_heb/status/1777673204720394352. See also Benjamin Netanyahu, @netanyahu, Tweet (7:37 pm, 30 April 2024), <https://twitter.com/netanyahu/status/1785362914519519597>; Published in Hebrew to the same effect, at Israel's Prime Minister Office, @IsraeliPM_heb, Tweet (4:40 pm, 30 April 2024), https://x.com/IsraeliPM_heb/status/1785318407128109478.

⁴⁴ Israel Prime Minister's Office, *PM Netanyahu at the IDF Induction Base at Tel Hashomer, met with IDF recruits slated to be fighters at crossings and field observers in the various sectors* (9 April 2024), <https://www.gov.il/en/departments/news/event-idf090424> (emphasis added). Published in Hebrew to the same effect, at Israel's Prime Minister Office, @IsraeliPM_heb, Tweet (2:21 pm, 9 April 2024), https://x.com/IsraeliPM_heb/status/1777673204720394352. See also Benjamin Netanyahu, @netanyahu, Tweet (7:37 pm, 30 April 2024), <https://twitter.com/netanyahu/status/1785362914519519597>; Published in Hebrew to the same effect, at Israel's Prime Minister Office, @IsraeliPM_heb, Tweet (4:40 pm, 30 April 2024), https://x.com/IsraeliPM_heb/status/1785318407128109478.

⁴⁵ Prime Minister of Israel, @IsraeliPM, Tweet (2:43 pm, 20 May 2024), <https://x.com/IsraeliPM/status/1792627236115206489>

⁴⁶ Israel, Basic Law of 1976: The Army, <https://www.refworld.org/legal/legislation/natlegbod/1976/en/28150>.

⁴⁷ ICC, *Statement of ICC Prosecutor Karim A.A. Khan KC: Applications for arrest warrants in the situation in the State of Palestine* (20 May 2024), <https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-kc-applications-arrest-warrants-situation-state>; Panel of Experts in International Law Convened by the Prosecutor of the ICC, *Report of the Panel of Experts in International Law* (20 May 2024), <https://www.icc-cpi.int/sites/default/files/2024-05/240520-panel-report-eng.pdf>.

- On 8 October, after a visit to Ofakim [an Israeli town in the Gaza envelope], the Defence Minister stated: “we are responsible for this operation being remembered in Gaza for the next 50 years and they will regret starting it.” The Minister also said that “At this time, the IDF forces are attacking a number of locations in the Gaza Strip, attacks that will continue to escalate. The IDF is amassing large forces, we will strike Gaza as never seen before. The rules of war have changed, the price the Gaza Strip will pay will be a very heavy price that will alter reality for generations”⁴⁸
- On 9 October 2023, in an Israeli Army ‘situation update’, he advised that he had “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*.”⁴⁹
- On 10 October 2023, he also instructed troops on the Gaza border that he had “*released all the restraints*”,⁵⁰ stating in terms that: “*Gaza won’t return to what it was before*. There will be no Hamas. *We will eliminate everything*. If it doesn’t take one day, it will take a week. It will take weeks or even months, *we will reach all places*.”⁵¹
- On 13 December 2023, on a visit to the Israeli city Sderot, he said “the work in the north of the [Gaza] Strip, with all its cost and pain, is of the kind that *crushes the surrounding infrastructure*, like Beit Hanoun and its surroundings and its tunnels and the houses in the officers’ neighborhood, in Tel al-Hawa [a neighbourhood in Gaza city] — *it’s all been erased, this has significance*.”⁵² By 13 December 2023, Beit Hanoun was reported to have “barely a single inhabitable building” that “remain[ed] standing”.⁵³
- On 1 February 2024, within a week of the Court’s Order of 26 January 2024, speaking in Khan Younis to the 98th Division of the Israeli army, he urged them “to reach all the places”,⁵⁴ repeating his

⁴⁸ Itay Blumenthal and Suleiman Masvidan, “The Chief of Staff in his first message: It is time for war”, *Kann News* (8 October 2023), <https://www.kan.org.il/content/kan-news/defense/560239/>.

⁴⁹ “Statement by Yoav Gallant”, *Knesset TV* (9 October 2023), <https://www.youtube.com/watch?v=lnxvS9VY-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/. See also *South Africa v. Israel, Provisional Measures, Order of 26 January 2024*, p. 17, para. 51.

⁵⁰ “Filmography: Ariel Harmoni, Ministry of Defense”, *Kipa News* (10 October 2023), <https://www.youtube.com/watch?v=l9wx7e4u-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/.

⁵¹ “Filmography: Ariel Harmoni, Ministry of Defense”, *Kipa News* (10 October 2023), <https://www.youtube.com/watch?v=l9wx7e4u-xM>. Translation in *South Africa v. Israel, Provisional Measures, Order of 26 January 2024*, p. 17, para. 52. See also *South Africa v. Israel, Application and Request for Provisional Measures of 29 December 2023*, p. 59, para. 101.

⁵² “Alon Davidi To Minister Galant: ‘The Residents Won’t Return Until They Feel Safe’”, *Channel 7 News* (13 December 2023), <https://www.inn.co.il/news/623085> (informal translation provided).

⁵³ Crispian Balmer, “Gaza war inflicts catastrophic damage on infrastructure and economy”, *Reuters* (17 November 2023), <https://www.reuters.com/world/middle-east/gaza-war-inflicts-catastrophic-damage-infrastructure-economy-2023-11-17/>.

⁵⁴ Emanuel Fabian, “Gallant says army will push south to Rafah as Khan Younis offensive wraps up”, *The Times of Israel* (1 February 2024), https://www.timesofisrael.com/liveblog_entry/gallant-says-army-will-push-south-to-rafah-as-khan-younis-offensive-wraps-up/.

statement of 10 October 2023.⁵⁵ He also ‘tweeted’ that “we will complete the mission and from there keep going to Rafah . . . We will keep going till the end, there is no other way.”⁵⁶

- On 3 March 2024, during a subsequent visit to the Gaza Border to meet with the 98th Division of the Israeli army, he described Israel’s military operations as being that “we are taking apart neighbourhood after neighbourhood”.⁵⁷
- On 13 March 2024, during his visit to troops stationed near the beach in Gaza, he again underscored — in relation to Israel’s planned operation in Rafah in particular — that “we will reach every location”⁵⁸.
- On 22 April 2024, in response to the threat by the United States to sanction the Netzah Yehuda Battalion of the Israeli army — who have been deployed to Gaza since October 2023— due to widespread reports of serious abuses of human rights committed by them in the West Bank,⁵⁹ he commented to them, on Gaza’s border, that “no one in the world will teach us what morality is and what norms are”,⁶⁰ effectively greenlighting their continuation of such violations.

Israeli Minister without Portfolio, Benny Gantz
Member of the Israeli War Cabinet and Security Cabinet

8. Minister without Portfolio and MK, Benny Gantz, is a member of both the Israeli War Cabinet and Security Cabinet. He is a retired Israeli army general and leader of the National Unity Party in Benjamin Netanyahu’s coalition government. He previously served as Minister of Defence and, first Alternate, then Deputy, Prime Minister between 2020 and 2022. He has made the following genocidal statements, including in ‘tweets’ to his 315.8K followers on X:

- On 7 October 2023, he stated that “Our response must be, and will be, sharp, painful, and one which *will leave a mark [in memory] for many years*. [...] Now there is no more coalition and opposition — just the State of Israel, a single fist that will strike the enemy forcefully. Citizens of Israel, I know in our current situation it is difficult to envision it, but we will end this campaign

⁵⁵ *South Africa v. Israel*, Order of 26 January 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>, pp. 17-18, para. 52.

⁵⁶ Yoav Gallant, @yoavgallant, Tweet (8:11 pm, 1 February 2024), <https://twitter.com/yoavgallant/status/1753118924390973502> (informal translation provided).

⁵⁷ Yanki Golden, “Gallant: ‘We Will Not End This War Without Eliminating Hamas’ Outlet: Hamechadesh News”, *Hamechadesh News* (3 March 2024), <https://hm-news.co.il/451577/> (informal translation provided).

⁵⁸ “Action in Rafah soon? Galant in Gaza: ‘We reach everywhere’”, *Now 14* (13 March 2024), <https://www.now14.co.il/-/פעולה-ברפייה-בקרוב> (informal translation provided).

⁵⁹ Democracy for the Arab World Now (‘DAWN’), *Israel: Netzah Yehudah Battalion Carries Out War Crimes In the West Bank, Including the Killing of Palestinian-American Omar Assad* (29 November 2022), <https://dawnmena.org/culprit-netzah-yehuda-battalion/>.

⁶⁰ Emanuel Fabian, “Gallant to IDF unit slated for US sanctions: ‘No one will teach us what morality is’”, *Times of Israel* (22 April 2024), https://www.timesofisrael.com/liveblog_entry/gallant-to-idf-unit-slated-for-us-sanctions-no-one-will-teach-us-what-morality-is/.

stronger, and with *achievements that will build up an echoing deterrence stronger than ever before.*”⁶¹

- On 31 January 2024, five days after the International Court of Justice’s January Order, he and ‘Observer’ Gadi Eisenkot advocated to the War Cabinet for the *reduction* of humanitarian aid to Gaza “as part of the pressure to build another mechanism in the Strip and also as part of the moves to return the captives.”⁶²
- On 16 February 2024, he ‘tweeted’ that “[t]here will be no refuge cities in Gaza — neither above ground nor below ground.”⁶³

Israeli Minister of Strategic Affairs, Ron Dermer
Member of the Israeli Security Cabinet and Observer in the Israeli War Cabinet

9. Israeli Minister of Strategic Affairs and Likud MK Ron Dermer, is a member of the Security Cabinet and an Observer in the War Cabinet, and is reportedly one of the Prime Minister’s closest advisers.⁶⁴ On 26 March 2024 — after South Africa’s request for additional Provisional Measures warning of widespread starvation,⁶⁵ the deaths from starvation and dehydration of dozens of Palestinians in Gaza,⁶⁶ and after the Integrated Food Security Phase Classification (‘IPC’) and Famine Review Committee published their findings that 1.1 million Palestinians in Gaza were facing famine — he continued to deny the fact of hunger in Gaza, asserting that “there is *no* starvation”, and dismissing the facts and warnings by experts as “a complete lie and fabrication” and “a libel against Israel”.⁶⁷ This view appears to reflect the official Israeli position — as articulated by the spokesperson for the Israeli ‘National Public Diplomacy Directorate’ whose social media ‘handle’ ‘@Nationalhasbara’ is reportedly run by the Prime Minister’s office — that “this myth that there is hunger in Gaza is exactly that, a myth”.⁶⁸

⁶¹ “Gantz: ‘The Results Of The Attack Are Severe – The Government Has Backing To Exact A Heavy Price’, *MSN/Israel Hayom* (7 October 2023), <https://www.msn.com/he-il/news/other-מחיר-כבד-לגבול-ישיבה-לממשלה-קשות-המתקפה-התוצאות-המחיר-כבד/ar-AA1hQkuE> (informal translation provided) (emphasis added).

⁶² Yaron Avraham, “The surprising proposal of Gantz and Eisenkot: to limit the humanitarian aid that enters the Gaza Strip”, *Mako* (31 January 2024), https://www.mako.co.il/news-military/2024_q1/Article-b29cf0b90806d81026.htm (informal translation provided).

⁶³ Benny Gantz, @gantzbe, Tweet (2:00 pm, 16 February 2024), <https://twitter.com/gantzbe/status/1758491513175097845> (informal translation provided).

⁶⁴ See, e.g., Aaron Boxerman, “Who Is in Israel’s War Cabinet?”, *Washington Post* (26 October 2023), <https://www.nytimes.com/2023/10/26/world/middleeast/israel-war-cabinet-hamas.html>; “Ron Dermer to be strategic affairs minister in Netanyahu gov’t”, *The Jerusalem Post* (29 December 2022), <https://www.jpost.com/israel-news/article-726098>.

⁶⁵ *South Africa v. Israel, Request by South Africa for the indication of provisional measures and modification of the Court’s prior provisional measures decisions of 6 March 2024*, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240306-wri-01-00-en.pdf>.

⁶⁶ At least 31 Palestinians, including 27 children, had died of malnutrition and dehydration as of 25 March 2024, UN OCHA, *Hostilities in the Gaza Strip and Israel - reported impact | Day 169* (25 March 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-169>.

⁶⁷ Leila Fadel and Daniel Estrin, “Cease-fire resolution, growing support for Gaza in the U.S. sour relations with Israel”, *NPR* (26 March 2024), <https://www.npr.org/2024/03/26/1240884500/ceasefire-resolution-growing-support-for-gaza-in-the-u-s-sour-relations-with-isr> (emphasis added); Ron Dermer – דרמר רון, @AmbDermer, Tweet (5:57 pm, 26 March 2024), <https://twitter.com/AmbDermer/status/1772669238559264840>.

⁶⁸ “LIVE: The Daily Briefing – 21/03/2024”, יחד ננצח! – מערך ההסברה הלאומי (21 March 2024), <https://www.youtube.com/live/y-7G2MzKQxk>, [at 8:10].

Israeli Foreign Minister, Israel Katz
Member of the Israeli Security Cabinet

10. Foreign Minister (formerly Israeli Minister for Energy and Infrastructure between 29 December 2022 and 1 January 2024) and Likud MK, Israel Katz, is a member of the Israeli Security Cabinet. Examples of statements he has made since 7 October 2023 — including on X where he has over 124 thousand followers and posts with up to 8.2 million views each⁶⁹ — evidencing genocidal intent towards Palestinians in Gaza, include the following:

- On 7 October 2023, he ‘tweeted’ that he had “signed an order instructing the Israel Electric Corporation *to stop supplying electricity to the Gaza Strip*. What once was will be no more”.⁷⁰ His statement was followed on 8 October 2023 by an official statement published on the website of the Ministry of Foreign Affairs regarding operational decisions taken by the Security Cabinet, stating: “Among the *decisions made by the Security Cabinet* is *halting the supply of electricity, fuel and goods*.”⁷¹
- On 9 October 2023, he ‘tweeted’ that he had issued an “order[...] *to immediately cut off the water supply from Israel to Gaza. Electricity and fuel were cut off yesterday*. What once was will be no more”.⁷²
- On 10 October 2023, he ‘tweeted’: “Up until now we have transferred to Gaza 54,000 cubic meters of water and 2,700 megawatts of electricity per day. This is over. Without fuel, the local electricity will also shut down within days and the pumping wells will stop [being active] within a week. *This is what will be done to a nation of murderers and children slaughterers*. What once was will be no more”.⁷³
- 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 [in return] for humanitarianism. And no one will preach us morality.”⁷⁴

⁶⁹ See, e.g., Israel Katz, @Israel_katz, Tweet (8:47 am, 24 May 2024), https://x.com/Israel_katz/status/1793896694729286117.

⁷⁰ Israel Katz, @Israel_katz, Tweet (6:34 pm, 7 October 2023), https://x.com/Israel_katz/status/1710695021769265450 (informal translation provided) (emphasis added).

⁷¹ Ministry of Foreign Affairs, *Security Cabinet convenes and makes series of operational decisions* (8 October 2023), <https://www.gov.il/en/pages/security-cabinet-convenes-and-makes-series-of-operational-decisions-8-oct-2023> (emphasis added).

⁷² Israel Katz, @Israel_katz, Tweet (11:48 am, 9 October 2023), https://x.com/Israel_katz/status/1711332854070640935 (informal translation provided).

⁷³ Israel Katz, @Israel_katz, Tweet (9:26 am, 10 October 2023), https://x.com/Israel_katz/status/1711659347590156417 (informal translation provided) (emphasis added).

⁷⁴ Israel Katz, @Israel_katz, Tweet (7:34 am, 12 October 2023), https://twitter.com/Israel_katz/status/1712356130377113904. Translation in Nicola Slawson, “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>.

- On 13 October 2023, he stated — after Israel ordered 1.1 million Palestinians, including patients and staff in hospitals, to leave northern Gaza in the space of 24 hours⁷⁵: “*All the civilian population in [G]aza 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.*”⁷⁶ Less than three hours after the evacuation orders were communicated to Palestinians in northern Gaza,⁷⁷ he ‘tweeted’:

“The UN opposes the IDF’s evacuation notice for residents of northern Gaza to evacuate to the south of the Strip for [military] operational reasons and warns of devastating humanitarian consequences. What hypocrisy! *We will not provide an ounce of water and electricity to those who do not evacuate.* We will work in full force to eliminate the Hamas-ISIS murderers and restore security. What once was will be no more.”⁷⁸

- On 15 October 2023, he ‘tweeted’: “The decision to open the water to the south of the Gaza Strip, which was agreed between Prime Minister Netanyahu and President Biden, will result in pushing the civilian population to the south of the Gaza Strip and *will make it possible to tighten the general siege on Gaza in the areas of electricity, water and fuel*, and will make it easier for the IDF to operate and annihilate the Nazi Hamas infrastructure.”⁷⁹ On the same day, he posted another tweet, with a GIF of Gaza plunged into darkness and the accompanying text: “*Cutting off electricity in Gaza.* The disaster Hamas inflicted on *the citizens of Gaza.* Watch.”⁸⁰
- On 7 March 2024, ‘tweeting’ in response to an official United Nations statement that “more than half the requests . . . to bring food, clean water and medical aid to the north [of Gaza] have been rejected by Israeli authorities” and that “90% of [the] population has high levels of food insecurity”, he stated: “UNRWA rejected 100% of our requests not to hire terrorists as employees”.⁸¹
- On 23 March 2024, after the United States Congress passed a one-year ban on funding for United Nations Relief and Works Agency (‘UNRWA’) following unsubstantiated allegations made by Israel

⁷⁵ International Committee of the Red Cross (‘ICRC’), *Israel and the occupied territories: Evacuation order of Gaza triggers catastrophic humanitarian consequences* (13 October 2023), <https://www.icrc.org/en/document/israel-and-occupied-territories-evacuation-order-of-gaza-triggers-catastrophic-humanitarian-consequences>; World Health Organisation (‘WHO’), *WHO pleads for immediate reversal of Gaza evacuation order to protect health and reduce suffering* (13 October 2023), <https://www.who.int/news/item/13-10-2023-who-pleads-for-immediate-reversal-of-gaza-evacuation-order-to-protect-health-and-reduce-suffering>; United Nations Office of the United Nations High Commissioner for Human Rights (‘UN OHCHR’), *Israel must rescind evacuation order for northern Gaza and comply with international law: UN expert* (13 October 2023), <https://www.ohchr.org/en/press-releases/2023/10/israel-must-rescind-evacuation-order-northern-gaza-and-comply-international>.

⁷⁶ Israel Katz, @Israel_katz, Tweet (7:01 pm, 13 October 2023), https://twitter.com/Israel_katz/status/1712876230762967222; translation at *South Africa v. Israel, Provisional Measures, Order of 26 January 2024*, p. 18, para. 52.

⁷⁷ Avichay Adraee, @AvichayAdraee, Tweet (6:16 am, 13 October 2023), <https://x.com/AvichayAdraee/status/1712683686213144638>.

⁷⁸ Israel Katz, @Israel_katz, Tweet (8:30 am, 13 October 2023), https://x.com/Israel_katz/status/1712717454047113692 (informal translation provided) (emphasis added).

⁷⁹ Israel Katz, @Israel_katz, Tweet (4:08 pm, 15 October 2023), https://x.com/Israel_katz/status/1713572621994828188 (informal translation provided) (emphasis added).

⁸⁰ Israel Katz, @Israel_katz, Tweet (12:54 pm, 15 October 2023), https://x.com/Israel_katz/status/1713523677793247709 (informal translation provided).

⁸¹ Israel Katz, @Israel_katz, Tweet (6:35 am, 7 March 2024), https://twitter.com/Israel_katz/status/1765612272368394678.

of a number of their members in the attacks on Israel of 7 October 2023,⁸² Minister Katz expressly called on “more countries to follow the U.S. and ban funding to this organization [UNRWA]”⁸³ — despite the Court’s January Order, and in the face of clear warnings from all major United Nations agencies that “[d]ecisions by various Member States to pause funds from UNRWA will have catastrophic consequences for the people of Gaza”.⁸⁴ Later that same day he ‘tweeted’ that “the UN has become an antisemitic and anti-Israeli body that shelters and emboldens terror”.⁸⁵

Israeli Minister for National Security, Itamar Ben-Gvir
Member of the Israeli Security Cabinet

11. Israeli Minister for National Security, Itamar Ben-Gvir — the leader of the Otzma Yehudit (Jewish Power) Party in Benjamin Netanyahu’s coalition government — is a member of Israel’s Security Cabinet. As Minister, he is constitutionally responsible for law enforcement and the Israeli Border Police, including operations in the West Bank. He lives in the illegal Israeli settlement of Kiryat Arba on the outskirts of Hebron in the occupied Palestinian territory. He has made numerous statements since 7 October 2023 evidencing genocidal intent and inciting his 259.1 K followers on X to genocide against Palestinians in Gaza, including the following:

- On 17 October 2023, he ‘tweeted’ that “as long as Hamas does not release the hostages in its hands — *the only thing that should enter Gaza is hundreds of tons of Air Force explosives, not a gram of humanitarian aid.*”⁸⁶
- On 11 November 2023, he clarified in an interview on Israeli television the Israeli government’s war aims, stating: “*those who celebrate, those who support, and those who hand out candy — they’re all terrorists, and they should also be destroyed.*”⁸⁷

⁸² Further Consolidated Appropriations Act, 2024 (United States of America), Division G, Title III, s 301 “Funding Limitation for United Nations Relief and Works Agency”, <https://www.congress.gov/bill/118th-congress/house-bill/2882/text>. Independent Review Group on the UN Relief and Works Agency for Palestine Refugees in the Near East, *Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality: Final Report for the United Nations Secretary-General* (20 April 2024),

https://www.un.org/sites/un2.un.org/files/2024/04/unrwa_independent_review_on_neutrality.pdf.

⁸³ Israel Katz, @Israel_katz, Tweet (7:18 am, 23 March 2024), https://twitter.com/Israel_katz/status/1771421285790228926.

⁸⁴ Inter-Agency Standing Committee, *Statement by Principals of the Inter-Agency Standing Committee, We cannot abandon the people of Gaza* (30 January 2024), <https://interagencystandingcommittee.org/inter-agency-standing-committee/statement-principals-inter-agency-standing-committee-we-cannot-abandon-people-gaza>. See also UN News, *Humanitarian response in Gaza ‘completely dependent’ on UNRWA, says relief chief* (31 January 2024), <https://news.un.org/en/story/2024/01/1146067>; Martin Griffiths, @UNReliefChief, Tweet (9:25 pm, 31 March 2024), <https://twitter.com/UNReliefChief/status/1774518283204489528>.

⁸⁵ Israel Katz, @Israel_katz, Tweet (2:50 pm, 23 March 2024), https://x.com/Israel_katz/status/1771534978364383484.

⁸⁶ Itamar Ben-Gvir, @itamarbengvir, Tweet (8:00 pm, 17 October 2023), <https://twitter.com/itamarbengvir/status/1714340519487176791> (informal translation provided) (emphasis added).

⁸⁷ “Interview with Itamar Ben-Gvir on Channel 12”, *Jewish Power* (11 November 2023), <https://www.youtube.com/watch?v=2yRI-cc-D3w> [10:30 onwards]. Translated by Quds News Network, @QudsNen, Tweet (7:28 pm, 12 November 2023), <https://twitter.com/QudsNen/status/1723784790682358189>.

- On 12 December 2023, he stated — in opposition to news reports that there had been changes to the open fire regulations for the Israeli army in Gaza — that “[i]n the Gaza strip there are no innocents . . . The lives of our soldiers are more important than the lives of the enemy’s children”.⁸⁸
- On 1 January 2024, he posted on X: “We must promote the solution to encourage emigration of the residents of Gaza. It is a correct, just, moral and humane solution. We have partners around the world whose assistance we could use. Encouraging the emigration of the residents of Gaza will allow us to bring home the residents of the [Gaza] Envelope and the residents of Gush Katif.”⁸⁹
- On 17 January 2024, in an interview with Israeli news channel Yedioth Ahronoth, he called for “a large operation of moving” Palestinians,⁹⁰ as he previously highlighted the “importance” of Jewish settlement in Gaza.⁹¹
- On 28 January 2024 – two days after the International Court of Justice’s January Order, speaking at a pro-settlement conference in Jerusalem, entitled ‘Victory of Israel: Settlement Brings Security’, he explicitly called for the Israeli resettlement of Gaza and the West Bank, advocating for the “return home to Gush Katif [in Gaza] and northern Samaria [in the West Bank]”.⁹² He asserted a biblical right of Israel to the West Bank and Gaza, stating “this is the Torah, this is morality, this is historical justice”, and stating that such return was “our victory image together” because it is our “understanding that it has been ours since forever and ever.”⁹³ He referenced the Old Testament in advocating for the Israeli resettlement of Gaza, stating that it would be “to uphold what our Torah said, and says, ‘you shall dispossess all the inhabitants of the land’ [Numbers 33:52], ‘[b]ut if you do not dispossess the inhabitants of the land, those whom you allow to remain shall be stings in your eyes’ [Numbers 33:55]”.⁹⁴ Both he and Minister of Finance, Bezalel Smotrich — two of 9 ministers and 15 MKs to attend the conference⁹⁵ — signed the “Covenant of Victory and Renewal

⁸⁸ Hallel Bitton Rosen and Elhanan Mazoz, “At the height of the fighting: the IDF tightened the instructions for the use of fire in the Gaza Strip”, *Now 14* (12 December 2023), <https://www.now14.co.il/בשיא-הלחימה-בצהל-החמירו-את-הוראות-הפע/> (informal translation provided) (emphasis added).

⁸⁹ Itamar Ben-Gvir, @itamarbengvir, Tweet (2:59 pm, 1 January 2024), <https://x.com/itamarbengvir/status/1741821404515848688> (informal translation provided).

⁹⁰ “Ben Gvir joined the ‘Conception Cabinet’ - but made it clear that he would not resign: ‘I am influential’”, *Ynet* (17 January 2024), <https://www.ynet.co.il/news/article/rjtbmwhfp> (informal translation provided).

⁹¹ Sam Sokol, “Far-right ministers call to ‘resettle’ Gaza’s Palestinians, build settlements in Strip”, *The Times of Israel* (1 January 2024), <https://www.timesofisrael.com/ministers-call-for-resettling-gazas-palestinians-building-settlements-in-strip/>.

⁹² “Minister Ben-Gvir's Speech: it is time to return to Gush Katif”, *Jewish Power* (28 January 2024), <https://www.youtube.com/watch?v=MmGUIYpanqs> (informal translation provided).

⁹³ “Minister Ben-Gvir's Speech: it is time to return to Gush Katif”, *Jewish Power* (28 January 2024), <https://www.youtube.com/watch?v=MmGUIYpanqs> (informal translation provided).

⁹⁴ “Minister Ben-Gvir's Speech: it is time to return to Gush Katif”, *Jewish Power* (28 January 2024), <https://www.youtube.com/watch?v=MmGUIYpanqs> (informal translation provided).

⁹⁵ The Ministers who attended were (Likud): Minister of Communications, Shlomo Karhi; Minister of Tourism, Haim Katz; Minister of Environmental Protection, Idit Silman; Minister of Social Equality and the Advancement of Women, May Golan; and Minister for Diaspora Affairs and Combating Antisemitism, Amichai Chikli. As well as (Otzma Yehudit) Minister of National Security, Itamar Ben Gvir; Minister for the development of the Periphery, the Negev and the Galilee, Yitzhak Wasserlauf; and Minister of Heritage, Amichai Eliyahu. Also in attendance were (Religious Zionism) Minister of Finance Bezalel Smotrich; as well as Minister of Settlements and National Missions Orit Strock, and (United Torah Judaism) Minister of Housing and Construction, Yitzhak Goldknopf. See “At Sderot settlement rally, Ben Gvir calls for ‘voluntary emigration’ of Gazans”, *The Times of Israel* (14 May 2024), https://www.timesofisrael.com/liveblog_entry/at-sderot-settlement-rally-ben-gvir-calls-for-voluntary-emigration-of-gazans/.

of Settlement”, pledging to “grow Jewish settlements full of life” in Gaza.⁹⁶ Displayed at the conference was one of the videos relied upon and played by South Africa in its presentation before the International Court of Justice on 11 January 2024, recording Israeli army combat soldiers in Gaza chanting “there are no uninvolved” and “I stick by one Mitzvah [religious duty in Judaism], to wipe off the seed of Amalek”;⁹⁷ as well as a sign stating: “Only transfer will bring peace”.⁹⁸

- On 28 January 2024, he also reposted a ‘tweet’ by MK Limor Son Har-Melech — depicting the MK participating in a protest to block aid into Gaza at the Kerem Abu Salem/ Karem Shalom crossing and calling for the cessation of aid “for the *residents* of Gaza”.⁹⁹
- On 29 January 2024, he wrote to the Prime Minister seeking permission for Israeli “forces to shoot anyone who enters the area of the security strip” on the basis that “anyone who enters there is dead!”¹⁰⁰ The ‘security strip’ refers to a kilometre-deep buffer zone which Israel has carved deep into Palestinian territory, destroying all buildings within the Gaza Strip that are within a kilometre of the Israel-Gaza fence,¹⁰¹ as well as greenhouses and agricultural land.¹⁰²
- On 6 February 2024, subsequent to reports that Minister without Portfolio and Member of the War Cabinet, Benny Gantz, and Minister without Portfolio and Observer to the War Cabinet, Gadi Eisenkot, had advocated for the reduction of humanitarian aid to Gaza,¹⁰³ Itamar Ben-Gvir issued a statement on X (formerly twitter): “123 days [now] I’ve *spoken against letting any kind of humanitarian aid into the murderers from Gaza*. This evening Gantz finally remembered to meekly add his voice to my position. . . It is now up to him to align with the rest of my firm positions: . . . no to stopping the war.”¹⁰⁴

⁹⁶ Jeremy Sharon, “Cabinet members call to resettle Gaza, encourage Gazans to leave, at jubilant conference”, *The Times of Israel* (29 January 2024), <https://www.timesofisrael.com/12-ministers-call-to-resettle-gaza-encourage-gazans-to-leave-at-jubilant-conference/>.

⁹⁷ Oren Ziv, “Turning Zeitoun into Shivat Zion: Israeli summit envisions Gaza resettlement”, +972 Magazine (30 January 2024), <https://www.972mag.com/israeli-summit-gaza-resettlement-transfer/>, referring to Yinon Magal, @YinonMagal, Tweet (6:44 am, 7 December 2023), <https://twitter.com/YinonMagal/status/1732652279461757102>, quoted in *South Africa v. Israel, Application instituting proceedings and request for the indication of provisional measures of 29 December 2023*, <https://www.icj-cij.org/case/192/institution-proceedings>, p. 65, para. 103 and in *South Africa v. Israel, Verbatim Record 2024/1 (11 January 2024)*, p. 36, para. 21.

⁹⁸ Gilad Cohen and Moran Azoulai, “‘Encourage immigration’ and signing the ‘Treaty on the Renewal of Settlement in Gaza’: the conference with the senior coalition officials”, *Ynet* (28 January 2024), <https://www.ynet.co.il/news/article/bjxbswvqa> (informal translation provided).

⁹⁹ Itamar Ben-Gvir, @itamarbengvir, Tweet (2:15 pm, 28 January 2024), <https://twitter.com/itamarbengvir/status/1751609975992922496> (informal translation provided).

¹⁰⁰ Itamar Ben-Gvir, @itamarbengvir, Tweet (1:47 pm, 29 January 2024), <https://twitter.com/itamarbengvir/status/1751965248771281277> (informal translation provided).

¹⁰¹ UN OHCHR, *Widespread destruction by Israeli Defence Forces of civilian infrastructure in Gaza* (8 February 2024), <https://www.ohchr.org/en/press-releases/2024/02/widespread-destruction-israeli-defence-forces-civilian-infrastructure-gaza>.

¹⁰² Jon Gambrell, “Analysis shows destruction and possible buffer zone along Gaza Strip’s border with Israel”, *AP* (2 February 2024), <https://apnews.com/article/israel-palestinians-war-gaza-strip-buffer-zone-72a782ddd532a4331b660a735e36acb0>.

¹⁰³ Yaron Avraham, “The surprising proposal of Gantz and Eisenkot: to limit the humanitarian aid that enters the Gaza Strip”, *Mako* (31 January 2024), https://www.mako.co.il/news-military/2024_q1/Article-b29cf0b90806d81026.htm (informal translation provided).

¹⁰⁴ Itamar Ben-Gvir, @itamarbengvir, Tweet (6:42 pm, 6 February 2024), <https://x.com/itamarbengvir/status/1754923436881674506> (informal translation provided) (emphasis added).

- On 11 February 2024, addressing the Chief of the General Staff of the Israeli army in a meeting of the Security Cabinet, he reiterated that: “[t]here is no way that children and women approach the fence. Anyone who approaches to nibble away, to harm security, needs to get a bullet.”¹⁰⁵
- On 22 February 2024, he denied the existence of the Palestinians as a national, ethnical or racial group when he told reporters: “*There is no such thing as the Palestinian people, ok? It’s a made-up people.*”¹⁰⁶ These comments echoed statements by fellow ministers, including Bezael Smotrich a year earlier¹⁰⁷ and Orit Strock (see below).
- On 29 February 2024, he publicly praised the Israeli soldiers responsible for the deaths of 118 starving Palestinians in the ‘flour massacre’ in Gaza of 29 February 2024, asserting that they had “performed excellently against a Gazan mob that tried to harm them”.¹⁰⁸ Despite the developing situation of famine in Gaza, and notwithstanding the January Order by the International Court of Justice, he publicly called for the blocking of aid to Gaza’s starving population, commenting on X — in a post with over three million views:¹⁰⁹

“We should give absolute support and backing to *our heroic fighters operating in Gaza, who performed excellently against a Gazan mob* that tried to harm them. Today was proof that transferring humanitarian aid to Gaza is not only madness while our hostages are being held in the Strip under substandard conditions, but that it also endangers the soldiers of the IDF. This is another clear-cut reason why *we must stop transferring this aid*, which is in fact aid meant to harm the IDF soldiers and [is] oxygen for Hamas.”
- On 11 March 2024, he criticised even the minor ‘command citation’ given to Israeli Brigadier Barak Hiram for his — unsanctioned — intentional demolition of Israa University in Gaza,¹¹⁰ asserting that the Brigadier is “the kind of commander we need more of in the IDF”; and that “*[i]t’s about time our military command stopped being frightened and deterred by international pressure*”.¹¹¹
- On 13 March 2024, he described 12-year-old Palestinian child, Rami Hamdan Al-Halhouli — shot dead the previous evening by an Israeli soldier in the West Bank for having allegedly thrown a firework — as a “terrorist”.¹¹²

¹⁰⁵ Shirir Avitan Cohen, “The Chief of Staff: ‘This is the third time we are having this conversation’; Ben Gvir: ‘We will have it the fourth and fifth time as well’”, *Israel Hayom* (11 February 2024),

<https://www.israelhayom.co.il/news/geopolitics/article/15248717> (informal translation provided).

¹⁰⁶ Liran Tamari and Sharon Kidan, “Ben-Gvir in the site of the attack: there is no Palestinian people, they did not need an excuse to inflame the area”, *Ynet* (22 February 2024), <https://www.ynet.co.il/news/article/rkzz000n3a> (informal translation provided).

¹⁰⁷ “Smotrich says there’s no Palestinian people, declares his family ‘real Palestinians’”, *Times of Israel* (20 March 2023), <https://www.timesofisrael.com/far-right-lawmaker-bezael-smotrich-declares-himself-his-family-real-palestinians/>.

¹⁰⁸ Itamar Ben-Gvir, @itamarbengvir, Tweet (3:37 pm, 29 February 2024), <https://twitter.com/itamarbengvir/status/1763196768458604583> (informal translation provided).

¹⁰⁹ Itamar Ben-Gvir, @itamarbengvir, Tweet (3:37 pm, 29 February 2024), <https://twitter.com/itamarbengvir/status/1763196768458604583> (informal translation provided) (emphasis added).

¹¹⁰ Elisha Ben Kimon, “IDF Gaza Division commander reprimanded for blowing up Gaza university”, *Ynet News* (11 March 2024), <https://www.ynetnews.com/article/blr65v2ap>.

¹¹¹ Israeli Army Radio GLZ, @GLZRadio, Tweet, (8:25, 11 March 2024), <https://twitter.com/GLZRadio/status/1767091858302181708> (informal translation provided) (emphasis added).

¹¹² “‘Exemplary job’: Israel’s Ben-Gvir hails the killing of Palestinian boy in Jerusalem”, *Middle East Eye* (13 March 2024), https://www.youtube.com/watch?v=H0H_2_fMWuI.

- On 22 March 2024, he ‘tweeted’ his clear view that Israeli soldiers — including those deployed in Gaza — who openly advocate for the resettlement of Gaza, are doing “exactly as expected of an IDF officer” and deserve “absolute backing and plenty of appreciation”.¹¹³
- On 14 April 2024, he publicly rejected the proposition that Israel should be bound by fundamental principles of international law, stating that “We can’t allow Israel’s response, to be an empty response, in the ‘dunes bombing’ style we have seen in Gaza over the past few years. *The perceptions of containing and proportionality are perceptions that have passed away from our world on the 7th of October*” and that “[in order] [t]o create deterrence in the Middle East, the landlord must rule”.¹¹⁴
- On 27 April 2024, at a Security Cabinet meeting, he called for detained Palestinians to be killed stating: “Why are there so many arrests . . . Can’t you kill some? Do you want to tell me they all surrender? What are we to do with so many arrested? It’s dangerous for the soldiers.”¹¹⁵
- On 15 May 2024, after the commencement of Israel’s invasion of Rafah, he stated: “[W]e, *in the cabinet*, demand: war now! Demand to enter Rafah . . . The solution is the solution that the Torah tells us: it is to liberate, to settle and also to bequeath! The solution is to encourage emigration [of Palestinians] and tell them, willingly: go to your homes, go to your countries. This has always been ours and will stay ours!”.¹¹⁶
- On 21 May 2024, in an interview broadcast on Israeli television, he called for a “Stop [to] the fuel” being allowed into Gaza, stating “there is no more fuel if the hostages are not brought back”. He called for the Israeli army to “[e]nter Rafah until the end” and to “conduct a war until the end”, advocating for the “complete occupation of Gaza, everything is ours. Full Israeli control including Jewish settlement and voluntary encouragement of immigration”.¹¹⁷
- On 22 May 2024, in the wake of the announcement by Ireland, Norway and Spain that they would recognise the State of Palestine,¹¹⁸ he entered the Al Aqsa mosque compound — in a move

¹¹³ Itamar Ben-Gvir, @itamarbengvir, Tweet (3:11 pm, 22 March 2024), <https://twitter.com/itamarbengvir/status/1771177838403543063> (informal translation provided).

¹¹⁴ Itamar Ben-Gvir, @itamarbengvir, Tweet (2:35 pm, 14 April 2024), <https://twitter.com/itamarbengvir/status/1779488633315025303>; translation at Middle East Eye, @middleeasteye, TikTok (15 April 2024), <https://www.tiktok.com/@middleeasteye/video/7357968460816633121> (emphasis added).

¹¹⁵ “Ben Gvir said to ask IDF chief why so many Gaza gunmen arrested: ‘Can’t you kill some?’”, *Times of Israel* (27 April 2024), <https://www.timesofisrael.com/ben-gvir-said-to-ask-idf-chief-why-so-many-gaza-gunmen-arrested-cant-you-kill-some/>.

¹¹⁶ B.M. @ireallyhateyou, Tweet (8:58 pm, 15 May 2024), <https://x.com/ireallyhateyou/status/1790834056088686763>; “At Sderot settlement rally, Ben Gvir calls for ‘voluntary emigration’ of Gazans”, *The Times of Israel* (14 May 2024), https://www.timesofisrael.com/liveblog_entry/at-sderot-settlement-rally-ben-gvir-calls-for-voluntary-emigration-of-gazans/ (emphasis added).

¹¹⁷ Yishai Cohen, “Minister Itamar Ben Gvir: Gaza Should Be Conquered And Settled By Jews, I’d Be Happy To Be The First One”, *Kikar Ha-Shabat* (21 May 2024), <https://www.kikar.co.il/%D7%94%D7%A8%D7%99%D7%90%D7%99%D7%95%D7%A0%D7%95%D7%AA/sdtng3> (informal translation provided).

¹¹⁸ Department of the Taoiseach, *Ireland recognises the State of Palestine* (22 May 2024), <https://www.gov.ie/en/press-release/1b086-ireland-recognises-the-state-of-palestine/#>; Department of the Taoiseach, *Speech by Taoiseach Simon Harris as Ireland recognises the State of Palestine* (22 May 2024), <https://www.gov.ie/en/speech/b4c3b-recognition-of-the-state-of-palestine-remarks-by-an-taoiseach-simon-harris-td/>.

described as a “deliberate provocation” by Palestinians — where he proclaimed: “We need to enter Rafah completely, perform a root canal, and in order to bring back our captives, *we need to stop the fuel*, establish that humanitarian aid will only be exchanged for humanitarian aid, and take control of this place.”¹¹⁹

Israeli Minister of Finance, Bezalel Smotrich
Member of the Israeli Security Cabinet

12. Minister of Finance, MK Bezalel Smotrich is a Member of the Security Cabinet and the leader of the Religious Zionist Party, which is in coalition with Benjamin Netanyahu’s Likud Party. He lives in the illegal Israeli settlement of Kedumim in the occupied West Bank. Since 7 October 2023 he has made the following statements evidencing genocidal intent and inciting to genocide against Palestinians, including to his 289,000 followers on X:

- On 9 October 2023, he posted on X that “The Glory of Israel does not deceive [I Samuel 15:29].¹²⁰ There are many things we as a government and as an army need to do . . . The attacks on Gaza will keep intensifying in the coming hours and days and they will be on a whole other level. God willing, we will do [it] and we will succeed!”¹²¹

43.1.3. On 19 November 2023, he ‘tweeted’ his agreement “with every word”¹²² of a newspaper column by Giora Eiland a retired Israeli Army Major General, former Head of the Israeli National Security Council, and sometime Adviser to the Israeli Minister of Defence, which stated that:

“The debate over Israel’s compliance with international demands to allow entry of fuel into Gaza reflects a fundamental conflict between Israel and the U.S. regarding the correct narrative. According to the American narrative, there are two groups of people in Gaza. One is Hamas fighters, who are cruel terrorists and therefore deserve to die. The second group is the one most people in Gaza belong to, innocent citizens who are suffering for no fault of their own. Therefore, Israel must not only avoid harming them at all costs but must also act to make their lives easier. The other, more correct, narrative is as follows: Israel is not fighting against a terrorist organization but against the state of Gaza . . . we say that Sinwar is so evil that he does not care if all residents of Gaza die. This presentation is inaccurate, for *who are these “miserable” Gazan women? They are all the mothers, sisters or wives of Hamas murderers*. On one hand, they are part of the infrastructure supporting the organization, and on the other hand if they experience a humanitarian disaster, then we can assume that some of the Hamas fighters and junior commanders will begin to realize that the war is futile and that it’s better to prevent irreversible harm to their family members. *The way to win the war faster and at a lower cost on our side requires not only the killing of more Hamas fighters but a system collapse on the other side*. 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.

¹¹⁹ Itamar Ben Gvir, @itamarbengvir, Tweet (10:58 am, 22 May 2024), <https://x.com/itamarbengvir/status/1793204664034365898> (informal translation provided) (emphasis added).

¹²⁰ Sefaria, I Samuel 15:29, JPS, 1985, https://www.sefaria.org/I_Samuel.15?lang=bi.

¹²¹ Bezalel Smotrich, @bezalelsm, Tweet (9:27 pm, 9 October 2023), <https://x.com/bezalelsm/status/1711463378902741323> (informal translation provided).

¹²² Bezalel Smotrich, @bezalelsm, Tweet (12:20 pm, 19 November 2023), <https://twitter.com/bezalelsm/status/1726198721946480911> (informal translation provided).

After all, severe epidemics in the south of the [Gaza] Strip will hasten our victory and reduce casualties among IDF soldiers.”¹²³

43.1.4. On 31 December 2023, he asserted in a radio interview on Israeli Army Radio that “there will be migration [from] there and we will live in the Gaza Strip”, and that Israel “won’t allow a situation of two million people living there. If there will be 100-200 thousand Arabs living in Gaza, the entire discourse about the day after will be different. They want to leave, they’ve been living in a ghetto and in hardship for 75 years”.¹²⁴

- On 26 January 2024, the day the International Court of Justice issued its January Order, he ‘tweeted’ that: “[t]he Hague judges who are worried about the Gazans are welcome to call upon the states of the world to open their gates and assist in the settlement and rehabilitation of Gaza’s residents.”¹²⁵

43.1.5. On 27 January 2024, the following day, he stated in an interview on Israeli television Channel 12 that “there will be Israeli military rule in Gaza. Because it’s agreed upon by all of us, that we need to stay in Gaza and to rule there militarily, and we won’t control it militarily if we don’t have civil control.”¹²⁶

43.1.6. On 28 January 2024, at the ‘Victory of Israel: Settlement Brings Security’ conference (above) he called for the Israeli resettlement of Gaza, stating: “God willing, we will settle, and we will be victorious”.¹²⁷

43.1.7. On 29 January 2024, he told the Knesset that “[s]topping the war is out of the question.”¹²⁸

43.1.8. On 6 February 2024, he ‘tweeted’ his support for “the position of Ministers Gantz and Sa’ar in favor of stopping the humanitarian aid” which he described as “now go[ing] mostly to Hamas.”¹²⁹

¹²³ Giora Eiland, “Let’s not be intimidated by the world”, *Yedioth Ahronoth* (print) (19 November 2023), in Bezael Smotrich, @bezalelsm, Tweet (12:20 pm, 19 November 2023), <https://twitter.com/bezalelsm/status/1726198721946480911> (informal translation provided).

¹²⁴ Interview with Bezael Smotrich on Army Radio, 31 December 2023: Israeli Army Radio GLZ, @GLZRadio, Tweet (6:36 am, 31 December 2023), <https://twitter.com/GLZRadio/status/1741347524693127398> (informal translation provided).

¹²⁵ Bezael Smotrich, @bezalelsm, Tweet (3:14 pm, 26 January 2024), <https://x.com/bezalelsm/status/1750884993528692949> (informal translation provided).

¹²⁶ “Meet the Press with Ben and Amit, 27.01.2024”, *Channel 12* (27 January 2024), https://www.mako.co.il/news-channel12/meet_the_press [1:12:15-1:13:18, 1:19:02-1:19:33]. Translation at “Israeli Finance Minister Bezael Smotrich: ‘There will be Israeli military rule in Gaza’”, *Middle East Eye* (29 January 2024), <https://www.youtube.com/watch?v=7OEUP3xuqnc>.

¹²⁷ Jeremy Sharon, “Cabinet members call to resettle Gaza, encourage Gazans to leave, at jubilant conference”, *The Times of Israel* (29 January 2024), <https://www.timesofisrael.com/12-ministers-call-to-resettle-gaza-encourage-gazans-to-leave-at-jubilant-conference/>.

¹²⁸ Bezael Smotrich, @bezalelsm, Tweet (5:08 pm, 29 January 2024), <https://twitter.com/bezalelsm/status/1752015817355534401> (informal translation provided).

¹²⁹ Bezael Smotrich, @bezalelsm, Tweet (5:35 pm, 6 February 2024), <https://twitter.com/bezalelsm/status/1754921677253742973> (informal translation provided).

- 43.1.9. On 13 February 2024, he personally intervened to prevent the shipments of flour to the UNRWA from being transferred from Israel's Ashdod port to Gaza.¹³⁰
- 43.1.10. On 19 February 2024, he expressly advocated for what he termed the “voluntary emigration of the *Hamas-supporting population* from Gaza” so that, he claimed, there would be “fewer Israel-hating anti-Semites who wake up every morning with the lust to murder every Jew”.¹³¹ He expressly identified this as a “political goal that will create a different reality on the ground”¹³² — a political goal he has previously set out in his published ‘plan for the future of Israel’ which provides that “*there is room for only one expression of national self-determination west of the Jordan River: that of the Jewish nation*”.¹³³
- 43.1.11. On 13 April 2024, he ‘tweeted’: “we strengthen with actions our commitment to settle in every region of the Land of Israel,”¹³⁴ emphasising an intent to control Palestinian territory. He also asserted his view that all Palestinians are “Nazis”, stating in relation to the killing of an Israeli child in the West Bank: “[w]e are dealing with Nazis. Nazis in Gaza and Nazis in Judea and Samaria [the West Bank]. The sooner we realise this, and adopt *harsher policies against the enemy*, the sooner we may restore deterrence against the vile enemy.”¹³⁵
- 43.1.12. On 14 April 2024, he returned to the theme of the resettlement of Gaza, calling on X for the reestablishment of “full Israeli control over the Gaza Strip”.¹³⁶
- 43.1.13. On 15 April 2024, speaking on Israeli Army Radio Galei Tzahal — a radio network of the Israeli army, he stated that: “[t]here are two million Nazis in Gaza who want to slaughter, rape and murder every Jew . . . I remind you that a third of the population there are 1948 refugees . . . [if] the local population rules there . . . it will be a terrorist organization”.¹³⁷
- 43.1.14. On 29 April 2024, at a religious celebration dinner, he quoted a verse of the Old Testament referring to Amalek, calling for the annihilation of Rafah and other cities and refugee camps in Gaza,

¹³⁰ “Smotrich blocks flour shipments from reaching Gaza, in breach of Israeli pledge to US”, *The Times of Israel* (14 February 2024), <https://www.timesofisrael.com/finance-minister-blocks-flour-shipments-from-reaching-gaza/>.

¹³¹ Bentzi Robbin, “Smotrich demands: this is the reaction that Israel should take”, *Srugim* (19 February 2024), <https://www.srugim.co.il/898773-ל-צריכה-ל-שישראל-התגובה-דורש-זו-התגובה-ל-898773> (informal translation provided) (emphasis added).

¹³² Bentzi Robbin, “Smotrich demands: this is the reaction that Israel should take”, *Srugim* (19 February 2024), <https://www.srugim.co.il/898773-ל-צריכה-ל-שישראל-התגובה-דורש-זו-התגובה-ל-898773> (informal translation provided) (emphasis added).

¹³³ Bezalel Smotrich, “Israel’s Decisive Plan”, *Hashiloach* (2017), <https://hashiloach.org.il/israels-decisive-plan/> (informal translation provided).

¹³⁴ Bezalel Smotrich, @bezalelsm, Tweet (7:25 pm, 13 April 2024), <https://twitter.com/bezalelsm/status/1779199282731532417> (informal translation provided).

¹³⁵ Bezalel Smotrich, @bezalelsm, Tweet (7:25 pm, 13 April 2024), <https://twitter.com/bezalelsm/status/1779199279740940468> (informal translation provided) (emphasis added).

¹³⁶ Bezalel Smotrich, @bezalelsm, Tweet (9:05 am, 14 April 2024), <https://twitter.com/bezalelsm/status/1779405563555668180> (informal translation provided).

¹³⁷ Israeli Army Radio GLZ, @GLZRadio, Tweet (8:49 am, 15 April 2024), <https://twitter.com/GLZRadio/status/1779764062433284213>. Translated at B.M., @ireallyhateyou, Tweet (12:37 pm, 21 April 2024), <https://twitter.com/ireallyhateyou/status/1781995666593456397>.

stating: “[t]here are no half measures, *Rafah, Deir al-Balah, Nuseirat — total annihilation. ‘You shall blot out the remembrance of Amalek from under heaven’ — there’s no place under heaven.*”¹³⁸

43.1.15. On 22 May 2024, subsequent to Ireland, Norway and Spain’s announcement of their impending recognition of the State of Palestine,¹³⁹ he ‘tweeted’ that in retaliation, he “do[es] not intend to transfer the [tax] revenues to the PA anymore, from now until further notice, and as I informed you in my letter two weeks ago, I do not intend to extend the indemnification to the correspondent banks at the end of next month.”¹⁴⁰ Such a move would close a critical lifeline to the already struggling Palestinian economy.¹⁴¹

Israeli Minister of Energy and Infrastructure, Eli Cohen
Member of the Israeli Security Cabinet

13. Genocidal statements by Israeli Minister for Energy and Infrastructure (former Foreign Minister from 29 December 2022 to 1 January 2024), Security Cabinet member and Likud MK, Eli Cohen, include the following:

- On 18 October 2023 — in his former capacity as Foreign Minister — he stated on Israeli Army Radio that “[a]t the end of this war, not only will Hamas no longer be in Gaza, also the *territory of Gaza will decrease*”.¹⁴²
- On 22 May 2024, subsequent to the announcement of the imminent recognition by Spain, Ireland and Norway of the State of Palestine,¹⁴³ he ‘tweeted’ to his 70,000 followers on X that “Spain, Ireland, and Norway want to give a state to these monsters who murdered, slaughtered, raped, and kidnapped our people. They want to reward terrorism. *From the river to the sea, there will be one state: The State of Israel.*”¹⁴⁴

¹³⁸ “Statement By Israel’s Minister of Finance Bezalel Smotrich at Mimouna In Ofakim / Sponsored by B.M. Tech LTD.”, *Beer Sheva Times* (30 April 2024), <https://www.youtube.com/watch?v=poyayz7b6jI>, (informal translation provided); Noa Shpigel, “Israel’s Far-right Minister Smotrich Calls for ‘No Half Measures’ in the ‘Total Annihilation’ of Gaza”, *Haaretz* (30 April 2024), <https://www.haaretz.com/israel-news/2024-04-30/ty-article/.premium/smotrich-calls-for-no-half-measures-in-the-total-annihilation-of-gaza/0000018f-2f4c-d9c3-abcf-7f7d25460000>.

¹³⁹ Department of the Taoiseach, *Ireland recognises the State of Palestine* (22 May 2024), <https://www.gov.ie/en/press-release/1b086-ireland-recognises-the-state-of-palestine/#>; Department of the Taoiseach, *Speech by Taoiseach Simon Harris as Ireland recognises the State of Palestine* (22 May 2024), <https://www.gov.ie/en/speech/b4c3b-recognition-of-the-state-of-palestine-remarks-by-an-taoiseach-simon-harris-td/>.

¹⁴⁰ Bezalel Smotrich, @bezalelsm, Tweet (10:29 am, 22 May 2024), <https://x.com/bezalelsm/status/1793197386501607713> (informal translation provided).

¹⁴¹ U.S. Department of the Treasury, *Remarks by Secretary of the Treasury Janet L. Yellen at Press Conference Ahead of the G7 Finance Ministers and Central Bank Governors Meetings* (23 May 2024), <https://home.treasury.gov/news/press-releases/jy2363>.

¹⁴² Israeli Army Radio Galei Tzahal, @GLZRadio, Tweet (11:33 am, 18 October 2023), <https://twitter.com/GLZRadio/status/1714575523605545299> (informal translation provided) (emphasis added).

¹⁴³ Department of the Taoiseach, *Ireland recognises the State of Palestine* (22 May 2024), <https://www.gov.ie/en/press-release/1b086-ireland-recognises-the-state-of-palestine/#>; Department of the Taoiseach, *Speech by Taoiseach Simon Harris as Ireland recognises the State of Palestine* (22 May 2024), <https://www.gov.ie/en/speech/b4c3b-recognition-of-the-state-of-palestine-remarks-by-an-taoiseach-simon-harris-td/>.

¹⁴⁴ Eli Cohen, @elicoh1, (2:44 pm, 22 May 2024), <https://x.com/elicoh1/status/1793261698511405274>.

**Israeli Minister of Agriculture, and
Member of the Israeli Security Cabinet, Avi Dichter**

14. Minister of Agriculture and Rural Development and Likud MK, Avi Dichter — who sits as a member on the Security Cabinet — has made numerous statements evidencing genocidal intent and inciting to genocide, including the following:

- On 11 November 2023, in a television interview, he 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”.¹⁴⁵ Soldiers on the ground in Gaza have themselves repeatedly referred to the aims and effects of the Israeli military operation in Gaza as being a second “Nakba”.¹⁴⁶
- On 8 April 2024, in language plainly echoing that of the Israeli President, he ‘tweeted’ to his 49,800 followers on X: “Uninvolved? Big-time involved! We will reckon with the third circle of Gazans as well — the same ones who rejoiced and cheered the massacre.”¹⁴⁷

Israeli Minister for Economy and Industry, Nir Barkat

15. Minister for Economy and Industry, Likud MK and former Mayor of Jerusalem, Nir Barakat, has made repeated statements evidencing genocidal intent and incitement to genocide, including:

43.1.16. On 5 February 2024, he ‘tweeted’ to his over 60,000 followers on X, to call for all humanitarian aid to be blocked to Gaza, stating that there should be “[z]ero aid until all hostages are fully released!”¹⁴⁸

43.1.17. On 4 April 2024, speaking on a United States television programme, he made clear his agreement with the view shared by the Israeli President that there are no innocent civilians in Gaza: when challenged about his failure to consider the humanitarian well-being of the people of Gaza, he used air-quotes to refer to the “innocent people in Gaza”. When questioned by the interviewer with “why do you put the word ‘innocent’ in quotes — the innocent women and children who are suffering”, Barkat replied that “what you saw on October 7, was ‘innocent civilians’ entering Israel and taking part of those atrocities . . . the huge majority of them support October 7th, they give cover

¹⁴⁵ Interview with Avi Dichter on Channel 12, available on Hanno Hauenstein, @hahauenstein, Tweet (8:42 pm, 11 November 2023), <https://twitter.com/hahauenstein/status/1723441134221869453>.

¹⁴⁶ “The Patriots with Yanon Magal: 17.02.2024 | The full program”, *Now 14* (17 February 2024), <https://www.youtube.com/watch?v=cpafZO-PMmo> [1:20:28]. Translation of relevant part can be obtained at Younis Tirawi, @ytirawi, Tweet (8:15 pm, 18 February 2024), <https://twitter.com/ytirawi/status/1759310674142830602>. For statements made by Israeli soldiers, see Younis Tirawi, @ytirawi, Tweet (10:58 pm, 5 February 2024), <https://twitter.com/ytirawi/status/1754640691425124386>.

¹⁴⁷ Avi Dichter דיכטר אבי, @avidichter, Tweet (6:20 am, 8 April 2024), <https://twitter.com/avidichter/status/1777189787348177000> (informal translation provided).

¹⁴⁸ Israel Minister of Economy and Industry Nir Barkat, @NirBarkat, Tweet (7:36 pm, 5 February 2024), <https://twitter.com/NirBarkat/status/1754574757171790041> (informal translation provided).

to the terrorists”. He asserted that “*all of the children that are getting educated by Hamas in Gaza, and in Judea and Samaria, are trained to kill Jews . . . They get a million dollars to kill a Jew*”.¹⁴⁹

Israeli Minister of Intelligence/Science and Technology, Gila Gamliel

16. Minister of Science and Technology, former Minister of intelligence (between January 2023 and March 2024), and Likud MK Gila Gamiel has made various statements advocating for the “voluntary migration [of Palestinians from Gaza]” as “the best and most realistic program for the day after the fighting ends.”¹⁵⁰ A Ministry of Intelligence report prepared under her Ministry proposed the forcible transfer of Palestinians in Gaza to Egypt’s Sinai desert.¹⁵¹

Israeli Minister of Social Equality and the Advancement of the Status of Women, May Golan

17. Likud MK May Golan is Israel’s Minister of Social Equality and the Advancement of the Status of Women, the ministry which “works to promote populations of senior citizens, the young, women, *and minorities*”.¹⁵² Prior to being appointed as Minister of Social Equality, she was withdrawn by the Prime Minister for an Israeli Consul General position to New York subsequent to concerns raised by the United States State Department about racist statements she had made. The State Department asserted that they “would condemn such kind of rhetoric and believe that such kind of language is also *particularly damaging when it’s amplified in leadership positions*”.¹⁵³

- On 7 October 2023, during a meeting of the Israeli cabinet, she asserted that “*Gaza’s infrastructure must be utterly destroyed and their electricity must be cut off immediately*. The war is *not* against Hamas *but against the state of Gaza*.” Minister Israel Katz replied: “I have instructed for electricity to be cut off immediately *in tandem with the Attorney General*.”¹⁵⁴
- On 9 November 2023, she ‘tweeted’ advocating the killing of Palestinians civilians, stating: “We need to eliminate and thwart all the collaborators, in silence and in active support of the Nazis in

¹⁴⁹ “Israeli minister calls strike on aid workers ‘a mistake’ and ‘part of war’”, *MSNBC* (4 April 2024), <https://www.msnbc.com/morning-joe/watch/israeli-minister-calls-strike-on-aid-workers-a-mistake-and-part-of-war-208304709616> [15:00 - 19:00] (emphasis added).

¹⁵⁰ Shalom Yerushalmi, “Israel in talks with Congo and other countries on Gaza ‘voluntary migration’ plan”, *The Times of Israel* (3 January 2024), <https://www.timesofisrael.com/israel-in-talks-with-congo-and-other-countries-on-gaza-voluntary-migration-plan/>.

¹⁵¹ Yuval Abraham, “Expel all Palestinians from Gaza, recommends Israeli gov’t ministry”, *+972 Magazine* (30 October 2023), <https://www.972mag.com/intelligence-ministry-gaza-population-transfer/>.

¹⁵² See Government of Israel, *Ministry for Social Equality*, https://www.gov.il/en/departments/ministry_for_social_equality/govil-landing-page (emphasis added).

¹⁵³ “May Golan won’t be appointed consul of Israel in New York – report”, *i24 news* (23 April 2023), <https://www.i24news.tv/en/news/israel/diplomacy/1682239678-may-golan-won-t-be-appointed-consul-of-israel-in-new-york-report> (emphasis added).

¹⁵⁴ Moriya Asraf Wolber, “Ministers In Cabinet Meeting: ‘This Is An Intelligence [Directorate] Failure; What Happened Here?’”, *13 TV* (7 October 2023), <https://13tv.co.il/item/news/politics/k6d6k-903737400/> (informal translation provided).

Hamas! *The supporters and helpers of the Nazis should also die. This is true both for “journalists” and for all those “innocent uninvolved”.*¹⁵⁵

- On 19 February 2024, speaking in the Knesset in favour of a vote to expel MK Ofer Cassif, for expressing support for South Africa’s proceedings before the International Court of Justice, she stated that she was “*personally proud of the ruins of Gaza,*” and that “every baby, even eighty years from now, will tell their grandchildren what the Jews did” when families of theirs were murdered.¹⁵⁶
- On 20 March 2024, she ‘tweeted’ that “[t]here is no starvation in Gaza. There are people starving for Jewish flesh and blood in Gaza.”¹⁵⁷ Rebuking former MK Yael German’s call for the Israeli government to stop starving Palestinians in Gaza, she adopted the Israeli Prime Minister’s framing of the conflict, stating that “[o]nly a shadow of a human being can empathize with the Gazan darkness, and not with the Israeli light.”¹⁵⁸

Israeli Minister of Housing and Construction, Yitzhak Goldknopf

18. MK Yitzhak Goldknopf, leader of the United Torah Judaism party and Minister of Housing and Construction, on 23 May 2024 repeated the dehumanising language of other senior Israeli officials. In response to the announcement of the impending recognition of the State of Palestine by Ireland, Norway and Spain, and subsequent to the release of a video of Israeli hostages, he ‘tweeted’: “Brutal terrorism must be destroyed and certainly not given independent rule. We have no desire to rule over the residents of Gaza, but we also have no ability to live alongside *a state of human animals.*”¹⁵⁹

Israeli Minister of Communications, Shlomo Karhi

19. Minister of Communications and Likud MK, Schlomo Karhi, stated — in response to the possibility of a company (Starlink) ensuring internet connectivity in Gaza for “internationally recognized aid organizations”¹⁶⁰ — that “Israel will use all means at its disposal to fight this” and that his “office will cut any ties with [S]tarlink.”¹⁶¹ On 23 October 2023, his Ministry also published that “[T]here is an ongoing examination and preparation for the shutting down of cellular communications and Internet services to

¹⁵⁵ May Golan, @GolanMay, Tweet (10:30 am, 9 November 2023), <https://x.com/GolanMay/status/1722547293813981248> (informal translation provided).

¹⁵⁶ May Golan, @maygolan8, Instagram (19 February 2024), <https://www.instagram.com/maygolan8/p/C3icmGuoG8z/> (emphasis added). Subtitles at Middle East Eye, @MiddleEastEye, Tweet (7:14 am, 22 February 2024), <https://twitter.com/MiddleEastEye/status/1760548502348701804>.

¹⁵⁷ May Golan, @GolanMay, Tweet (6:33 pm, 20 March 2024), <https://twitter.com/GolanMay/status/1770504012523045031> (informal translation provided).

¹⁵⁸ May Golan, @GolanMay, Tweet (6:33 pm, 20 March 2024), <https://twitter.com/GolanMay/status/1770504012523045031> (informal translation provided).

¹⁵⁹ Yitzhak Issachar Goldknopf, @DOVRUTGoldknopf, Tweet (4:30 pm, 23 May 2024), <https://x.com/DOVRUTGoldknopf/status/1793650649919611107> (informal translation provided).

¹⁶⁰ Elon Musk, @elonmusk, Tweet (1:12 pm, 28 October 2023), <https://x.com/elonmusk/status/1718224153474388433>. See also Yuval Man, “Musk: I will connect the UN and aid organizations in Gaza to the Internet. Minister Karai: We will fight this”, *Ynet* (28 October 2023), <https://www.ynet.co.il/digital/technews/article/slk94icmp>.

¹⁶¹ Shlomo Karhi, @shlomo_karhi, Tweet (6:53 pm, 28 October 2023), https://x.com/shlomo_karhi/status/1718309963666211328.

Gaza.”¹⁶² He has also shut down news outlets reporting on the situation in Gaza: in May, he ordered Al Jazeera — “one of the few international news outlets that has remained in Gaza throughout the war, broadcasting scenes of airstrikes and overcrowded hospitals”¹⁶³ and Israel’s killing — to shut down in Israel, including preventing its broadcasts and confiscating its equipment.¹⁶⁴ He has also ordered the confiscation of Associated Press (‘AP’) news equipment for its live feed showing a view into northern Gaza, on the alleged basis that it shares images with Al Jazeera,¹⁶⁵ labelling AP “a freelancer for a terrorist channel that endangers our fighters and broadcast the locations of our forces to them with your camera”.¹⁶⁶ The Minister later reversed his decision on AP — but not Al Jazeera — following widespread condemnation.¹⁶⁷ He has made the following genocidal statements, including to his over 69,000 followers on X:

- On 8 January 2024, he gave an interview on Knesset TV in which he said “[w]e certainly need to encourage emigration, so that there’s as little pressure as possible inside the Gaza Strip from people who . . . at the moment they’re uninvolved but they’re not exactly lovers of Israel and educate their children to [embrace] terror. And we’d like to see, and we’ve talked about this in government meetings — by the way, there aren’t any countries that want to take them in. No one wants them, even if we pay a lot of money. Voluntary emigration is important. It doesn’t in any way harm human rights . . . we should encourage voluntary migration, and “we should compel them until they say they want it”. Upon the interviewer’s question as to “how”? He said: “The war does what it does.”¹⁶⁸
- On 28 January 2024, he ‘tweeted’ his speech at the so-called ‘Gaza resettlement’ conference, organised by a settler organisation, together with a statement to his followers. In it he called for the “voluntary migration” of Palestinian civilians, stating that in war, “‘voluntary’ is at times *a state you impose [on someone] until they give their consent.*”¹⁶⁹ He also called for the Israeli army to

¹⁶² Israeli Ministry of Communications, *Summary of the activities of the Ministry of Communications – ten days into the war* (23 October 2023), available at: <https://www.gov.il/en/pages/17102023>.

¹⁶³ “Israeli officials seize AP equipment and take down live shot of northern Gaza, citing new media law”, *The Associated Press* (21 May 2024), <https://www.ap.org/media-center/ap-in-the-news/2024/israeli-officials-seize-ap-equipment-and-take-down-live-shot-of-northern-gaza-citing-new-media-law/>.

¹⁶⁴ Israel Prime Minister’s Office, *PM Netanyahu and Communications Minister Shlomo Karhi: Government Unanimously Approves Closure of Al Jazeera* (5 May 2024), <https://www.gov.il/en/pages/spoke-aj050524>.

¹⁶⁵ “Israeli officials seize AP equipment and take down live shot of northern Gaza, citing new media law”, *The Associated Press* (21 May 2024), <https://www.ap.org/media-center/ap-in-the-news/2024/israeli-officials-seize-ap-equipment-and-take-down-live-shot-of-northern-gaza-citing-new-media-law/>.

¹⁶⁶ Shlomo Karhi, @shlomo_karhi, Tweet (4:35 pm, 21 May 2024), https://x.com/shlomo_karhi/status/1792927133032939706.

¹⁶⁷ Shlomo Karhi, @shlomo_karhi, Tweet (9:06 pm, 21 May 2024), https://x.com/shlomo_karhi/status/1792995335721136332 (informal translation provided: “The activities of the Ministry of Communications were carried out in accordance with the security opinions and the government’s decision. However, the Ministry of Defense requested to re-examine the matter of broadcasts from sensitive locations and their effect on the risk of our forces. In light of this, the Communications Minister ordered that the equipment be returned to the AP agency at this stage, until the security opinion is received and the issue re-examined.”).

¹⁶⁸ “A brilliant move of the Prime Minister - Minister of Communications, Shlomo Karhi, on the election of Aharon Barak as judge “, *Knesset TV* (8 January 2024), <https://www.youtube.com/watch?v=xSx8iTUjM0M>; Translation at Muhammad Shehada, @muhammadshehad2, Tweet (2:27 pm, 10 January 2024), <https://x.com/muhammadshehad2/status/1745074895145357597>.

¹⁶⁹ Nir Hasson and Rachel Fink, “Netanyahu Ministers Join Thousands of Israelis in ‘Resettle Gaza’ Conference Calling for Palestinians’ Transfer”, *Haaretz* (28 January 2024), <https://www.haaretz.com/israel-news/2024-01-28/ty-article/ministers-from-netanyahus-party-join-thousands-of-israelis-at-resettle-gaza-conference/0000018d-512f-dfdc-a5ad-db7f35e10000> (emphasis added); Shlomo Karhi, @shlomo_karhi, Tweet (8:27 pm, 28 January 2024), https://twitter.com/shlomo_karhi/status/1751703524159660123.

“[c]ontinue until victory!”, stating that “everything that our God bequeathed us, we will inherit — Gaza and its daughters.”¹⁷⁰

- On 29 January 2024, he asserted on X, in response to the ICJ’s Provisional Measures Order of 26 January 2024, that Israel “*must ensure that we do not tie the hands of IDF soldiers or, God forbid, exposing them to danger out of fear of what the world will say.*”¹⁷¹
- On 14 May 2024 — after the Israeli army invasion of Rafah had begun, and at a rally for Israeli settlement of Gaza — he reportedly said: “In order to preserve the security achievements that our soldiers lost their lives for, we must resettle Gaza with security forces and settlers that will embrace the land with love”. He added that “this is the only real way to make the Hamas Nazis pay a price and to defend our nation and country.”¹⁷²
- On 20 May 2024, he re-iterated in an interview on Israeli state-owned Channel Kann 11 his call for the settlement of Gaza, saying: “For me, the alternative is Jewish settlement. We abandoned our land 20 years ago and the time has come to rectify this disgrace.”¹⁷³

Israeli Minister of Tourism, Haim Katz

20. Minister of Tourism, Haim Katz, and a member of the Prime Minister’s Likud party, has made the following statements constituting incitement to genocide against Palestinians and demonstrating genocidal intent:

- On the evening of 7 October 2023, during a cabinet meeting of Ministers of the Israeli government, he reportedly dismissed concerns about Israel’s PR strategy, and stated “[w]e don’t need ‘Hasbara’ and we don’t need nothing. *We need to strike a blow [the likes of which] hasn’t been seen in 50 years and take down Gaza*, otherwise we won’t survive.”¹⁷⁴ At the same meeting Minister of Finance and member of the Security Cabinet Bezael Smotrich stated: “We must be cruel now, not [be] too considerate of the captives”, and saying “[i]f you want to shoot, shoot don’t talk”.¹⁷⁵

¹⁷⁰ Shlomo Karhi, @shlomo_karhi, Tweet (8:27 pm, 28 January 2024), https://twitter.com/shlomo_karhi/status/1751703524159660123 (informal translation provided).

¹⁷¹ Shlomo Karhi, @shlomo_karhi, Tweet (3:04 pm, 29 January 2024), https://twitter.com/shlomo_karhi/status/1751984756080640363, (informal translation provided) (emphasis added).

¹⁷² Noa Shpigel, “‘We must settle Gaza now’: Netanyahu ministers join Israeli far-right ‘march to Gaza’, demand Palestinians’ expulsion”, *Haaretz* (14 May 2024), <https://www.haaretz.com/israel-news/2024-05-14/ty-article/netanyahu-ministers-join-israeli-far-right-march-to-gaza-demand-palestinians-expulsion/0000018f-778d-d599-ab8f-7fff00c40000>.

¹⁷³ Kan News, @Kann_news, Tweet (4:33 pm, 20 May 2024), https://x.com/kann_news/status/1792564272909766750 (informal translation provided).

¹⁷⁴ “Confrontations At The Cabinet Meeting: ‘We Need To Be Brutal’”, *Kan News* (7 October 2023), <https://www.kan.org.il/content/kan-news/politic/559622/> (informal translation provided).

¹⁷⁵ “Confrontations At The Cabinet Meeting: ‘We Need To Be Brutal’”, *Kan News* (7 October 2023), <https://www.kan.org.il/content/kan-news/politic/559622/> (informal translation provided).

- On 28 January 2024, at the so-called 'Gaza resettlement' conference, he stated: "Today, after 18 years [from disengagement from Gaza], we have the opportunity to rebuild and expand the land of Israel. *This is our final opportunity.*"¹⁷⁶

Israeli Minister of Education, Yoav Kisch

21. Yoav Kisch, member of the Prime Minister's Likud party and Minister of Education, the Ministry "responsible for educational institutions, including kindergartens, schools, higher education and non-formal education", whose "activities focus on legislation and planning education services" and "*licensing professionals in the field of education and teaching*".¹⁷⁷ On 8 November 2023, the Minister said — in an interview with Israeli Army Radio, that "[W]e can certainly bring back the settlements of Gush Katif [evacuated in 2005], there is no status quo and nothing is sacred", and saying in that context that "*everything that needs to be done, will be done to make it clear that there will be no threat against the State of Israel from the Gaza Strip.*"¹⁷⁸

Israeli Minister of Heritage, Amichai Eliyahu

22. Israel's Minister of Heritage, and member of the Otzma Yehudit party, Amichai Eliyahu, lives in the illegal Israeli settlement of Rimonim in the occupied Palestinian territory. Since 7 October 2023 he has issued numerous statements, including on Facebook and in media interviews, that are genocidal and incite to genocide:

- On 1 November 2023, he 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].¹⁷⁹

¹⁷⁶ Nir Hasson and Rachel Fink, "Netanyahu Ministers Join Thousands of Israelis in 'Resettle Gaza' Conference Calling for Palestinians' Transfer", *Haaretz* (28 January 2024), <https://www.haaretz.com/israel-news/2024-01-28/ty-article/ministers-from-netanyahus-party-join-thousands-of-israelis-at-resettle-gaza-conference/0000018d-512f-dfdc-a5ad-db7f35e10000>.

¹⁷⁷ Government of Israel, *Ministry of Education*, https://www.gov.il/en/departments/ministry_of_education/govil-landing-page (emphasis added).

¹⁷⁸ Amir Tibon and Yehonatan Liss, "Minister Kisch: We Can Certainly Restore Settlement In The Strip, Nothing Is Sacred", *Haaretz* (8 November 2023), <https://www.haaretz.co.il/news/politi/2023-11-08/ty-article/.premium/0000018b-af37-dedf-adab-cf376af10000> (emphasis added).

¹⁷⁹ Amichai Eliyahu, Facebook (1 November 2023), <https://www.facebook.com/eliyau.a/videos/148918588283326/> (informal translation provided)(emphasis added).

- On 5 November 2023, he suggested in a radio interview that a nuclear attack on the Gaza Strip was an option.¹⁸⁰ When asked whether he was suggesting that a bomb might be dropped on Gaza, he responded saying, “[t]hat’s one way”.¹⁸¹ His call echoed that of Tally Gotliv MK on 9 October 2023, urging Israeli forces to employ “doomsday weapons”.¹⁸² In that same radio interview, he argued that humanitarian aid should not be permitted into Gaza, stating “[w]e wouldn’t hand the Nazis humanitarian aid”, and “*there is no such thing as uninvolved civilians in Gaza*”.¹⁸³
- On 30 January 2024, in an interview broadcast on Israeli Army Radio, he called for “*all the humanitarian aid*” to Gaza to be “[l]iterally stop[ped]”.¹⁸⁴
- On 20 March 2024, in an interview with a United States news agency, he stated that it would be “immoral” not to pursue settlement in Gaza, describing “Jewish settlement” as being dictated by “[t]he language of the land” and “security” considerations.¹⁸⁵

Israeli Minister of Settlements and National Missions, Orit Strock

23. Minister for Settlements and National Missions, MK Orit Strock, is a member of the National Religious Party–Religious Zionism party in Benjamin Netanyahu’s coalition government. She lives in the illegal Israeli settlement of Avraham Avinu in Hebron in the occupied Palestinian territory. Statements she has made which are genocidal and incite to genocide include the following:

¹⁸⁰ Gili Cohen, Dov Gil-Har, Itay Blumenthal and Sulieman Masvidan, “Minister Amichai Eliyahu: Atomic bomb on Gaza? This is one of the possibilities”, *Kan* (5 November 2023), <https://www.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/; The radio comment was criticised by the Prime Minister. Prime Minister of Israel, @IsraeliPM, Tweet (8:05 am, 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. Moran Azoulay, “Netanyahu ‘suspended’ the minister who did not fire an atom bomb on Gaza — even though there is no such option in the government regulations”, *Ynet* (5 November 2023), <https://www.ynet.co.il/news/article/rjdl5ebm6>.

¹⁸¹ “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/.

¹⁸² MK Revital Gotliv, @TallyGotliv, Tweet (5:59 pm, 9 October 2023), <https://twitter.com/TallyGotliv/status/1711426284322996613>, (informal translation provided).

¹⁸³ Gili Cohen, Dov Gil-Har, Itay Blumenthal and Sulieman Masvidan, “Minister Amichai Eliyahu: Atomic bomb on Gaza? This is one of the possibilities”, *Kan* (5 November 2023), <https://www.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/ (emphasis added).

¹⁸⁴ “Minister Amichai Eliyahu: ‘We see how the conception put us in a coma’”, *Channel 14* (30 January 2024), <https://www.youtube.com/watch?v=XFqe43jFJR8>, informal translation provided (emphasis added).

¹⁸⁵ “‘That sounds like ethnic cleansing’: CNN questions lead figure in Israel’s settler movement”, *CNN* (20 March 2024), <https://www.youtube.com/watch?v=FkXJwErm8DM> [6:12].

43.1.18. On 19 February 2024, she stated that every civilized person on the planet knows that this land is ours, for the Israeli people and for us only . . . *it is ours and only ours, and we are its people . . . [T]here is no such thing [as] a Palestinian people, there are no such people.*"¹⁸⁶

43.1.19. On 19 March 2024, she returned to her often-repeated theme of denying the existence of Palestinians as a distinct racial, ethnical or national group, stating "[t]he Palestinian people do not exist. There is no such thing . . . There is no Palestinian people. This land is the land of the people of Israel including the Gaza Strip, including Samaria [the West Bank] . . . This is our own land and we need to rule it."¹⁸⁷

Deputy Speaker of the Knesset and Member of the Foreign Affairs and Security Committee Nissim Vaturi

24. The Deputy Speaker of the Knesset, constitutionally responsible for assisting the speaker of the Knesset in their role (including "preserving the dignity of the Knesset" and the "decorum of its sittings"),¹⁸⁸ Likud MK Nissim Vaturi routinely permits and engage in genocidal rhetoric, including in the Knesset itself and online on X. By way of example:

- On 7 October 2023, he '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."¹⁸⁹
- On 9 October 2023, he incited to genocide in Gaza, 'tweeting': "*Erase Gaza. Nothing else will satisfy us. It is unacceptable that we maintain a terrorist authority right next to Israel. Do not leave a child there[,] exile anyone who remains there in the end, so they will have no revival.*"¹⁹⁰ His post had over one million views.¹⁹¹
- On 14 November 2023, he 'tweeted' along with a video clip of an interview with an Israeli media outlet, "Returning back to Jewish settlement in the north of the Gaza Strip is a correct and logical

¹⁸⁶ Paz Abuhatzirah, "Minister Strock: 'The land of Israel is all ours and we are hers, there is no such thing as a Palestinian people' | Watch", 0404 (19 February 2024), <https://www.0404.co.il/?p=961946>, (informal translation provided) (emphasis added); Alternative translation at Middle East Eye, @middleeasteye, Instagram (21 February 2024), <https://www.instagram.com/middleeasteye/reel/C3nVhdCIDVU/>.

¹⁸⁷ "The lobby for the land of Israel", *Knesset TV* (19 March 2024), <https://www.knesset.tv/committees/conventions/video/65145/> at [-1:13:10 to -1:12:30], (informal translation provided); Alternative translation at Middle East Eye, @middleeasteye, Instagram (26 March 2024), <https://www.instagram.com/reel/C4-dF50rJ7c/>.

¹⁸⁸ Israel, Basic Law: The Knesset, https://www.gov.il/apps/elections/elections-knesset-19/eng/law/BasicLawKnesset_eng.html (unofficial translation).

¹⁸⁹ MK Nissim Vaturi, @nissimv, Tweet (5:33 pm, October 7, 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/>.

¹⁹⁰ MK Nissim Vaturi, @nissimv, Tweet (6:04 am, 9 October 2023), <https://x.com/nissimv/status/1711261388809568458> (informal translation provided) (emphasis added).

¹⁹¹ *Ibid.*

answer to Hamas's murderous terror attack! Settlement will help restore security and affix the Israeli victory image in our enemies' eyes".¹⁹²

- On 17 November 2023, he 'tweeted', "all the fuss about whether there is or isn't internet in Gaza shows we've learned nothing. We are too humane – *burn Gaza now, no less*"¹⁹³ and "*Don't bring in fuel, don't bring in water until the captives return!*"¹⁹⁴
- On 19 November 2024, having been temporarily blocked on X for his tweet,¹⁹⁵ he stated in a subsequent interview to Channel 12, "I say, yes, *we will burn Gaza*. There are *a hundred thousand people, of whom the vast majority of those who remain there are terrorists*. I don't think it's something that someone should be blocked [on social media platforms] for. I didn't say to burn children the way they [Hamas] burned them".¹⁹⁶ On 20 November 2023, another Israeli radio station, Radio 103 FM, reported Nissim Vaturi as defending his 'tweet' stating: "*I said burn Gaza, why should we be ashamed? Are there civilians in Gaza? Suddenly [we] bring in fuel to the Strip, [they] murdered children, why should we put up with something like that? What's left in Gaza? Tunnels, Hamas, and the damned terrorists who are holding [Israeli] children hostage.*"¹⁹⁷
- On 10 January 2024 — the day before the oral hearing on South Africa's first Request for Provisional Measures — he emphasised his call to genocide in an interview with Israeli radio station Kol Barama Radio, stating:

"I stand behind what I said . . . it is better to burn, to take down buildings, than that our soldiers should be harmed . . . I said to 'burn Gaza.' What does it mean to burn? To go in and rip them apart. There should be no thoughts, no considerations. The soldiers of the IDF should not think for one second and be hurt because we need to be humane. . . I don't think that there are any innocents there now — not now, and not when I made my statement. . . I have no mercy on people like this — certainly not in times of war when our soldiers are falling to defend their homeland. We cannot be noble at home and say, 'Oy, there are innocents there.' If there is an innocent there, we know about him. Whoever is left there needs to be eliminated, period. I have no doubts about that".¹⁹⁸

¹⁹² MK Nissim Vaturi, @nissimv, Tweet (3:58 pm, 14 November 2023), <https://x.com/nissimv/status/1724426683959148893> (informal translation provided) (emphasis added).

¹⁹³ MK Nissim Vaturi, @nissimv, Tweet (since deleted, original link provided), <https://twitter.com/nissimv/status/1725472420058857891>; Kann News, @kannnews, Tweet (3:24pm, 17 November 2023), https://x.com/kann_news/status/1725505189476487213 (informal translation provided) (emphasis added).

¹⁹⁴ MK Nissim Vaturi, @nissimv, Tweet (1:48 pm, 17 November 2023), <https://x.com/nissimv/status/1725481059658186985> (informal translation provided) (emphasis added).

¹⁹⁵ Ariella Marsden, "Likud MK calls to 'burn Gaza' in latest controversy", *The Jerusalem Post* (20 November 2023), <https://www.jpost.com/israel-news/politics-and-diplomacy/article-774213>.

¹⁹⁶ "Deputy Knesset Speaker Blocked By X For Call To 'Burn Gaza', Yair Netanyahu shares posts casting blame for Oct. 7 on courts, security services", *The Times of Israel* (19 November 2023), <https://www.timesofisrael.com/yair-netanyahu-shares-posts-casting-blame-for-oct-7-on-courts-security-services/>.

¹⁹⁷ 103FM, @radio103fm, Tweet (10:44 am, 20 November 2023), <https://x.com/radio103fm/status/1726522005824864427> (informal translation provided).

¹⁹⁸ "MK Vaturi: 'Burn Gaza - there are no more innocents left there'", *Israel National News* (10 January 2024), <https://www.israelnationalnews.com/news/383357>; "Ahead of Hague hearing, Likud MK doubles down on call to 'burn Gaza'", *The Times of Israel* (10 January 2024), https://www.timesofisrael.com/liveblog_entry/ahead-of-hague-hearing-likud-mk-doubles-down-on-call-to-burn-gaza/.

- On 12 March 2024, he ‘tweeted’ that “the only ones that interest us in Gaza are the IDF soldiers and the hostages”.¹⁹⁹
- On 15 May 2024, he informed the Knesset — the order of which he is supposed to keep — that he had himself previously joined in the aid protests to actively block aid trucks going to Gaza, saying “I came and blocked the road [for aid convoys] with my vehicle as well, a month and two months ago”,²⁰⁰ and urged others to do the same, saying: “If you stop the aid trucks, I will applaud you”.²⁰¹

Conclusion

25. The above statements evidence clear genocidal intent and incitement to the genocide of Palestinians in Gaza by members of the Israeli government, including those directly responsible for the conduct of Israeli military operations in Gaza. They evidence an intention to bring about the destruction of a substantial part of the Palestinian national, racial and ethnical group, that being the part of the Palestinian group in Gaza. That intention is further evidenced by the pattern of attacks by the Israeli army against Palestinians in Gaza, resulting in soaring fatality and casualty rates, and the widespread destruction of Gaza. They demand immediate intervention by State parties to the Genocide Convention and by the international community more broadly urgently to protect Palestinian men, women and children in Gaza after seven months of Israel’s relentless brutal attacks on the territory.

¹⁹⁹ MK Nissim Vaturi, @nissimv, Tweet (10:36 am, 12 March 2024), <https://twitter.com/nissimv/status/1767500005596676438> (informal translation provided).

²⁰⁰ “The Central Stage With Mazal Mualem 15.05.2024”, *Knesset TV* (15 May 2024), https://youtu.be/m_py5jKHkBQ?si=pBeX-CNeDwvab_SU [21:15] (informal translation provided).

²⁰¹ “The Central Stage With Mazal Mualem 15.05.2024”, *Knesset TV* (15 May 2024), https://youtu.be/m_py5jKHkBQ?si=pBeX-CNeDwvab_SU [0:45] (informal translation provided).

Appendice II*

GENOCIDAL INTENT AND INCITEMENT TO GENOCIDE BY ISRAELI MILITARY OFFICIALS

1. This Annex contains recorded instances of genocidal statements and rhetoric by Israeli soldiers — including senior military officers in command. The rhetoric often echoes genocidal statements and themes by senior Israeli governmental officials, calling for the destruction of Gaza, a second ‘Nakba’, and the full Israeli occupation of Gaza. In some cases, soldiers directly responsible for operating lethal weaponry against Palestinians in Gaza, repeatedly assert that there are no innocent or ‘uninvolved’ Palestinians in Gaza, and echo the words of the Israeli Prime Minister, calling for the annihilation of the Palestinian ‘Amalek’.
2. Such statements — alongside numerous photographs and ‘snuff’-like videos posted on social media by them from Gaza¹ — provide a clear and unambiguous insight into the motivations and mindset of Israeli soldiers in Gaza, and of their commission of acts of genocide within the scope of Article II and III of the Genocide Convention, and other violations of international humanitarian and criminal law. Videos and statements of soldiers recording themselves destroying Palestinian property and civilian infrastructure, blowing up and setting fire to Palestinian homes, while sharing far right political messages, provide a visual and documentary record of Israeli soldiers’ practical interpretation and application of their rules of engagement and their weaponisation of fundamental concepts of international humanitarian law against the Palestinian people. That has led to the ever-mounting death toll in Gaza — including amongst women and children — and to extreme levels of mental and bodily harm caused to Palestinian civilians, and the widespread destruction of Gaza itself. Indeed, commentators suggest that “[w]hat is photographed and distributed is” believed to be “only the tip of the iceberg”, with the “vast majority of offenses” being “committed beyond the range of the cameras”.²
3. What is documented reflects the clear prevailing sense of impunity amongst Israeli soldiers who unashamedly continue to post such videos and photographs on social media, without fear of any — or any significant — punishment. There are limited “if any” repercussions for Israeli soldiers engaged in genocidal acts or other criminality in Gaza, with one soldier — Israeli Brigadier General Barak Hiram, who ordered the levelling of Israa University in Gaza — being issued a ‘command’ citation *not for the demolition itself*, but because “he made this decision independently without adhering to the established chain of command”.³ Indeed, he was expressly told by the Israeli Army official investigating the incident, Major General Yaron Finkelman, that if he had “submitted the request to collapse the university for . . .

* Distribué uniquement dans la langue de l’original.

¹ “Genocide in Gaza through the eyes of Israeli soldiers | The Listening Post”, *Al Jazeera English* (3 March 2024), <https://www.youtube.com/watch?v=JAT9NQ4WkE0>; See *South Africa v. Israel*, *Verbatim Record* 2024/1 (11 January 2024), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240111-ora-01-00-bi.pdf>, p. 36, para. 22: “There is now a trend among the soldiers to film themselves committing atrocities against civilians in Gaza, in a form of ‘snuff’ video”.

² Mordechai Kremnitzer, “ICJ Ruling Won’t Immediately Change War in Gaza, but Danger Still Looms for Israel”, *Haaretz* (26 May 2024), <https://www.haaretz.com/israel-news/2024-05-26/ty-article/.premium/rafah-operation-advances-as-israel-faces-added-pressure-by-icj-ruling-to-end-the-war/0000018f-b179-dfc6-a3ef-b57daa210000>; See Haaretz.com, @haaretzcom, Tweet (3:36 pm, 26 May 2024), <https://x.com/haaretzcom/status/1794724407484776457>.

³ Elisha Ben Kimon, “IDF Gaza Division commander reprimanded for blowing up Gaza university”, *Ynet News* (11 March 2024), <https://www.ynetnews.com/article/b1r65v2ap>. (emphasis added)

approval”, it would have been approved.⁴ Palestinian universities and other civic infrastructure in Gaza — like Palestinians themselves — are all ultimately considered legitimate targets in Israel’s genocidal military operations.

4. A non-exhaustive selection of genocidal statements and materials recorded by Israeli soldiers in Gaza is set out below, including statements by the Chief of the General Staff of the Israeli Army, Lieutenant General Herzi Halevi and other senior Israeli army officers.

Chief of the General Staff of the Israeli Army, Lieutenant General Herzi Halevi

5. Genocidal statements by Lieutenant General Herzi Halevi — the Chief of the General Staff of the Israeli army — include the following:

- On 12 October 2023, in a public address to the nation, Lieutenant General Halevi stated that: “The fighting spirit of the IDF strikes Gaza with full force, and we will not stop there. There is decisiveness, there is fury . . . *We will achieve a situation where those who led Gaza will be intensely struck and dismantled. And whoever remains there, will understand that such thing is not to be done to the State of Israel*”.⁵
- On 30 March 2024, he commended the Israeli army’s attack on the hospital as a “very high achievement”,⁶ notwithstanding eye-witnesses reports of staff and patients enduring “horrific levels of violence”,⁷ including at least 21 patients who were reportedly killed.⁸ Mass shallow graves were found at the hospital on the Israeli army’s withdrawal, containing hundreds of bodies, including Palestinian medics in hospital scrubs, hospital patients with cannulas in their arms, and others with limbs tied, showing signs of summary execution.⁹ The hospital — the largest centre of medical learning and expertise in Gaza — older than Israel itself,¹⁰ was completely destroyed by the Israeli army, placing it permanently out of service.¹¹

⁴ Emanuel Fabian, “Senior IDF officer censured over demolition of Gaza university without approval”, *The Times of Israel* (11 March 2024), <https://www.timesofisrael.com/senior-idf-officer-censured-over-demolition-of-gaza-university-without-approval/>.

⁵ Israel Defense Forces, @IDF, Tweet (6:23 pm, 12 October 2023), <https://x.com/IDF/status/1712504294279168307> (emphasis added) (informal translation provided).

⁶ Kann News, @kann_news, Tweet (6:55 pm, 30 March 2024), https://twitter.com/kann_news/status/1774118267734434074.

⁷ UN News, *Gaza: Israeli strike on NGO aid team condemned as humanitarians renew access call* (2 April 2024), <https://news.un.org/en/story/2024/04/1148161>.

⁸ Medecins Sans Frontieres, *Gaza: Israeli forces leave Al-Shifa Hospital in ruins* (2 April 2024), <https://www.doctorswithoutborders.ca/gaza-israeli-forces-leave-al-shifa-hospital-in-ruins/>. See UN News, *Gaza: Israeli strike on NGO aid team condemned as humanitarians renew access call* (2 April 2024), <https://news.un.org/en/story/2024/04/1148161>.

⁹ UN News, *Mass graves in Gaza show victims’ hands were tied, says UN rights office* (23 April 2024), <https://news.un.org/en/story/2024/04/1148876>; See Aya Batrawy, “One man’s search for his father in mass graves at Gaza’s Al Shifa hospital”, *NPR* (April 18, 2024), <https://www.npr.org/2024/04/18/1245654891/one-mans-search-for-his-father-in-mass-graves-at-gazas-al-shifa-hospital>.

¹⁰ Lorraine Mallinder, “Why is Gaza’s al-Shifa hospital at the heart of Israel’s war?”, *Al Jazeera* (8 November 2023), <https://www.aljazeera.com/news/2023/11/8/why-is-gazas-al-shifa-hospital-at-the-heart-of-israels-war>.

¹¹ UN News, *Gaza: ‘Systematic dismantling of healthcare must end’ says WHO* (6 April 2024), <https://news.un.org/en/story/2024/04/1148316>.

- On 21 May 2024, he asserted that “*no place will withstand an offensive by an IDF combat team*”.¹² As humanitarian chiefs have confirmed, no place is indeed safe in Gaza: the Israeli army has reduced over 72 per cent of the residential territory to ruins, including over 370,000 Palestinian homes,¹³ all universities,¹⁴ 85.8 per cent of schools,¹⁵ up to 96 per cent of agricultural assets,¹⁶ and has damaged 32 out of Gaza’s 36 hospitals,¹⁷ 102 other health care facilities,¹⁸ 174 UNRWA facilities,¹⁹ and 247 mosques.²⁰ The destruction is “unprecedented in scope and scale”.²¹

Statements By Other Senior Israeli Army Officials

6. Statements by other senior Israeli army officers echo those of the Chief of the General Staff and of senior Israeli political officials, dehumanising Palestinians, asserting that no civilians in Gaza are innocent or ‘uninvolved’, and calling for the widespread destruction of the territory.²² Examples of genocidal statements include the following:

- On 7 October 2023, **Lieutenant Colonel Yitzhak Pier from the Adjutant Corps of the Israeli army** wrote on Facebook “Dear IDF! Stop showing us bombardments of Gaza, you’ve been doing this for years and nothing. *Until Gaza is erased, don’t stop bombing*”.²³
- On 8 October 2023, **Colonel Elad Schwartz from the 91st Division of the Israeli army** recorded himself delivering a personnel message to the Chief of the General Staff and the Prime Minister, advocating for “disproportionate” attacks on Gaza: “*We can’t respond as we usually do to what*

¹² Joe Truzman, @JoeTruzman, Tweet (3:13 am, 22 May 2024), <https://x.com/JoeTruzman/status/1793087720446992587>. (emphasis added)

¹³ United Nations Development Programme (‘UNDP’), *Gaza War: Expected SocioEconomic Impacts on the State of Palestine Update* (May 2024), https://www.undp.org/sites/g/files/zskgke326/files/2024-05/2400257e-gaza_war-expected_socioeconomic_impacts-pb.pdf, p. 6.

¹⁴ United Nations Office of the United Nations High Commissioner for Human Rights (‘UN OHCHR’), *UN experts deeply concerned over ‘scholasticide’ in Gaza* (18 April 2024), <https://www.ohchr.org/en/press-releases/2024/04/un-experts-deeply-concerned-over-scholasticide-gaza>.

¹⁵ United Nations Institute for Training and Research (‘UNITAR’), *Gaza Education System Devastated by Recent Conflict, Satellite Assessment Reveals* (2 May 2024), <https://www.unitar.org/about/news-stories/press/gaza-education-system-devastated-recent-conflict-satellite-assessment-reveals>.

¹⁶ World Bank, *Impacts of the Conflict in the Middle East on the Palestinian Economy* (May 2024), <https://thedocs.worldbank.org/en/doc/ce9fed0d3bb295f0363d690224d1cd39-0280012024/original/Palestinian-Econ-Upd-May2024-FINAL-ENGLISH-Only.pdf>, p. 9.

¹⁷ World Health Organisation (‘WHO’), *oPt Emergency Situation Update, Issue 31* (18 May 2024), <https://www.emro.who.int/images/stories/Sitrep.pdf>.

¹⁸ WHO, *oPt Emergency Situation Update, Issue 31* (18 May 2024), <https://www.emro.who.int/images/stories/Sitrep.pdf>.

¹⁹ United Nations Relief and Works Agency for Palestine Refugees in the Near East (‘UNRWA’), *UNRWA Situation Report #109 On The Situation In The Gaza Strip And The West Bank, Including East Jerusalem* (24 May 2024), <https://www.unrwa.org/resources/reports/unrwa-situation-report-109-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

²⁰ United Nations Office for the Coordination of Humanitarian Affairs (‘UN OCHA’), *Hostilities in the Gaza Strip and Israel - Reported humanitarian impact, 17 May 2024 at 15:00* (17 May 2024), <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-reported-humanitarian-impact-17-may-2024-1500>.

²¹ UNDP, *As war in Gaza enters seventh month, 1.74 million more Palestinians will be pushed into poverty across State of Palestine according to United Nations assessment* (2 May 2024), <https://www.undp.org/papp/press-releases/war-gaza-enters-seventh-month-174-million-more-palestinians-will-be-pushed-poverty-across-state-palestine-according-united>.

²² See Annex I.

²³ Younis Tirawi, @ytirawi, Tweet (13:43 pm, 11 May 2024), <https://x.com/ytirawi/status/1789260017062879569>. (emphasis added).

happened yesterday. *There needs to be something disproportionate.* There needs to be something that will *send a message* . . . Let the Prime Minister come out, and stand on live television and say . . . That if in four hours, all the hostages aren't freed, home, *we start to burn Gaza. Neighbourhood after neighbourhood.* Half an hour between neighbourhoods, the ultimatum will continue. *From the air and ground. Neighbourhood after neighbourhood. Burn Gaza!*"²⁴

- On 10 October 2023, in a video statement addressed directly to those in Gaza, and published on an Israeli army official channel, **Israeli Army Coordinator of Government Activities in the Territories ('COGAT'), 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." ²⁵
- On 13 October 2023, **Reserve Major General Yair Golan** was quoted by the Israeli press as stating that "We should tell them: listen, until they're [the hostages] released, from our side you will starve to death. This is completely legitimate." ²⁶
- On 28 October 2023, the **Head of the Israeli army's Air Operations Group, Lieutenant Colonel Gilad Kinan**, described the Israeli 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". ²⁷ Lieutenant Colonel Gilad Kinan issued the statement on the day Israel launched its ground invasion of Gaza. ²⁸
- On 28 October 2023 also — on the same day that the Israeli Prime Minister invoked the Biblical annihilation of the Amalek — **Commander of the 36th Armoured Division of the Israeli army, Brigadier General David ("Dado") Bar Kalifa**, issued a letter to Israeli soldiers that were about to invade Gaza, exhorting them to battle, stating: "[w]hat has been will be no more! We shall go out to it [the enemy] in war, *we shall pulverize every accursed plot of land from which it came*, we shall destroy it and the memory of it . . . and we shall not return until it is annihilated". Quoting the Old

²⁴ Younis Tirawi, @ytirawi, Tweet (8:49 pm, 21 April 2024), <https://x.com/ytirawi/status/1782119361639055517>. (emphasis added)

²⁵ Video address by Major General Ghassan Alian, 10 October 2023, <https://www.youtube.com/shorts/5a0EWv-o7mE>.

²⁶ Ra'anana Shaked, "'For Many Years I've Been Viewed As A 'Treasonous Leftist'. No One Can Say To Me: You Stayed On The Fence. We Didn't Stay. We Went To Fight'", *Ynet* (13 October 2023), <https://www.ynet.co.il/news/article/yokra13625242> (informal translation provided).

²⁷ Israel Defense Forces, @idfonline, Tweet (7:23 am, 28 October 2023), <https://twitter.com/idfonline/status/1718136442805686351>. (informal translation provided). (emphasis added)

²⁸ James Mackenzie and Maayan Lubell, "Israel launches Gaza war's second phase with ground operation, Netanyahu says", *Reuters* (28 October 2023), <https://www.reuters.com/world/middle-east/eu-calls-humanitarian-pauses-gaza-aid-israel-raids-enclave-2023-10-26/>.

Testament he urged Israeli soldiers to: “[w]reak vengeance on [God’s] foes, and *cleanse the land*”,²⁹ stating “[t]his is our war, today is our turn”.³⁰

- On 4 November 2023, in a video filmed in Beit Lahia — one of the first areas of Gaza to have been devastated by the Israeli army — and broadcast on Israeli television, **Brigadier General and Deputy Defence Establishment Comptroller of the Israeli army, Yogev Bar-Sheshet**, warned: “[w]hoever returns here, if they return here after, will find *scorched earth. No houses, no agriculture, no nothing. They have no future*”.³¹
- On 4 November 2023, in the same video, **Colonel (Reserve) Erez Eshel** commented that: “Vengeance is a great value. There is *vengeance* over what they did to us . . . *This place will be a fallow land. They will not be able to live here*”.³²
- On 20 January 2024, **over 130 senior Israeli army officers — including two Major Generals and five Brigadier Generals, alongside dozens of Colonels and dozens of Lieutenant Colonels**, signed an open letter to the Israeli War Cabinet advocating for Israel “*not [to] allow humanitarian supplies and the operation of hospitals within Gaza City*,” and to ensure “that the evacuated residents do not return to their homes”, asserting that a siege of the city is correct ethically, militarily, legally, and politically, including from the point of view of international law.³³ One of the letter’s signatories, **Colonel Nochi Mandel**, was subsequently involved in the deliberate, repeated targeting of a World Central Kitchen (‘WCK’) convoy on 1 April 2024, killing seven WCK employees attempting to facilitate the distribution of humanitarian aid in Gaza.³⁴
- On 23 February 2024, the **Commander of the 931st Infantry Battalion of the Israeli army’s Nahal Brigade, Colonel Uz Meshulam**, told reporters from the newspaper Yedioth Ahronot, embedded in

²⁹ Yoav Zeitoun, “The divisioneer’s letter to the fighters: ‘The enemy who asked for hell, will receive hell’”, *Ynet* (29 October 2023), <https://www.ynet.co.il/news/article/b1tj8tozt>; See Sefaria, Deuteronomy 32:43, JPS, 1985, https://www.sefaria.org/Deuteronomy.32.43?ven=Tanakh:_The_Holy_Scriptures,_published_by_JPS&lang=bi&with=Translations&lang2=en (emphasis added).

³⁰ Yoav Zeitoun, “The divisioneer’s letter to the fighters: ‘The enemy who asked for hell, will receive hell’”, *Ynet* (29 October 2023), <https://www.ynet.co.il/news/article/b1tj8tozt>; See partial translation available at Uri Misgav, “Opinion | Israel, Beware: In War, Apocalyptic Jewish Ultra-nationalists Are in a State of Ecstasy”, *Haaretz* (2 November 2023), <https://www.haaretz.com/opinion/2023-11-02/ty-article-opinion/.premium/israel-beware-nationalist-haredis-are-in-a-state-of-ecstasy/0000018b-8c23-d7a8-afcf-aea34fd90000> (emphasis added).

³¹ “Segment from ‘Special documentation from the heart of Gaza: this is how our forces fight deep in enemy territory’”, *Hallel Biton Rosen* (4 November 2023), <https://www.youtube.com/watch?v=fqEj3DzadiM>, [4:11]; See Elhanan Mazuz, “Special documentation from the heart of Gaza: this is how our forces fight deep in enemy territory”, *Now 14* (5 November 2023), <https://www.now14.co.il/נלחמים-כוחותינו-כך-עזה-מלב-מיוחד-תיעוד> (emphasis added).

³² “Segment from ‘Special documentation from the heart of Gaza: this is how our forces fight deep in enemy territory’”, *Hallel Biton Rosen* (4 November 2023), <https://www.youtube.com/watch?v=fqEj3DzadiM>; See Elhanan Mazuz, “Special documentation from the heart of Gaza: this is how our forces fight deep in enemy territory”, *Now 14* (5 November 2023), <https://www.now14.co.il/נלחמים-כוחותינו-כך-עזה-מלב-מיוחד-תיעוד> (emphasis added).

³³ Commanders and Reserve Fighters Forum, *The Officer’s letter: continue until victory* (22 January 2024), <https://hamefakdim-bemiluim.org/מכתב-הקצינים/>; See letter with signatories at https://ynet-pic1.yit.co.il/picserver5/wcm_upload_files/2024/01/21/S1mT5hcKp/merged.pdf (emphasis added).

³⁴ World Central Kitchen (‘WCK’), *7 WCK Team Members killed in Gaza* (2 April 2024), <https://wck.org/news/gaza-team-update>; See Paul Nuki, Lilia Sebouani and Samuel Lovett, “Top IDF commander in aid strike wanted to block humanitarian supplies into Gaza”, *The Telegraph* (11 April 2024), <https://www.telegraph.co.uk/global-health/terror-and-security/israel-hamas-war-gaza-idf-aid-strike-world-central-kitchen/>.

Gaza, that “there are no ordinary civilians in Gaza, there [are] fighters . . . everyone who is in our combat space is a terrorist and we had no doubt about it”.³⁵

- On 17 April 2024, the **Commander of the 7007th Battalion of the Israeli Army, Lieutenant Colonel Maoz**, commenting on photographs showing displaced Palestinians — including children — cooling down in the Palestinian sea off Gaza in the midst of a 40° Celsius heatwave, stated: “It saddens me to know that a few months ago we were in the area of this beach with our battalion. It was clear that this is a war. A war on Gaza. In all of Gaza! There was no confusion, and why? *Because all of Gaza is one big terror, including the bathers on the beach in the picture*”.³⁶
- On 24 May 2024, only hours after International Court of Justice’s Order of 24 May 2024, **Lieutenant Colonel Tal Bibi, senior officer and Commander in the Nahal Brigade**, posted on Facebook: “*The Hague Shmague* [ridiculing the ICJ and ICC], UN-Shm-UN [ridiculing the UN] . . . All journalists in the Gaza Strip — you have 24 hours to evacuate, otherwise — we are not responsible for what happens to you. . . Electricity, water, communication — total blackout . . . Any soldier who films something goes to jail — no phones — total blackout. ‘0’ trucks for aid!!!!!! Complete media blackout . . . All the garbage in The Hague or the UN - sit quietly . . . *A strong hand — total media blackout and let’s smash them. Let’s restore our honor, our deterrence, our security.*”³⁷ He had previously called for the extermination of people in Gaza, posting on 24 January 2024: “*100 thousand . . . 200 thousand Gazans should be taken down at once. And what to do with the rest??? Expel the rest to the sea / distribute them to countries around the world - to whoever agrees to take them, if at all. Then level Gaza and demilitarize the area . . . No compassion and no sorrow for anyone who lives there — there are no uninvolved. There is no such thing as uninvolved.*”³⁸ In October 2023, he had posted that “*The evil is deep, deep down inside everyone there [in Gaza]*”, and that “*Gaza must be erased*”.³⁹ He also called for the Israeli army to burn Gaza, stating “*If Gaza is not burned in fire, woe to us, shame and disgrace to us as a country . . . ‘zero’-mercy to the villains and their families.*”⁴⁰ He has similarly asked “Gaza should be erased. ... How to erase ????” and advocated for the Israeli army to “by

³⁵ “‘We are the owners of the house here’: inside the axis that crosses the Gaza Strip”, *Ynet* (23 February 2024), <https://www.ynet.co.il/news/article/yokra13806889> (emphasis added).

³⁶ Maoz Shwartz, Facebook (17 April 2024), https://www.facebook.com/permalink.php?story_fbid=pfbid0DNRDkRkNyouT6C8qPPFDvoQDWtFxcJxgm3o4bLh271sUuyXob2erbcDpfyTEJDAKl&id=100010376056432; See Younis Tirawi, @ytirawi, Tweet (10:14 am, 18 April 2024), <https://twitter.com/ytirawi/status/1780872452471452047>; See “In the photo: the 7007th Battalion in Jabaliya overwhelms the enemy in its sector”, Maoz Shwartz, Facebook (16 January 2024), https://www.facebook.com/permalink.php?story_fbid=pfbid02LpnJYWQNKdXaCUFufYVG3yWXqr6u8B3jx548Haa1ZPmJLxYrQxbefgEpBf24HccI&id=100010376056432.

³⁷ Tal Bibi, Facebook (26 May 2024), <https://www.facebook.com/talbibi1/posts/pfbid023UKUtbdjFNL67aaMqvuW9vcoswGzGT2QoCubulQNPLeFzmK6u2YJtLfsQ7Jj58gl> (informal translation provided, emphasis added); See Younis Tirawi, @ytirawi, Tweet (8:00 pm, 27 May 2024), <https://x.com/ytirawi/status/1795153232873861172>.

³⁸ Tal Bibi, Facebook (24 January 2024), <https://www.facebook.com/talbibi1/posts/pfbid037fkKh837dhJs62F6GMmencVNAM5tbaUkJV4WMYijJoXQ1GHnJNT6tvuRSu6eSUDtl> (informal translation provided); also available at Younis Tirawi, @ytirawi, Tweet (8:05 pm, 27 May 2024), <https://x.com/ytirawi/status/1795154408327549328>.

³⁹ Tal Bibi, Facebook (27 October 2023), <https://www.facebook.com/talbibi1/posts/pfbid0kSBni6RugVXe8pVbSux8ZomRjy3nVZBBFQCmsmZhs15wuvsd2rGDjNuBbQq4EF52l> (informal translation provided) emphasis added); also available at Younis Tirawi, @ytirawi, Tweet (8:31 pm, 27 May 2024), <https://x.com/ytirawi/status/1795160918726201702>.

⁴⁰ Tal Bibi, Facebook (19 October 2023), <https://www.facebook.com/talbibi1/posts/pfbid02WeSTXVy3xbbBVmFuP5qM4SqdxLjRxVPF8qShaC4mm8kZK9xAuNMukS2V4SNoJZDCI> (informal translation provided) (emphasis added); See Younis Tirawi, @ytirawi, Tweet (8:17 pm, 27 May 2024), <https://x.com/ytirawi/status/1795157310555226121>.

must pay with their bodies and souls the price of nurturing this evil regime. Gaza must be conquered, and all its leadership, including the mid-level leadership, must be killed. *All the mosques in Gaza must be destroyed . . . We need to break the Gazan society from within, sowing in it pain, sorrow, and loss in such a way that it cannot rehabilitate itself as a society with a murderous, evil narrative. We will have no choice*".⁴⁵ On 10 October 2023, he urged that the "*city of Gaza, with all its buildings, must be erased from existence*", calling it "[a] city of Sodom that has *no right to exist*".⁴⁶ On 22 December 2023, he called for the starvation of Gaza, stating: "There is only one solution to bring the hostages back home. Israel will prevent all humanitarian aid, *Gaza will starve entirely*, and when Gaza starves, hundreds of thousands of hungry Gazans will overthrow Sinwar and remove him and Hamas".⁴⁷

- On 11 February 2024, in an interview on Spanish television as he prepared to return to Gaza following leave, **Israeli soldier Yehuda López**, stated in relation to Gaza, "[t]here are no innocents there. We have to get that into our heads. *There are no innocents there*". Asked how the Israeli military operations in Gaza would end, he stated: "Hopefully with a crushing defeat. *That no one is left there. That there is no one left*".⁴⁸
- On 17 February 2024, a video of the **Israeli army's Givati Brigade** filmed in the South of Gaza and broadcast on Israeli television Channel 14, showed Israeli soldiers asserting that "there are *no innocent people here*".⁴⁹
- On 24 March 2024, **Israeli army Sergeant Major, paratrooper Doron Keidar** stated in a podcast interview, "what I've learned is that *there are no civilians in this war . . .* I was last in Gaza in 2004 . . . we knew what families, which groups were not pro-terrorist . . . now I don't know who's innocent here. What the terrorists have managed to do since 2005 is *to brainwash a whole generation of young kids into hating Israel, into embracing terrorism as a means of life*, and that that's the only future and hope for them".⁵⁰

8. Directly echoing the statements of senior governmental officials that there are no "uninvolved civilians" in Gaza, Israeli combat soldiers repeatedly photograph and film themselves with various

⁴⁵ Avinoam Goelman, Facebook (8 October 2023), <https://www.facebook.com/agoelman/posts/pfbid02QugAgjefNnmAfJDPkaaiimruCTpqEGRZj8JFxEpBaynSAqPdkFasYipYHKmQZJvKl> (emphasis added); See Younis Tirawi, @ytirawi, Tweet (10:30 pm, 26 May 2024), <https://x.com/ytirawi/status/1794828397018751045> (emphasis added).

⁴⁶ Avinoam Goelman, Facebook (10 October 2023), <https://www.facebook.com/agoelman/posts/pfbid0357Dq5Vbd3xAtMMiRW7vZmNkAMt3fEmw9LxpxwYzLuPVzrVmZZmdyC2cqyg9QvJ7ql>; also available at Younis Tirawi, @ytirawi, Tweet (10:37 pm, 26 May 2024), <https://x.com/ytirawi/status/1794830323286438314>.

⁴⁷ Avinoam Goelman, Facebook (22 December 2023), <https://www.facebook.com/agoelman/posts/pfbid0xcLcVJuYgQFguxJXe8sBKXnCTdUijRkyCMBLFpurwW8SugqVBUu2Wb9ZDAWxBggCl>; also available at Younis Tirawi, @ytirawi, Tweet (10:34 pm, 26 May 2024), <https://x.com/ytirawi/status/1794829468629954868>.

⁴⁸ Interview with Yehuda López on TVE channel, 11 February 2024: Almudena Ariza, @almuariza, Tweet (11 February 2024), <https://twitter.com/almuariza/status/1756764797717148078> (emphasis added, informal translation provided).

⁴⁹ "Individuals of virtue: dramatic documentation of the Givati Brigade in the south of the Gaza Strip, Hallel Biton Rosen's film", Channel 14 (17 February 2024), <https://www.youtube.com/watch?v=Ij-ZbxNvEtQ&t=921s> [24:40]; translation at B.M., @ireallyhateyou, Tweet (6:04 pm, 18 February 2024) (emphasis added), <https://x.com/ireallyhateyou/status/1759081361539813847>.

⁵⁰ "My Experience Fighting Inside Gaza - Israeli Paratrooper Master Sergeant Interview", Willy OAM (24 March 2024), <https://www.youtube.com/watch?v=usf6apnBMek> [11:45] (emphasis added).

animals — including dogs, goats and horses — asserting that the animals are the “only uninvolved civilians” in Gaza.⁵¹ Areas of Gaza under Israeli evacuation order, in particular, are treated as “kill zones” or “extermination zones” in which all remaining Palestinians are considered by Israeli soldiers to be legitimate targets.⁵² As made clear by **Colonel Uz Meshulam** (above),⁵³ and as confirmed by a whistle-blowing Israeli army reservist, “everyone who is in our combat space is a terrorist”,⁵⁴ including “anyone the IDF has killed in the areas in which its forces operate”.⁵⁵ Another such officer described the operative rules of engagement as follows:

“... there is a moment you realize it's a freaking actual house, it just, just got completely destroyed. And I don't know, but there probably were some people in there, maybe there are terrorists, maybe there are not, or Hamas, whatever, but you don't know. And then you start asking yourself: are all of those strikes — air strikes — necessary? Or are we just having a light hand on the trigger here? And then it starts and once it starts it never stops...

A lot of people are happy to see that we're, you know, *we're paying back. That's like the Israeli retaliation* . . . a lot of them don't draw the line between what we call militants or terrorists and what we would call civilians . . . *they say, like, all of them are part of it, like they all support it* . . . for many of the people around me, that was the thing. *It came from saying 'you know, you know those are the kids that we spared in the war in 2014', right — those are the kids that we spared then [that] are now the terrorists that did the seventh [of October]* . . . I don't want to say the majority but it was *alarmingly widespread in the people around me talking about this.*

. . . no one is batting an eye, no one is questioning. It's like, it's a given that if someone is in this area that we are in because everyone was supposed to be evacuated, if someone is there, they are Hamas . . . *there was a guy holding something white or having a white t-shirt*

. . . *he was approaching one of the places where one of the units was, and then the soldiers start yelling in Arabic like 'stop, stop or I will shoot you', and then the person starts running away and then he [the soldier] shoots them and kills them, and then you ask yourself: 'did we just kill someone who was just, you know, trapped in the situation?' . . . I don't remember anyone talking about that [killing], I think the thing here is they need to prove they are not the enemy, the ground assumption is that they are Hamas* . . .

⁵¹ See, for example: “Israeli soldier says stray dogs are the ‘only uninvolved civilians’ in Gaza”, *Middle East Eye* (5 February 2024), <https://www.youtube.com/watch?v=7pc2bL8tTC0>; See Younis Tirawi, @ytirawi, Tweet (2:06 am, 14 January 2024), <https://twitter.com/ytirawi/status/1746322932643610798>; See B.M., @ireallyhateyou, Tweet (2:34 am, 16 January 2024), <https://twitter.com/ireallyhateyou/status/1747054796752699837>.

⁵² Yaniv Kubovich, “Israel Created ‘Kill Zones’ in Gaza. Anyone Who Crosses Into Them Is Shot”, *Haaretz* (31 March 2024), <https://www.haaretz.com/israel-news/2024-03-31/ty-article-magazine/.premium/israel-created-kill-zones-in-gaza-anyone-who-crosses-into-them-is-shot/0000018e-946c-d4de-afec-f46da9ee0000>; See Belén Fernández, “Gaza is one big ‘kill zone’”, *Al Jazeera* (5 April 2024), <https://www.aljazeera.com/opinions/2024/4/5/gaza-is-one-big-kill-zone>.

⁵³ “‘We are the owners of the house here’: inside the axis that crosses the Gaza Strip”, *Ynet* (23 February 2024), <https://www.ynet.co.il/news/article/yokra13806889> (emphasis added).

⁵⁴ “‘We are the owners of the house here’: inside the axis that crosses the Gaza Strip”, *Ynet* (23 February 2024), <https://www.ynet.co.il/news/article/yokra13806889> (emphasis added).

⁵⁵ Yaniv Kubovich, “Israel Created ‘Kill Zones’ in Gaza. Anyone Who Crosses Into Them Is Shot”, *Haaretz* (31 March 2024), <https://www.haaretz.com/israel-news/2024-03-31/ty-article-magazine/.premium/israel-created-kill-zones-in-gaza-anyone-who-crosses-into-them-is-shot/0000018e-946c-d4de-afec-f46da9ee0000>.

... for sure, like celebrating destruction [was a common attitude] and, many people were very happy of that. They feel like, this is the payback ...

... [they would say] 'here are no uninvolved, only unarmed' ... I heard it from a few people [and] it became like common in specific circles."⁵⁶

9. The sheer scale of the death and injury tolls in Gaza,⁵⁷ the extensive evidence of summary executions of civilians, including of those waving white flags,⁵⁸ the mass graves,⁵⁹ and the extensive destruction of Gaza, stand as further evidence of this interpretation and application in Gaza of the rules of engagement and of the fundamental international humanitarian law principles of distinction, necessity and proportionality, as well as the concepts of safe zones and evacuations.

Israeli Soldiers Calling for and Undertaking the Total Destruction of Gaza

10. Israeli soldiers openly call for the total destruction of Gaza, echoing the Israeli Prime Minister's identification of "total victory" and of "ensuring that Gaza never again constitutes a threat to Israel"⁶⁰ and openly state that their goal is to destroy the prospect of Palestinian life in Gaza. The following statements are illustrative:

- On 10 October 2023, **Israeli army senior officer, Major and Deputy Commander on the 35th Paratrooper Brigade, Amit Deri**, posted on Facebook: "*Gaza should be destroyed. All of it. Every building, every house, every school, and also the Shifa Hospital* ... Giving a short number of hours for Gaza residents to evacuate themselves to Egypt or to the coastline outside of the houses and

⁵⁶ "Israeli soldier speaks out on war in Gaza", *Channel 4 News* (23 April 2024), <https://www.youtube.com/watch?v=Aa-VDajL8vM> (emphasis added).

⁵⁷ UN OCHA, *Hostilities in the Gaza Strip and Israel - reported impact | Day 231* (24 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-reported-impact-day-231>.

⁵⁸ "Palestinians killed waving white fabric: Israeli army shoots two unarmed men dead", *Al Jazeera English* (28 March 2024), <https://www.youtube.com/watch?v=rjYudMS3q1s>; See "Gaza drone video shows killing of Palestinians in Israeli air attack | Al Jazeera Newsfeed", *Al Jazeera English* (22 March 2024), https://www.youtube.com/watch?v=DhVV2_mub84; "Al Jazeera shows scenes of the occupation shooting at those seeking aid in northern Gaza", *Al Jazeera Arabic* (4 April 2024), <https://www.youtube.com/watch?v=65Dhs8WslgI>; See Younis Tirawi, @ytirawi, Tweet (9:26 pm, 8 March 2024), <https://twitter.com/ytirawi/status/1766198872253108684> (the Palestinian man killed by soldiers was later reported by Al Jazeera to have been deaf and mute 73-year old Atta Ibrahim Al-Muqayad, see "Exclusive scenes from Al Jazeera documenting the killing of an elderly, defenceless Palestinian by occupation soldiers", *Al Jazeera Arabic* (8 March 2024), https://www.youtube.com/watch?v=mDU5x_iOPKE). See also, "Gaza white flag shooting: ITV News analyses how the incident unfolded frame-by-frame", *itv News* (18 April 2024), <https://www.itv.com/news/2024-02-09/gaza-white-flag-shooting-itv-news-analyses-how-the-incident-unfolded>; See Clarissa Ward, Brent Swails, Kareem Khadder and Eliza Mackintosh, "She was fleeing with her grandson, who was holding a white flag. Then she was shot", *CNN* (26 January 2024), <https://www.cnn.com/2024/01/26/middleeast/hala-khreis-white-flag-shooting-gaza-cmd-intl/index.html>; See "Entwined in death: Two brothers shot dead in Gaza while evacuating with white flag | ITV News", *ITV News* (3 February 2024), <https://www.youtube.com/watch?v=47Wn7U3G1xI>; See "Families left with memories of cousins killed by Israeli snipers", *Al Jazeera* (14 February 2024), <https://www.aljazeera.com/program/newsfeed/2024/2/14/families-left-with-memories-of-cousins-killed-by-israeli-snipers>.

⁵⁹ UN OHCHR, *Onslaught of violence against women and children in Gaza unacceptable: UN experts* (6 May 2024), <https://www.ohchr.org/en/press-releases/2024/05/onslaught-violence-against-women-and-children-gaza-unacceptable-un-experts>; See UN News, *Mass graves in Gaza show victims' hands were tied, says UN rights office* (23 April 2024), <https://news.un.org/en/story/2024/04/1148876>.

⁶⁰ Israel Prime Minister's Office, *PM Netanyahu to the Students of the Bnei David Institutions in Eli: "The testament of the fallen is our mission – total victory."* (30 January 2024), <https://www.gov.il/en/departments/news/event-visit300124>.

immediately begin work. It doesn't take long!! With intensive Air Force activity, it's a matter of a several days. There is no other way".⁶¹

- On 11 October 2023, **Captain Elad Gabian of the Carmeli Brigade of the Israeli army**, posted on his Facebook: "the writing was on the wall that *there are Arabs who are essentially continuing the ways of the Nazis . . .* My request is really simple and doesn't even cost money. My request is that you do not accept the reality that such Nazis still exist in the world. That's it, that's all. *They need to be exterminated along with their families down to the last one. To clarify, their children also need to die; they suck this evil from the breasts of their pig mothers and will pass this evil on to their children as well.* Maybe for some of you, it's hard to say this, to think this, or even to read the words I just wrote out of some distorted and unclear sense of pity. *If we do not exterminate them down to the last one, this story will repeat itself.* Write a letter now to your grandchildren explaining how and why we did not eradicate this evil when we had the chance."⁶²
- On 12 October 2023, **Israeli officer of the 6261st Battalion, Aviad Yisraeli** — an Israeli settler from the illegal outpost of Tokua, near Bethlehem in the West Bank — posted on Facebook: "Last night our brigade commander spoke with us. *Together we all vowed to not return home until the job of . . . destroying our enemies is fulfilled.* And he promised us that the rules have changed. As our commander he made it clear that *we are going to bring the wrath of God down on Gaza before we step foot in there and that we will make sure there is no one left to regret the day they attacked innocent Israelis* in their homes. I really hope he can stand by his promise. We all intend on standing by ours".⁶³
- On 18 October 2023, **Aviad Yisraeli** explained on Facebook, that according to those new rules "[a]ll targets in Gaza are legitimate. We are at war, and we will win this war in any way we see fit. Any and all civilian casualties are Hamas' responsibility... All hospitals in Gaza are legitimate targets...".⁶⁴
- On 19 October 2023, **Aviad Yisraeli** stated: "We are not the most moral army in the world. Not by a long shot... It's time to take the moral high ground and carpet bomb Gaza until they beg us to stop . . . [it] is going to claim the lives of tens of thousands of Arabs in Gaza. Many of them non-combatants. And that that is the most moral thing we can do right now."⁶⁵ In further demonstration of that, in subsequent post on 8 January 2024, he described how the destruction by the Israeli army of the Palestinian village of Khirbat Akhzaya. Posting on Facebook, he wrote: "*It was Khirbat Akhzaya's turn*

⁶¹ Younis Tirawi, @ytirawi, Tweet (2:13 pm, 21 May 2024), <https://x.com/ytirawi/status/1792891418370781395>. See Amit Deri, Facebook (10 October 2023), <https://www.facebook.com/amit.deri.9/posts/pfbid021fh8gZUjdpjeYY1EAZ2vg65pvZjHJBXBvfH421FDxryS3oLbFnfdeLvn8mBG1ynYl> (emphasis added).

⁶² Elad Gabian, Facebook (11 October 2023), <https://www.facebook.com/eladgab/posts/pfbid02LXDYBkkt7du4ywL3QzMesa3i3xiyXcCeW3v7zZTQv5nqUSqRtAVNNGHtux3VMspgl>; See Younis Tirawi, @ytirawi, Tweet (11:56 pm, 26 May 2024), <https://x.com/ytirawi/status/1794850243982286863> (emphasis added).

⁶³ Younis Tirawi, @ytirawi, Tweet (10:16 pm, 24 May 2024), <https://x.com/ytirawi/status/1794115208950288829>.

⁶⁴ Aviad Yisraeli, Facebook (18 October 2023), <https://www.facebook.com/aviad.yisraeli/posts/pfbid02ZifrGFhF4CnqZRQEHg3qH6V2GNLuC4SvYoktKWd6G3Q5nom8482dEMVnHZkanfoCl> (emphasis added).

⁶⁵ Aviad Yisraeli, Facebook (19 October 2023), <https://www.facebook.com/aviad.yisraeli/posts/pfbid0AYd5ZF553fvhC9GT3GvW2dSNBU4kijwM7Bg4iMJwxM7AjqEjGwJKtnx2rtrfGvrl>; Younis Tirawi, @ytirawi, Tweet (11:25 pm, 24 May 2024), <https://x.com/ytirawi/status/1794117454311952760/photo/1>.

*to bear the consequences of their decision to attack the Jewish people... For 1st time, I understood the value of the piles of concrete & iron that became a symbol of the war. This village . . . should no longer exist. Destroyed buildings, burnt greenhouses, and even dead terrorists are not a strategic achievement. They are the most basic consequence that anyone who dared to lend a hand or even looked the other way regarding October 7th must bear. In the past two weeks, we conquered and destroyed Khirbat Akhzaya. We hung the Israeli flag and the Nir Oz flag on the municipality building, the school, and the mosque. Then we blew them up”.*⁶⁶ It appears from social media posts that as of May 2024, Aviad Yisraeli had been deployed to Rafah.⁶⁷

- On 5 November 2023, **Israeli Sergeant Major Alex Gorelik** wrote on Facebook: “I hope that this time there will be no agreements, postponements, or stops. The task is simple: to turn Gaza into a flat area with beautiful beaches. Am I concerned about the residents of Gaza? I'll say right away. No. If I used to feel sorry for them (purely on a human level), today I don't. They, under the guise of Islam, have desecrated it. There is no forgiveness for them. An eye for an eye! The people of Israel live”.⁶⁸
- On 6 November 2024, **Israeli soldiers were filmed singing with Israeli popular singer ‘Narkis’** a song with the lyrics: “*We’re finishing off Gaza! We’ll return Gush Katif [settlement]! We are a light unto the non-Jews!*”.⁶⁹
- On 17 November 2023, **Israeli soldiers from the 13th Battalion of the Golani Brigade**, stationed in Gaza, were filmed with Israeli popular Israeli singer Kobi Peretz, dancing with a Torah scroll and chanting: “*May their village burn, May Gaza be erased*”.⁷⁰
- On the same day, **Givati Brigade Special Operations Unit Officer, Shlomi Warmstein**, advocated on his Facebook page for the destruction and settlement of Gaza, stating: “...settle in Gaza, today! . . . each one in his rank and position we are all united as one fist for the war *to destroy Gaza*. There are no questions here, just a joint and united desire to *erase this terrible evil and wickedness* . . . [We are] walking around the ruined streets, in houses, schools and hotels and looking to see the open sea at every opportunity, which grants a momentary view, pure and profound, of clean nature . . . They could have established a place of sea and tourism and life and residence and advanced agriculture, and business centres, literally a global centre, but they chose evil and death. *There is nothing left in the places we walk through, God willing. Everything is broken and destroyed, courtesy*

⁶⁶ Aviad Yisraeli, Facebook (8 January 2024), <https://www.facebook.com/aviad.yisraeli/posts/pfbid025CTvvSiy3VEhEnM9iTY3w9h3ps2JDukg3WSV8bJeH6DY75WXeewxxAtKZ7ZUWf7jl>, This statement has since been deleted, however an archived version is also available at Younis Tirawi, @ytirawi, Tweet (10:08 pm, 24 May 2024), <https://x.com/ytirawi/status/1794113236708573451> (emphasis added).

⁶⁷ Avid Yisraeli, Facebook (19 May 2024), <https://www.facebook.com/aviad.yisraeli/posts/pfbid02tuCCtqBNMf4t6e9mycPjAHQSJYzXJkeyzQK1BizGDGtZkfJto2k5r1NaHnUEjjEUl>.

⁶⁸ Alex Gorelik, Facebook (5 November 2023), <https://www.facebook.com/gorelik.a/posts/pfbid02zLhfpLcGRJYoALM3Sqe8gtaMiZkJC6Lz3PDgi6nkWaVcTUZ4txrQewiqSWGZvXaXl>; See Younis Tirawi, @ytirawi, Tweet (11:15 pm, 18 May 2024), <https://x.com/ytirawi/status/1791940722007937323>.

⁶⁹ Middle East Eye, @MiddleEastEye, Tweet (2:11 am, 6 November 2023), <https://x.com/MiddleEastEye/status/1721319417248661648>.

⁷⁰ “Peretz sings may your village burn 2”, *OfekCenter* (26 November 2023), <https://www.youtube.com/watch?v=xcH2o4c5KZY> (emphasis added). See also “Peretz sings may your village burn”, *OfekCenter* (26 November 2023), <https://www.youtube.com/watch?v=YQXF-3nTK0M> (emphasis added).

of the Air Force and the Armoured Corps . . . A pleasure to behold!... Everything must be ours. For real. Everything is empty here and there is no reason in the world that we let them return . . . Gaza must be ...a light that shows that sometimes you have to be the most aggressive and the most determined and eliminate [“kill”] and take revenge and evict. We really have to pray for our stay here, it will be a reform [Tikkun] for everything . . . How beautiful it will be, if we make a decision, [we] wipe out, eliminate and destroy all the houses in Gaza, and build and rehabilitate the Envelope settlements, and in a long human chain, we will wait on the day of their return with flags and with a smile and a look that we’ve destroyed the enemy and now it is safe and everything is calm forever and we can sleep peacefully at night and live a peaceful life during the day”.⁷¹

- On 19 November 2023, two days later, **Officer Shlomi Warmstein** wrote on Facebook: “In my wonderful journeys in recent days in Gaza, I was happy to see the destruction that the IDF inflicted on the city of wickedness and evil. They simply destroyed everything here”.⁷²
- On 19 November 2023, **Sergeant First Class of the Combat Engineering Corps of the Israeli army, Hezi Gilboa**, posted on social media in relation to a video depicting widespread military destruction in Gaza: “This is a video of our work method in demolishing houses: We work in the form of ‘bites’ in the house that expose the front of the house. We look for suspicious things — [t]unnels, military equipment, suitcases. *When we find [something], we call the senior commanders and when there is nothing [there], we complete the demolition and flatten everything*”.⁷³
- On 22 November 2023, **Israeli Captain Eliah Sagron**, called for the starvation and spread of disease among Palestinians in Gaza on his Facebook account, posting: “If we want to create deterrence, we need to start openly talking about conquest! We need to start talking about Hamas as an organization acting on behalf of the citizens as it truly is and *act against all the residents of Gaza with a siege and permanent expulsion and in ways that will drastically reduce their population*. (We don’t necessarily have to do it ourselves; we can simply prevent the entry of fuel and medicine, and nature will take its course and they will die from epidemics).”⁷⁴ On 21 December 2023, he called for the halting of “humanitarian supplies” to “lead to a humanitarian disaster that could *cause epidemics that will quickly wipe out most of them, so those who do not die of starvation will die of diseases* — It may be a bit unpleasant, but it is good pressure on the nations of the world to arrange a replacement location for them.”⁷⁵

⁷¹ Younis Tirawi, @ytirawi, Tweet (1:41 pm, 10 May 2024), <https://x.com/ytirawi/status/1788897079642689855> (partial translation) (emphasis added).

⁷² Shlomi Warmstein, Facebook (19 November 2023), https://www.facebook.com/permalink.php?story_fbid=pfbid09LwpTUGf4ooiFf865jwSzVeZ1Pyx6CWcP7FkfatksCcoYzGGJ9XatWB9UUVLM4yTl&id=100012434852408.

⁷³ Younis Tirawi, @ytirawi, Tweet (1:27 am, 16 May 2024), <https://x.com/ytirawi/status/1790901748346867875>.

⁷⁴ Eliah Sagron, Facebook (22 November 2023), https://www.facebook.com/permalink.php?story_fbid=pfbid06k1zrcsDu6vV6yVcsElatfDYZXmrwGZWf5XZmAoyqU1b4xnqXorbAMV1AUkNiD1tl&id=1392169079; See Younis Tirawi, @ytirawi, Tweet (10:58 pm, 26 May 2024), <https://x.com/ytirawi/status/1794835524454146119> (emphasis added).

⁷⁵ Eliah Sagron, Facebook (21 December 2023), https://www.facebook.com/permalink.php?story_fbid=pfbid02kwEbdYehMa2emDp6ARf4EpHTCv3wXdz6LbuBPrsCWHBWoWmGgcukHCvzqw88ado5l&id=1392169079; See Younis Tirawi, @ytirawi, Tweet (11:12 pm, 26 May 2024), <https://x.com/ytirawi/status/1794839045140271468>.

- On 3 December 2023, **Israeli Sergeant Major Udi Ben Tora** posted a video of scenes of a destroyed Gaza he had filmed from a military jeep on Instagram, with the accompanying text stating: “Was it worth it? . . . You invaded . . . *There are apocalyptic scenes in Gaza and this is just the beginning! Ghost houses, ruins, craters and this really is just the beginning!* We will change your name to “New Tillage” because *there is no land that we haven’t plowed, turned, and will turn again. You were mere mortals [“killable”]*⁷⁶ and *you are marked for death in these moments and beyond — we will not stop tearing you apart!*”.⁷⁷ He also filmed himself in front of the destroyed Azhar University in Gaza, stating, “We are in a university in Gaza. I think they’re closed . . . How beautiful . . . Another angle of the ruins . . . We’re starting a new semester . . . It’ll start . . . Never”.⁷⁸
- On 19 December 2023, **Israeli soldier from the 98th Division, Dror Baur**, posted a video of the destruction and burning of Jabalia refugee camp in Gaza to the tune of the popular Israeli song “*May their village burn*”.⁷⁹
- On 23 December 2023, **Major Ravid Elfassi, a Commander in the 162nd Division** of the Israeli army gave a podcast interview in which he described the destruction wrought by the Israeli army in Gaza, stating: “And when I make my way back and I see *the annihilation we did in Gaza*, I wonder to myself if the sons of whores who did this on the 7th of October, thought that this is going to happen to them. *This insane destruction and annihilation. You see agricultural projects, hotels, cafes, family homes, villas, huge summer homes . . . You say, did they know this was going to happen to them. Did they know we were going to take apart their city? To annihilate the infrastructure, to destroy . . .* And the answer is yes. They knew it was going to happen. And when they made their way back to Gaza with the hostages . . . they rejoiced and handed out sweets. And the civilians came out to applaud them. And they knew that we will come in with tanks, D9s and bulldozers. *And they knew that we will come in with F35 planes, and bomb and destroy and kill and annihilate, and they still did it joyfully.*”⁸⁰
- On 6 January 2024, a TikTok video emerged of **Israeli soldier Yishai Shalev** filming himself in Gaza in front of buildings of the Al Azhar University, which the Israeli army had demolished, stating, “For all those asking why there is no education in Gaza, oops, we’ve had a missile fall on them . . . That’s how you’ll not be engineers anymore”.⁸¹
- On 10 January 2024, **Israeli army Lieutenant and paratrooper Naftali Gross**, an Israeli army medic deployed to Khan Younis in Gaza, posted on Facebook, said: “we are now standing in the ruins of a

⁷⁶ Translated as ‘ben mavet’ – literally ‘son of death’, ‘mortal’ or ‘killable’, see biblical expression in I Samuel 20:31, The Complete Jewish Bible, Shmuel I (I Samuel) - Chapter 20, https://www.chabad.org/library/bible_cdo/aid/15849/jewish/Chapter-20.htm.

⁷⁷ Udibentora, @udibentora, Instagram (3 December 2023), <https://www.instagram.com/p/C0ZfLUts9Rq/>; Translation at: Younis Tirawi | يونس | @ytirawi, Tweet (12:13 pm, 13 May 2024), <https://x.com/ytirawi/status/1789977384042520716> (emphasis added).

⁷⁸ Younis Tirawi, @ytirawi, Tweet (10:54 am, 13 May 2024), <https://x.com/ytirawi/status/1789942261209325757>.

⁷⁹ Younis Tirawi, @ytirawi, Tweet (8:56 pm, 13 May 2024), <https://x.com/ytirawi/status/1790108960927719626>.

⁸⁰ “Orchestra #24 What are we actually fighting for? - Or Ilan and Ravid Alfasi”, *Or Ilan* (23 December 2023), <https://www.youtube.com/watch?v=Dnhgs3MmsLs>. See translation at: Younis Tirawi | يونس | @ytirawi, Tweet (1:27 am, 22 May 2024), <https://x.com/ytirawi/status/1793061019062849603> (emphasis added).

⁸¹ Quds News Network, @QudsNen, Tweet (11:27 am, 6 January 2024), <https://x.com/QudsNen/status/1743565019453763780>.

neighborhood in Khan Yunis that once housed one of the most brutal clans in the city. *Our battalion planted mines and blew up the neighborhood to its foundations* as part of the operation plan to control the area”.⁸² Two months later, on 6 April 2024, he posted again on Facebook that he was present “this week to see with [his] own eyes the meaning of victory. Subjection”, stating:

*"Every street and every alley, every house and every neighbourhood was searched, ploughed, and annihilated . . . when the residents of Gaza return to Khan Younis, they will realize their terrible mistake in allowing killers and Hamas men to operate from their homes, from their kindergartens, schools, and hospitals. Khan Younis will not be the same again, not in a decade, not in 50 years".*⁸³

- On 23 January 2024, in a video uploaded to Facebook by **Israeli army soldier Oren Shmuel**, Israeli soldiers joked as Palestinian homes were detonated, chanting “so they’ll have nowhere to come back to”.⁸⁴
- On 17 February 2024, speaking on Israeli Channel 14 television show ‘the Patriots’, **Sergeant Major of the 84th (Givati) Brigade, Rabbi Avraham Zarbiv** — a judge in the rabbinical court in Haifa and former President of Beit El pre-military academy in an illegal Israeli settlement in the West Bank,⁸⁵ stationed in Khan Younis for four months⁸⁶ — stated that “victory” for Israel would be the whole of Gaza’s “infrastructure being annihilated.”⁸⁷ On 4 April 2024, he shared footage of a devastated Gaza, stating: “[J]ust look at how destroyed the city is. Here, there was a school. You see, there is a school there. And there’s no school here. There’s no school this week in Al-Amal, Khan Younis. *There’s no school. Everything is destroyed*”.⁸⁸ He also posted a video of destroyed Khan Younis on social media, with the comment: “[H]ere Khan Younis, the ruined and disgraceful city . . . what you see here, it was Ganei Tal [ex settlement], may it be built and constructed”.⁸⁹ On 7 April 2024, he posted on Facebook: “wherever the IDF soldiers passed through, *the earth was left scorched*”.⁹⁰

⁸² Naftali Gross, Facebook (10 January 2024), <https://www.facebook.com/naftalig/posts/pfbid0Vz6Ri4V6fgK5nsZXbuA31wnUejWn81gfzuSwFSVHSu3sWTZRuM3F5ceC5YZcyf7U1>; See Younis Tirawi, @ytirawi, Tweet (7:43 pm, 3 May 2024), <https://twitter.com/ytirawi/status/1786451581187072369> (emphasis added).

⁸³ Naftali Gross, Facebook (6 April 2024), <https://www.facebook.com/naftalig/posts/pfbid035dTcC7ByLqxu97naZBVVFZJpWQWkslesmK3dgfZSAW7agaQUzAEZ4zt8uybcvaanl>; See Younis Tirawi, @ytirawi, Tweet (7:39 pm, 3 May 2024), <https://twitter.com/ytirawi/status/1786450552508837928> (emphasis added).

⁸⁴ Oren Shmuel, Facebook (23 January 2024), <https://www.facebook.com/100000228073324/videos/pcb.25499039156353670/734209451988985>; See Quds News Network, @QudsNen, Tweet (7:25 pm, 5 February 2024), <https://x.com/QudsNen/status/1754556787125104949>.

⁸⁵ “Strengthen the Bet El Pre-Military Academy”, *Israel National News* (16 May 2018), <https://www.israelnationalnews.com/news/246050?ssr=1>.

⁸⁶ Avraham Zarbiv, Facebook (7 April 2024), https://www.facebook.com/permalink.php?story_fbid=pfbid02v5kjoQcQ36upyAehXMKVtSKKzw5S83ENQEi3Fc69VoLu3MaiG3tCtD4K85gESrwBl&id=100011062416421; See Younis Tirawi, @ytirawi, Tweet (8 April 2024), <https://x.com/ytirawi/status/1777108859464700055>.

⁸⁷ “The Patriots with Yanon Magal: 17.02.2024 | The full program”, *Now 14* (17 February 2024), <https://www.youtube.com/watch?v=cpafZO-PMmo> [1:20:28]. Subtitles at Younis Tirawi, @ytirawi, Tweet (8:15 pm, 18 February 2024), <https://twitter.com/ytirawi/status/1759310674142830602>.

⁸⁸ Middle East Eye, @middleeasteye, Instagram (6 April 2024), <https://www.instagram.com/reel/C5afub9vR08/> (emphasis added).

⁸⁹ Younis Tirawi, @ytirawi, Tweet (2:27 pm, 19 March 2024), <https://twitter.com/ytirawi/status/1770064510964875452>.

⁹⁰ Avraham Zarbiv, Facebook (7 April 2024), https://www.facebook.com/permalink.php?story_fbid=pfbid02v5kjoQcQ36upyAehXMKVtSKKzw5S83ENQEi3Fc69VoLu3MaiG3tCtD4K85gESrwBl&id=100011062416421; See Younis Tirawi, @ytirawi, Tweet (8 April 2024), <https://x.com/ytirawi/status/1777108859464700055>.

- On 22 February 2024 — as Gaza’s healthcare system was collapsing⁹¹ — a TikTok video emerged that had been posted by an **Israeli army officer, Eliya Cohen**, filming himself in a bulldozer, deliberately demolishing parts of the only specialist cancer hospital in the occupied Gaza Strip with the caption: “the hospital accidentally broke”.⁹²
- On 26 February 2024, **Israeli officer of the 98th Division, Uriel Ben Zvi**, posted a video of himself to Facebook stating: “*We will not leave anything for them. Look at the houses . . .*”.⁹³ On 16 March 2024, he posted another video on TikTok of a property in Gaza, commenting again: “We are here, from Gaza . . . [W]e will not leave anything for them,” to which he added: “*Everything will turn into sand and cholera . . . including this building*”.⁹⁴
- On 4 March 2024, a video emerged of an **Israeli soldier from the Givati Brigade** recording himself in the ruins of a burned and bombed out home in Gaza, taunting Palestinians, stating: “*Everything is broken, ruined, burnt, and smashed, you have nowhere to come back to Gazans. To all the dear Gazans, you’re not dear, you’re cheap, you’re homeless, homeless. We are going to make you miserable. We are going to show you who’s boss, who rules here. You are going to suffer every second for what you did to us . . . you are going to die, you have nowhere to come back to*”.⁹⁵
- On 10 March 2024, a video was shared of a burning school in Gaza that had been had recorded and posted online by an **Israeli sergeant from the 8717th Battalion of the Givati Brigade**, who declares: “[n]ext year we’ll burn the school and beat up all the teachers, too. *Ah, it’s so much fun to watch schools burn in Gaza. May they die, all these trash terrorists*”.⁹⁶
- On 17 April 2024, the twitter account “**Reservists – The Generation of Victory**”,⁹⁷ posted a picture of eleven soldiers in uniform holding signs stating: “We the soldiers of the Jewish people’s army from right and left. *We won’t take off our uniforms until we wipe out and exterminate Gaza.*”⁹⁸

⁹¹ International Organization for Migration (‘IOM’), *Regional Response to the Crisis in Occupied Palestinian Territory: Situation Report #18 - 8 February 2024* (8 February 2024), <https://reliefweb.int/report/occupied-palestinian-territory/regional-response-crisis-occupied-palestinian-territory-situation-report-18-8-february-2024>; See UN News, *Lifesaving medical care collapsing under assault in Gaza: WHO* (16 February 2024), <https://news.un.org/en/story/2024/02/1146632>.

⁹² Middle East Eye, @middleeasteye, TikTok (23 February 2024), <https://www.tiktok.com/@middleeasteye/video/7339111429028564257>.

⁹³ Uriel Ben Zvi, @urielbenzvi, TikTok (26 February 2024), https://www.tiktok.com/@urielbenzvi/video/7340019278311083271?_r=1&_t=8IPk7KCDT8a (informal translation provided).

⁹⁴ Uriel Ben Zvi, @urielbenzvi, TikTok (16 March 2024), <https://www.tiktok.com/@urielbenzvi/video/7346986561751256327>; See Younis Tirawi, @ytirawi, Tweet (17 March 2024), <https://twitter.com/ytirawi/status/1769316571984339025>; See also “We will leave them nothing”, Uriel Ben Zvi, @urielbenzvi, Tiktok (26 February 2024), <https://www.tiktok.com/@urielbenzvi/video/7340019278311083271>.

⁹⁵ Middle East Eye @middleeasteye, Tweet (12:53 pm, 5 March 2024), <https://twitter.com/MiddleEastEye/status/1764786160830644361> (emphasis added).

⁹⁶ Younis Tirawi, @ytirawi, Tweet (7:40 pm, 10 March 2024), <https://twitter.com/ytirawi/status/1766912143444656544> (emphasis added).

⁹⁷ The reservists - the generation of victory, @ozleisraelaza, <https://x.com/ozleisraelaza> (4,312 followers).

⁹⁸ The reservists - the generation of victory, @ozleisraelaza, Tweet (11:14 am, 17 April 2024), <https://x.com/ozleisraelaza/status/1780525230064058757> (emphasis added) (1000 likes, 171 reposts).

- On 16 May 2024, **Israeli military Captain Betzael Youberman**, posted a trophy photograph from a burning building in Rafah,⁹⁹ one of many such photographs posted online by Israeli soldiers — including in the hours and days¹⁰⁰ — following the order of the International Court of Justice on 24 May 2024, ordering Israel to “[i]mmediately halt its military offensive, and any other action in the Rafah Governorate”.¹⁰¹
- On 26 May 2024, **Martin Korthamer, said to be a member of the Golani Infantry Brigade**, in Rafah, commented on the bombing of an area sheltering displaced Palestinians in tents and other make-shift structures — leading to the traumatic deaths and injuries of 249 Palestinians¹⁰² — by posting a picture of burning vehicles with the text: “I am in Rafah now, the Nazis have burned themselves.”¹⁰³ The following day he ‘tweeted’: “I am proud to be at the head of an attack force in Rafah and I am proud because I and the force under my command are eliminating more and more terrorists, murderers, there are no uninvolved, they are all murderers. We will eliminate them all.”¹⁰⁴ The tweet was viewed by approximately 48,900 people.¹⁰⁵

11. The above examples are illustrative of widespread, calls by Israeli soldiers serving in Gaza to “conquer Gaza”; “to flatten Gaza”, and “to erase Gaza”.¹⁰⁶ Israeli soldiers film themselves bulldozing or detonating Palestinian homes and entire residential areas,¹⁰⁷ often dedicating the destruction to their wives, fiancées, children and others.¹⁰⁸ Israeli soldiers in Gaza torch Palestinian houses and other

⁹⁹ Younis Tirawi, @ytirawi, Tweet (7:23 pm, 16 May 2024), <https://x.com/ytirawi/status/1791157501435519236>.

¹⁰⁰ Younis Tirawi, @ytirawi, Tweet (11:25 am, 26 May 2024), <https://x.com/ytirawi/status/1794676325317484750>; See Younis Tirawi, @ytirawi, Tweet (10:35 am, 26 May 2024), <https://x.com/ytirawi/status/1794648644920238114>; Younis Tirawi, @ytirawi, Tweet (10:55 am, 26 May 2024), <https://x.com/ytirawi/status/1794653475529511225>.

¹⁰¹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order of 24 May 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-ord-01-00-en.pdf>, p. 15; Quds News Network, @QudsNen, Tweet (8:29 pm, 26 May 2024), <https://x.com/QudsNen/status/1794813042619715677>.

¹⁰² UN OCHA, *Hostilities in the Gaza Strip and Israel | Flash Update #171* (27 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-171>.

¹⁰³ Martinramataviv, @Martinramataviv, Tweet (11:03 pm, 26 May 2024), <https://x.com/Martinramataviv/status/1794836678269694215>.

¹⁰⁴ Martinramataviv, @Martinramataviv, Tweet (6:44 am, 27 May 2024), <https://x.com/Martinramataviv/status/1794952885911847036>.

¹⁰⁵ Martinramataviv, @Martinramataviv, Tweet (11:03 pm, 26 May 2024), <https://x.com/Martinramataviv/status/1794836678269694215>.

¹⁰⁶ Younis Tirawi, @ytirawi, Tweet (6:49 pm, 25 March 2024), <https://twitter.com/ytirawi/status/1772304727457317039>.

¹⁰⁷ Clash Report, @clashreport, Tweet (8:37 pm, 4 January 2024), <https://x.com/clashreport/status/1742978571700953436>; Younis Tirawi, @ytirawi, Tweet (1:56 am, 5 April 2024), <https://x.com/ytirawi/status/1776036052102255033>; Quds New Network, @QudsNen, Tweet (4:36 pm, 16 May 2024), <https://x.com/qudsnen/status/1791115403126555029>; Younis Tirawi, @ytirawi, Tweet (11:48 pm, 16 May 2024), <https://x.com/ytirawi/status/1791224298117468183>; Younis Tirawi, @ytirawi, Tweet (6:10 pm, 7 March 2024), <https://twitter.com/ytirawi/status/1765772025639874750>; Younis Tirawi, @ytirawi, Tweet (10:40, 26 May 2024), <https://x.com/ytirawi/status/1794649900590006524>.

¹⁰⁸ Quds News Network, @QudsNen, Tweet (6:32 pm, 9 January 2024), <https://x.com/QudsNen/status/1744774086746624289>; “Ben Chai Ran dedicates an explosion of terrorist infrastructure to his brother Or Yosef Ran, the late (son of Avri Ran from Givaot Olam) who fell on October 7 in the battle to liberate Kfar Gaza”, *Telegram* (18 February 2024), <https://t.me/torahidf/17646>; Democracy for the Arab World (‘DAWN’), *WATCH: Israeli soldier dedicates Gaza explosion to daughter on second birthday* (26 November 2023), <https://www.dawn.com/news/1792788>; “Israeli soldiers in Gaza made ‘Save The Date’ video by blowing up a house”, *Middle East Eye* (29 December 2023), https://www.youtube.com/watch?v=3_SgxLIgrrA.

buildings¹⁰⁹ — including to the tune of the popular Israeli chant “may your village burn”,¹¹⁰ spray-painting this slogan on shot-up Palestinian homes,¹¹¹ asserting their “pride” in burning down “as many [Palestinian homes] as possible,”¹¹² “just for fun”.¹¹³ Israeli soldiers in Gaza engage in such destruction openly calling for the “deaths to Arabs”,¹¹⁴ declaring “may you burn alive”,¹¹⁵ that “Gaza is burning”,¹¹⁶ “we’ll burn your mother”¹¹⁷ and that “[a]ll of Sajaiya will burn in flames”.¹¹⁸

12. Such destruction of entire residential buildings and areas occurs alongside the wanton defacement¹¹⁹ and destruction of other Palestinian property. Israeli soldiers routinely film themselves smashing up Palestinian homes, interiors and personal belongings,¹²⁰ including mirrors and crockery,¹²¹ and the deliberate crushing of cars belonging to Palestinians.¹²² An Israeli army medic, recently returned from Gaza, opined that such acts of destruction were “entirely legitimate, morally.”¹²³

¹⁰⁹ See, e.g., Younis Tirawi, @ytirawi, Tweet (9:10 pm, 26 May 2024), <https://x.com/ytirawi/status/1794808353690202424>; Younis Tirawi, @ytirawi, Tweet (4:29 pm, 24 May 2024), <https://x.com/ytirawi/status/1794012735228825939>; Younis Tirawi, @ytirawi, Tweet (2:29 pm, 23 May 2024), <https://x.com/ytirawi/status/1793620168155042234>; Younis Tirawi, @ytirawi, Tweet (2:59 am, 22 April 2024), <https://twitter.com/ytirawi/status/1782212698953990238>; Younis Tirawi, @ytirawi, Tweet (3:04 am, 22 April 2024), <https://twitter.com/ytirawi/status/1782213744531054747>; Younis Tirawi, @ytirawi, Tweet (1:47 am, 5 April 2024), <https://twitter.com/ytirawi/status/1776033844820336973>; “Israeli soldiers filmed setting fire to scarce water and food supplies”, *The Telegraph* (13 December 2023), https://www.youtube.com/watch?v=lua-mkP_B4M; Younis Tirawi, @ytirawi, Tweet (1:59 pm, 7 May 2024), <https://x.com/ytirawi/status/1787814577033375768>.

¹¹⁰ Arik M, @arikmaslawi, Tiktok (30 January 2024), <https://www.tiktok.com/@arikmaslawi/video/7329947645584166151>; reposted by Younis Tirawi, @ytirawi, Tweet (8:12 pm, 31 January 2024), <https://twitter.com/ytirawi/status/1752771808531517628>.

¹¹¹ Younis Tirawi, @ytirawi, Tweet (10:40 pm, 19 February 2024), <https://twitter.com/ytirawi/status/1759679360842313849>.

¹¹² Yehuda Vald, @yehodavalld, Tweet (9:48 am, 1 February 2024), <https://twitter.com/yehodavalld/status/1752992379156533533>.

¹¹³ See e.g., Younis Tirawi, @ytirawi, Tweet (2:07 pm, 14 April 2024), <https://twitter.com/ytirawi/status/1779481518580125800>; Quds News Network, @QudsNen, Tweet (8:48 pm, 29 March 2024), <https://twitter.com/QudsNen/status/1773784221439467600>; Younis Tirawi, @ytirawi, Tweet (6:01 pm, 12 April 2024), <https://twitter.com/ytirawi/status/1778815780609462559>; Sharon Orshalimi, “M returned from Gaza to tell”, *Politically Correct* (3 March 2024), <https://politicallycorret.co.il/mmm/>: “And within this unrestrained violence, which is only driven by revenge, the brigade commander was in first place. His nickname is the ‘Tiktok Brigade Commander’. He endangered us at every moment in this war, without any operational need. And his lieutenant, his hobby inside Gaza was to enter houses and burn them. For no reason. And on the way he burned a lot of intelligence material. And he had no way of knowing whether or not there were hostages in some shaft underneath or in the attic. He went in house by house and set it on fire”.

¹¹⁴ Younis Tirawi, @ytirawi, Tweet (11:27 pm, 14 March 2024), <https://twitter.com/ytirawi/status/1768388440876306830>.

¹¹⁵ Younis Tirawi, @ytirawi, Tweet (1:30 am, 2 March 2024), <https://twitter.com/ytirawi/status/1763708375626359153>.

¹¹⁶ Younis Tirawi, @ytirawi, Tweet (1:30 am, 2 March 2024), <https://twitter.com/ytirawi/status/1763708375626359153>.

¹¹⁷ Younis Tirawi, @ytirawi, Tweet (2:31 pm, 27 March 2024), <https://twitter.com/ytirawi/status/1772964772629111095>.

¹¹⁸ Younis Tirawi, @ytirawi, Tweet (2:31pm, 27 March 2024), <https://twitter.com/ytirawi/status/1772964772629111095>.

¹¹⁹ “What Israeli Soldiers’ Videos Reveal: Cheering Destruction and Mocking Gazans”, *New York Times* (6 February 2024), <https://www.nytimes.com/2024/02/06/world/middleeast/israel-idf-soldiers-war-social-media-video.html>; Evan Dyer @EvanDyerCBC, Tweet (12:58 pm, 24 May 2024), <https://x.com/EvanDyerCBC/status/1794140900806812068>;

¹²⁰ Younis Tirawi, @ytirawi, Tweet (10:01 pm, 4 May 2024), <https://x.com/ytirawi/status/1786848576674443715>; Quds News Network, @QudsNen, Tweet (12:35 pm, 4 March 2024), <https://twitter.com/QudsNen/status/1764781738436293036>.

¹²¹ Younis Tirawi, @ytirawi, Tweet (2:50 pm, 7 April 2024), <https://twitter.com/ytirawi/status/1776955769553867178>; Younis Tirawi, @ytirawi, Tweet (5:51 pm, 9 March 2024), <https://twitter.com/ytirawi/status/1766492132829716751>; Younis Tirawi, @ytirawi, Tweet (11:59 am, 18 May 2024), <https://x.com/ytirawi/status/1791770589985640847>; Younis Tirawi, @ytirawi, Tweet (2:23 pm, 27 March 2024), <https://twitter.com/ytirawi/status/1772977789186056632>.

¹²² Younis Tirawi, @ytirawi, Tweet (6:04 pm, 11 May 2024), <https://x.com/ytirawi/status/1789325679525249441>; Younis Tirawi, @ytirawi, Tweet (1:50 am, 19 January 2024), <https://x.com/ytirawi/status/1748130778737729911>.

¹²³ “Between looting and corruption”, *Ynet* (8 February 2024), <https://www.ynet.co.il/yedioth/article/b16pe00zot>.

13. As the terrible statistics of over 85 per cent of the schools in Gaza damaged or destroyed bear out — education in Gaza is a particular target,¹²⁴ with Israeli soldiers recording themselves burning university libraries,¹²⁵ destroying buildings, and taking over schools in Gaza for use as military bases.¹²⁶ Israeli soldiers also film — and acknowledge — their deliberate targeting and destruction of United Nations buildings and facilities.¹²⁷ They admit, in particular, to deliberately destroying “UN offices”, including a UN office they specifically identified as being “in charge of helping families in Gaza affected by the war”.¹²⁸

References by Israeli Soldiers to the Annihilation of ‘Amalek’ and other Biblical Edicts

14. Israeli soldiers deployed to Gaza continue to invoke the Prime Minister’s ‘dogwhistle’ references to Amalek,¹²⁹ as reiterated by senior commanders in advance of the ground invasion.

- On 2 November 2023, speaking on a popular Israeli radio programme, **Israeli army Colonel (Reserve) of the 162nd Division, Erez Eshel** — a settler, co-founder of a number of pre-military academies,¹³⁰ and trainer of senior Israeli officials,¹³¹ whose army unit is operating in Rafah¹³² — stated: “there is pure evil in the world” and “ Hamas is the embodiment of Amalek in the world.” He said that “this is not an evil of individuals, it isn’t some Eichmann or Demjanjuk”, but rather “there

¹²⁴ Reliefweb, *Education under attack in Gaza, with nearly 90% of school buildings damaged or destroyed, and no university left standing* (16 April 2024), <https://reliefweb.int/report/occupied-palestinian-territory/education-under-attack-gaza-nearly-90-school-buildings-damaged-or-destroyed-and-no-university-left-standing>. See UNITAR, *GAZA Education System Devastated By Recent Conflict, Satellite Assessment Reveals* (2 May 2024), <https://www.unitar.org/about/news-stories/press/gaza-education-system-devastated-recent-conflict-satellite-assessment-reveals>; “With Schools in Ruins, Education in Gaza Will Be Hobbled for Years”, *New York Times* (6 May 2024), <https://www.nytimes.com/2024/05/06/world/middleeast/gaza-schools-damaged-destroyed.html#>.

¹²⁵ Younis Tirawi, @ytirawi, Tweet (7:18 pm, 29 March 2024), <https://twitter.com/ytirawi/status/1773761677588123743>; Younis Tirawi, @ytirawi, Tweet (9:53 pm, 10 March 2024), <https://twitter.com/ytirawi/status/1766915277629821242>; Younis Tirawi, @ytirawi, Tweet (3:03 pm, 23 May 2024), <https://x.com/ytirawi/status/1793628894245118205>.

¹²⁶ Education Cluster, *Verification of damages to schools based on proximity to damaged sites - Gaza, Occupied Palestinian Territory* (25 April 2024), <https://reliefweb.int/report/occupied-palestinian-territory/verification-damages-schools-based-proximity-damaged-sites-gaza-occupied-palestinian-territory-25-april-2024>, p. 28 – 33; Amir Bouhbut, “The move that hurt Sinwar the most: Walla’s reporter in the IDF’s “corridor” in Gaza”, *Walla News* (27 April 2024), <https://news.walla.co.il/item/3660356>. Translation at Quds News Network, @QudsNen, Tweet (1:12 am, 1 May 2024), <https://twitter.com/QudsNen/status/1785447243627004354>.

¹²⁷ Younis Tirawi, @ytirawi, Tweet (2:44 pm, 24 March 2024), <https://twitter.com/ytirawi/status/1771880712968253689>; Younis Tirawi, @ytirawi, Tweet (1:31 pm, 1 March 2024), <https://twitter.com/ytirawi/status/1763708645722796282>;

Times of Gaza, @Timesofgaza, Tweet (3:48 pm, 12 May 2024), <https://x.com/Timesofgaza/status/1789653890952044994>.

¹²⁸ Trita Parsi, @tparsi, Tweet (3:58 am, 22 March 2024), <https://twitter.com/tparsi/status/1770993422184149168>, excerpt from “‘Kill them all’: inside the Israeli blockade on Gaza aid”, *The Greyzone* (21 March 2024), <https://www.youtube.com/watch?v=LqRzfb2oMaM>.

¹²⁹ Ministry of Foreign Affairs, *Statement by PM Netanyahu* (28 October 2023), <https://www.gov.il/en/pages/statement-by-pm-netanyahu-28-oct-2023>; See Prime Minister’s Office in Hebrew, @IsraeliPM_heb, Tweet (1:44 pm, 3 November 2023), https://twitter.com/IsraeliPM_heb/status/1720406469055500583; Prime Minister’s Office in Hebrew, @IsraeliPM_heb, Tweet (11:43 am, 3 November 2023), https://twitter.com/IsraeliPM_heb/status/1720406463972004198; 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”, Sefaria, I Samuel 15:1-34, JPS, 1985, https://www.sefaria.org/I_Samuel.15.1-34?lang=bi.

¹³⁰ Me’ever, *Founding Members*, <https://meveryouth.org/our-team>.

¹³¹ Emily Amrusi in a conversation with Col. Erez Eshel, *Kan - moreshet* (2 November 2023), <https://youtu.be/3O77E9hotw0?si=H89qWVrNYlk-FPYQ> [18:00]: “except for one division commander, all the division commanders were my students in the division commanders’ course”.

¹³² Yoav Zitun, “IDF controls half of Philadelphia Corridor: This is how Israel’s operation in Rafah is progressing”, *Yedioth Ahronoth* (20 May 2024), <https://www.ynetnews.com/article/skp3i1lyq0>; See “Commander of IDF’s 162 Division says its soldiers are ‘at the gates of Gaza City’”, *Times of Israel* (1 November 2023), https://www.timesofisrael.com/liveblog_entry/commander-of-idfs-162-divison-says-its-soldiers-are-at-the-gates-of-gaza-city/.

are millions of people, women and children who carry this evil, and this war will end when the people of Israel will fulfil its role to blot out [destroy] this evil. Every Hamasnik, every Hamas supporter, every supporter . . . ”. He went on to state that “every Muslim Arab . . . that wants to connect and be an ally with our people, shouldn’t say ‘we are coming to fight terror’, [but instead] ‘we want to destroy Hamas and their supporters’”,¹³³ — echoing the words of the Minister of National Security that “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”.¹³⁴

- On 12 November 2023, **35th Paratroopers Brigade, Israeli Captain Meir Rapaport**, posted a picture of himself in the ruins of a Palestinian home in the North of Gaza City, with the caption: “[w]e will further erase the memory of Amalek from under the heavens, and we will not forget!”¹³⁵
- Around 7 December 2023, **Israeli army soldiers in uniform inside Gaza** filmed themselves dancing, chanting and singing “we know our motto: *there are no uninvolved civilians*” and “*to wipe off the seed of Amalek*”.¹³⁶
- On 20 December 2023, a video was posted online of the **Commander in the 2908th Battalion of the Israeli army, Major Yair Ben David**, stating that the Israeli army had “entered Beit Hanoun and did there as Shimon and Levi did in Nablus,” and that “[t]he entire Gaza [Strip] should resemble Beit Hanoun” (Beit Hanoun having been devastated by the Israeli army).¹³⁷ 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”.¹³⁸
- On 18 January 2024 a picture was published of **Israeli army soldier and Head of the Education Department for an Israeli non-profit organization “dedicated to raising awareness about the Temple Mount and its heritage in Jewish Communities worldwide”**,¹³⁹ **Yehoshua Leibler**, holding up a sign against the backdrop of a burning building in Gaza stating: “*From the ruins of Gaza we will rebuild our temple.*”¹⁴⁰

¹³³ “Emily Amrusi in a conversation with Col. Erez Eshel”, *Kan - moreshet* (2 November 2023), <https://youtu.be/3O77E9hotw0?si=H89qWVrNYlk-FPYQ>, [10:58]. For more on the Radio Host Emily Amrusi, see also “Emily and the Professor - Yuval Elbasha and Emily Amrusi”, *Kan Reshet Bet* (1 March 2023), <https://www.kan.org.il/content/kan/kan-b/p-10012/> [11:11]-[13:30], [15:35]-[18:30] in in Annex III, p. 23, para. 25.

¹³⁴ *South Africa v. Israel, Application and Request for Provisional Measures of 29 December 2023*, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf>, p. 61, para. 101.

¹³⁵ Younis Tirawi | يونس @ytirawi, Tweet (2:26 pm, 21 May 2024), <https://x.com/ytirawi/status/1792894629550973390> (emphasis added).

¹³⁶ Yinon Magal, @YinonMagal, Tweet (6:44 am, 7 December 2023), <https://twitter.com/YinonMagal/status/1732652279461757102>. Translation by Middle East Eye, @MiddleEastEye, Tweet (3:30 pm, 8 December 2023), <https://twitter.com/MiddleEastEye/status/1733116719668113618> (emphasis added).

¹³⁷ “Israeli army officer vows to turn entire Gaza Strip into rubble similar to situation in Beit Hanoun”, *Anadolu English* (20 December 2023), <https://www.youtube.com/watch?v=NK8ZnGKspeI>. 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>.

¹³⁸ Sefaria, Genesis 34:25, JPS, 1985, <https://www.sefaria.org/Genesis.34.25?lang=bi&with=all&lang2=en> (emphasis added).

¹³⁹ Beyadenu, *Members of Beyadenu – Returning to the Temple Mount*, <https://beyadenu.org/en/who-we-are/>.

¹⁴⁰ “Israeli Soldier Holds Provocative Sign: ‘From Gaza’s Ruins We Will Build Our Temple’”, *Morocco World News* (18 January 2024), https://www.instagram.com/p/C2PydS_szgu/.

15. On 30 January 2024, in a video uploaded to social media, **a soldier in Gaza** recorded saying: “I’m leaving Khan Yunis . . . Thank God, we *destroyed a vast land for them, we killed tens of thousands of Amalekites* . . . The moral thing is to execute and kill all the terrorists, after they are investigated. The moral thing is to conquer and settle all parts of the Land of Israel. And every place where we leave any remnants, will take revenge on us sooner or later . . . Good luck to all of us, to all the people of Israel in this great and important campaign.”¹⁴¹
- On 18 February 2024 a video was published online in which **Israeli soldiers in Gaza** recorded themselves composing ‘mock’ Biblical passages to describe what they called Israel’s “war of a biblical scale” against Gaza, including the verse: “[a]nd Israel shall chase the Philistines from the north [Gaza] strip to the south, and strike them a great strike and they shall fight them and not even one of them shall be left [alive].”¹⁴²
 - On 24 March 2024, **Liran Ben Shushan, an Israeli soldier from the 9203rd Battalion** commented on photographs and footage he posted on Facebook of Palestinian homes and neighbourhoods in Khan Yunis completely destroyed by the Israeli army, stating: “[t]his year we got to keep the mitzvah [religious duty of Judaism] of *wiping out Amalek!!!*”¹⁴³ and “[m]ay we complete the task”.¹⁴⁴
 - On 8 March 2024, **Sheila Sharal, a reservist in Company C, 271st Combat Engineering Battalion** stated: we “want and expect that the whole Land of Israel will be ours without any other people anywhere in its territory, as appears in several places in the Torah . . . the complete Land of Israel [Greater Israel], and above all — Jerusalem, the Temple Mount and the Temple.”¹⁴⁵
 - On 22 January 2024, a video was posted online of **Sergeant Major of the 84th (Givati) Brigade: Rabbi Avraham Zarbiv** — who was stationed in Khan Yunis for four months,¹⁴⁶ — stating that he was “awaiting the [ten] plagues that God will send”,¹⁴⁷ the ‘ten plagues’ refer to the Biblical plagues sent by God to Egypt, including: turning water to blood, rendering it undrinkable; the plagues of lice; pestilence of livestock; hale and locusts destroying food sources; boils; darkness; and the deaths of all firstborn sons.¹⁴⁸

¹⁴¹ Middle East Eye, @middleeasteye, TikTok (30 January 2024), <https://www.tiktok.com/@middleeasteye/video/7330656784803188000> (emphasis added).

¹⁴² Younis Tirawi, @ytirawi, Tweet (8:25 pm, 18 February 2024), <https://twitter.com/ytirawi/status/1759283063161282819>.

¹⁴³ Liran Ben Shushan, Facebook (24 March 2024), <https://www.facebook.com/reel/948173186471996> (emphasis added).

¹⁴⁴ Liran Ben Shushan, Facebook (24 March 2024), <https://www.facebook.com/liran.benshushan.5/posts/pfbid02Rj3E1t2o8DxdV3yHwDtjDNng1P7MsjDpgwK67g1sxiC6Fhh4FBWjZ5qbLNdnLW7l>; See Younis Tirawi, @ytirawi, Tweet (2:33 pm, 27 March 2024), <https://twitter.com/ytirawi/status/1772965195683336261>.

¹⁴⁵ “Sheila Sharal in the reserves: in every house - the Golden Dome or Al-Aqsa Mosque”, *Israel National News* (8 March 2024), <https://www.inn.co.il/news/631442>.

¹⁴⁶ Avraham Zarbiv, Facebook (7 April 2024), https://www.facebook.com/permalink.php?story_fbid=pfbid02v5kjoQcQ36upyAehXMKVtSKKzw5S83ENQEi3Fc69VoLu3MaiG3tCtD4K85gESrwBl&id=100011062416421; See Younis Tirawi, @ytirawi, Tweet (8 April 2024), <https://x.com/ytirawi/status/1777108859464700055>.

¹⁴⁷ “Israeli soldier Rabbi Zarbiv invokes biblical ten plagues in context of Gaza”, *Middle East Monitor* (22 January 2024), <https://www.middleeastmonitor.com/20240122-israeli-soldier-rabbi-zarbiv-invokes-biblical-ten-plagues-in-context-of-gaza/>.

¹⁴⁸ Sefaria, Exodus 7:14-12:36, JPS, 1985, https://www.sefaria.org/Exodus.7.14?lang=bi&vside=Tanakh:_The_Holy_Scriptures,_published_by_JPS|en&with=Translation%20Open&lang2=en.

16. Israeli soldiers have also repeatedly filmed themselves shooting and killing animals — including horses and sheep¹⁴⁹ — in hunger-ravaged Gaza, in actions evocative of the Biblical ‘commandment’ in relation to the Amalek (“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”).¹⁵⁰ They have done this while in parallel filming themselves destroying mosques across Gaza,¹⁵¹ and defacing and destroying copies of the Quran,¹⁵² including setting a copy alight in a burning mosque.¹⁵³

Invocation by Israeli Soldiers of the 1948 Nakba of the Palestinians and Calls for the Resettlement of Gaza

17. The 1948 Nakba of the Palestinians is also repeatedly invoked by Israeli soldiers to describe Israel’s military objectives in Gaza, reflecting calls by Israeli politicians for ‘another’ Nakba to be visited on the Palestinians.¹⁵⁴ By way of example:

- In a photograph posted on social media, Israeli soldiers pose with a shot up building in Gaza on which the words “Nakba 2023” have been graffitied.¹⁵⁵
- On 14 January 2024 a video was posted of **Israeli soldiers from the 9208th Battalion, under the command of Ysrael Ben Basloe** in front of destroyed Palestinian properties, stating: “we will continue until we complete the mission we received — we occupy; we cleanse; we settle.”¹⁵⁶
- On 16 January 2024, **Israeli army First Sergeant of the 9264th Battalion, Marom Harush** posted the following on social media: “*Conquest, expulsion, and settlement. Any other solution is just a band-aid for a wound it cannot heal. Let the entire Arab world for generations know that on the day the Arabs of Gaza rose against Israel, they received another Nakba. There is no forgiveness for the Palestinian “people” and no second chance. Only this way can we ensure Israel’s security for generations to come.*”¹⁵⁷

¹⁴⁹ Esmaeel Omar, @esma3eel_omar, Instagram (5 February 2024), <https://www.instagram.com/p/C2-xcLHrDcR/>; See Al Jazeera Egypt, @AJA_Egypt, Tweet (8:40 pm, 6 February 2024), https://x.com/AJA_Egypt/status/1754938005037711392.

¹⁵⁰ *South Africa v. Israel, Application of 29 December 2023*, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf>, p. 60, para. 101.

¹⁵¹ Younis Tirawi, @ytirawi, Tweet (11:54 pm, 11 April 2024), <https://x.com/ytirawi/status/1778542167612592554>; See Younis Tirawi, @ytirawi, Tweet (1:17 pm, 13 May 2024), <https://x.com/ytirawi/status/1789978344311648368>; Ran Oz, Facebook (7 February 2024), <https://www.facebook.com/100001992528868/videos/pcb.7160113260731687/3479421175641664>, also available at Younis Tirawi, @ytirawi, Tweet (11 :14 pm, 7 February 2024), <https://twitter.com/ytirawi/status/1755339296817455313>; See Middle East Eye, @MiddleEastEye, Tweet (3:30 am, 6 February 2024), <https://twitter.com/MiddleEastEye/status/1754678805921509547>.

¹⁵² “Israeli soldier tears apart a Holy Quran and throws it onto the floor of a destroyed mosque in Gaza”, *Middle East Eye* (18 March 2024), <https://www.facebook.com/watch/?v=933158371601373>.

¹⁵³ Younis Tirawi, @ytirawi, Tweet (11:32 pm, 21 May 2024), <https://x.com/ytirawi/status/1793032057649512671>.

¹⁵⁴ *South Africa v. Israel, Application instituting proceedings and request for the indication of provisional measures of 29 December 2023*, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf>, p. 62, para. 101.

¹⁵⁵ Younis Tirawi, @ytirawi, Tweet (12:32 am, 18 May 2024), <https://x.com/ytirawi/status/1791778870015709464>.

¹⁵⁶ Khaledyousry22, Instagram (14 November 2023), <https://www.instagram.com/p/CzmtR2YKqdU/>.

¹⁵⁷ Marom Harush, Facebook (16 January 2024), <https://www.facebook.com/marom.harush/posts/pfbid034n7M62X4ayuvGrpXREyYN8VmmwHdLJrfxZNa7N48qVphnTw2buThtHqz9A8SjMZvl>; Younis Tirawi, @ytirawi, Tweet (12:38 pm, 21 May 2024), <https://x.com/ytirawi/status/1793048787591561635> (emphasis added).

- On 19 January 2024, Israeli officer **Sergeant Major Alex Gorelik** posted a photograph of the destruction of Khan Younis, along with a caption: “Nakba 2”.¹⁵⁸ The same month, a Ukrainian soldier serving in the Israeli army posted video footage on TikTok of the bombing of a Palestinian building in Khan Younis superimposed with the text, “Khan Yunis now, 7-10-2023 Nakba Now”.¹⁵⁹
- On 17 February 2024, in a television interview broadcast on Channel 14 on his return from deployment in Khan Younis in Gaza, **Sergeant Major of the 84th (Givati) Brigade**, Rabbi Avraham Zerbiv stated: “I see victory. *I see all their infrastructure being annihilated.* I see that they don’t have one house [not] destroyed. *I see hundreds of thousands fleeing like Nakba, walking towards exile*”.¹⁶⁰
- In February 2024, a video was published online of an Israeli soldier in Gaza proclaiming: “They don’t understand who they’re dealing with, *they have opened the gates of hell upon themselves and we have just started, the Nakba is going to be a sweet memory* compared to what’s going to fall upon them. Start running, because the IDF is on its way!”¹⁶¹
- On 20 April 2024, **First Sergeant Marom Harush of the 9264th battalion** – having received no official sanction for his genocidal rhetoric of 16 January highlighted above – continued to call for a second Nakba, posting: “Another Nakba is needed here . . . like in 1948 . . . when we expelled entire villages and established Jewish cities on their ruins. we must do the same now”.¹⁶² He has called for the expulsion of Palestinians from Gaza stating:

“On the 7th Oct, anyone who didn’t realize that we’re fighting against pure evil realised it. There is truly a side here that is pure good and a side that is pure evil. Just like we were sure of our righteousness in 48 and we did what needed to be done to ensure our existence, like *exiling entire villages and erecting Jewish cities on their ruins* (Ashdod, Ashkelon, North Tel Aviv, and more), *we must do so now*. Return to Jewish identity and consciousness, believe in our righteous path and realize that the solution against murderous and barbaric Islam can only be *taking land. Another ‘Nakba’ is needed here. Expulsion. Occupation. Settlement. That is the equation. There is no other solution*”.¹⁶³

¹⁵⁸ Alex Gorelik, Facebook (19 January 2024), <https://www.facebook.com/gorelik.a/posts/pfbid02sJapGyAV6mGjdyeoJuetoonJBRbYz3FxsBYJmPngfDAVNVT11AG47C9mi5Pms5il>; See Younis Tirawi, @ytirawi, Tweet (11:15 pm, 18 May 2024), <https://x.com/ytirawi/status/1791940730572984324>.

¹⁵⁹ Younis Tirawi | يونس, @ytirawi, Tweet (10:1533 pm, 18 May 14 April 2024), <https://x.com/ytirawi/status/1791940730572984324https://x.com/ytirawi/status/1779624098248700011>.

¹⁶⁰ “The Patriots with Yanon Magal: 17.02.2024 | The full program”, *Now 14* (17 February 2024), <https://www.youtube.com/watch?v=cpafZO-PMmo> [1:20:28]. Subtitles at Younis Tirawi, @ytirawi, Tweet (8:15 pm, 18 February 2024), <https://twitter.com/ytirawi/status/1759310674142830602> (emphasis added).

¹⁶¹ Younis Tirawi, @ytirawi, Tweet (12:58 pm, 6 February 2024), <https://twitter.com/ytirawi/status/1754640691425124386> (emphasis added).

¹⁶² Marom Harush, Facebook (20 April 2024), <https://www.facebook.com/marom.harush/posts/pfbid0SjW5XaXYEihpsX9RtbEJkmADgK1peN5bgcfpVMo4hBXfKXSykjVQxytEv5ur7Z4jl>; Younis Tirawi | يونس, @ytirawi, Tweet (12:32 pm, 22 May 2024), <https://x.com/ytirawi/status/1793047312115040450>.

¹⁶³ Marom Harush, Facebook (20 April 2024), <https://www.facebook.com/marom.harush/posts/pfbid0SjW5XaXYEihpsX9RtbEJkmADgK1peN5bgcfpVMo4hBXfKXSykjVQxytEv5ur7Z4jl>; Younis Tirawi | يونس, @ytirawi, Tweet (11:32 pm, 21 May 2024), <https://x.com/ytirawi/status/1793047312115040450>.

On Nakba Day, 15 May 2024, he further posted on Facebook, “The solution to the ‘day after’ is only: Occupation; Expulsion; settlement. Exactly like in 1948. Every other solution is like throwing sand in our eyes [lit.: a deceit]”.¹⁶⁴

18. Reflecting statements by senior Israeli Governmental officials that the resettlement of Gaza is a question of “historical justice” and “morality” and “is the Torah”,¹⁶⁵ Israeli soldiers serving in Gaza — some of whom are themselves settlers living in illegal settlements in the occupied West Bank or have attended pre-military academies in such settlements¹⁶⁶ — openly assert that the resettlement of Gaza is the ultimate objective of Israel’s military campaign. Israeli soldiers photograph themselves in Gaza with signs such as: “Here will be built the settlements of Gush Katif”¹⁶⁷ [a former Israeli settlement in Gaza] and post pictures of destroyed Gazan neighbourhoods, stating: “the Israel flag is flying again at the settlement of Katif, on whose ruins the neighbourhood was built. We will return there again”.¹⁶⁸ Israeli soldiers in Gaza openly declare “we will be back”¹⁶⁹ and “dream” of “resettle[ing] Gush Katif” or “open[ing] a [tattoo] studio in Khan Younis”,¹⁷⁰ stating “it will take much faster than you think. Return to Gush Katif . . . [A]fter 18 years . . . we are returning to Netzarim” (another former Israeli settlement in Gaza).¹⁷¹

The Dehumanisation of Palestinians in Gaza by Israeli Soldiers

19. There are Israeli soldiers who echo the language of “human animals”, used to describe Palestinians in Gaza by the Minister of Defence, and by the Israeli Army Coordinator of Government Activities in the Territories (‘COGAT’).¹⁷² By way of example:

- On 11 October 2023, **Israeli army reservist, Ezra Yachin**, a 95-year old veteran of the 1948 Nakba’s Deir Yassin Massacre — reportedly called up for reserve duty to “boost morale” amongst Israeli troops ahead of the ground invasion of Gaza — was broadcast on social media inciting other Israeli soldiers to genocide, while being driven around in an Israeli army vehicle, dressed in Israeli army fatigues:

¹⁶⁴ Marom Harush, Facebook (15 May 2024), <https://www.facebook.com/marom.harush/posts/pfbid031zUj6qsWm4rgwqVH1CHo5n6cmbccrX4NiL1fsSaXa3mWkQ5gsdxMhsYq5U4hrhKl>.

¹⁶⁵ “Speech of Itamar Ben-Gvir”, *Jewish Power* (28 January 2024), <https://www.youtube.com/watch?v=MmGUIYpanqs>.

¹⁶⁶ See e.g., the Bnei David Yeshiva in the settlement of Eli, Israel Prime Minister’s Office, *PM Netanyahu to the Students of the Bnei David Institutions in Eli: “The testament of the fallen is our mission – total victory”* (30 January 2024), <https://www.gov.il/en/departments/news/event-visit300124>; See Tamar Pileggi, “Embracing racism, rabbis at pre-army yeshiva laud Hitler, urge enslaving Arabs”, *Times of Israel* (30 April 2019), <https://www.timesofisrael.com/embracing-racism-rabbis-at-pre-army-yeshiva-laud-hitler-urge-enslaving-arabs/>.

¹⁶⁷ Younis Tirawi, @ytirawi, Tweet (5:57 pm, 23 March 2024), <https://twitter.com/ytirawi/status/1771566936985403635>.

¹⁶⁸ Avihai Shorshan, @a_shorshan, Tweet (9:08 pm, 12 March 2024), https://twitter.com/a_shorshan/status/1767628818653593949; Archived at <https://archive.ph/iSBnz>.

¹⁶⁹ Hallel Bitton Rosen, @BittonRosen, Tweet (2:20 pm, 11 April 2024), <https://twitter.com/BittonRosen/status/1778397827351101919>.

¹⁷⁰ Younis Tirawi, @ytirawi, Tweet (6:49 pm, 25 March 2024), <https://twitter.com/ytirawi/status/1772304727457317039>.

¹⁷¹ Younis Tirawi, @ytirawi, Tweet (12:16 am, 21 April 2024), <https://twitter.com/ytirawi/status/1781809245312180237>.

¹⁷² *South Africa v. Israel, Application instituting proceedings and request for the indication of provisional measures of 29 December 2023*, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20231228-app-01-00-en.pdf>, pp. 60 – 62, paras. 101 – 102: “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”; 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”.

“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*”.¹⁷³

- On 5 February 2024, a video uploaded onto Facebook recorded an **Israeli army soldier stationed in Gaza**, stating:

“We are the sons of Abraham . . . We are the sons of Joshua who conquered this land from seven different peoples. Remember the Canaanites? The Hittites? The Jebusites? They all vanished from the world and Am Israel are here to stay . . . And they tried to fight us . . . and every time they lost. Every time we won and thanks to the heroism of the soldiers and citizens of Israel . . . *They are not only human animals, they are also idiots, they give zero hope to their people, only hate and blood and hell*”.¹⁷⁴

- On 13 February 2024, **Israeli soldiers besieging the Nasser Medical Complex in Khan Younis**,¹⁷⁵ ordered thousands of terrified displaced and wounded Palestinian men, women and children,¹⁷⁶ to evacuate the hospital by shouting “get out, you animals” through an armoured tank loudhailer.¹⁷⁷ Two months later mass graves were found on the grounds of the destroyed hospital, with hundreds of bodies, including men, women and the elderly and wounded — “buried deep in the ground and covered with waste” — some had been stripped, others had their hands tied.¹⁷⁸

20. Such overt dehumanising public statements and videos by Israeli soldiers are made in the broader context of a total dehumanisation of Palestinians by Israeli State officials, and their treatment as “human animals”.

¹⁷³ Bazz News, @1717Bazz, Tweet (8:39 pm, 11 October 2023), <https://twitter.com/1717Bazz/status/1712176168823107986>. Translation by Middle East Eye, @MiddleEastEye, Tweet (8:48 pm, 13 October 2023), <https://twitter.com/MiddleEastEye/status/1712918166437806294> (emphasis added).

¹⁷⁴ Younis Tirawi, @ytirawi, Tweet (10:58 pm, February 5, 2024), <https://twitter.com/ytirawi/status/1754640691425124386> (emphasis added).

¹⁷⁵ “IDF arrests over 100 terrorists in Gaza's Nasser hospital”, *Jerusalem Post* (17 February 2024), <https://www.msn.com/en-ie/news/other/idf-arrests-over-100-terrorists-in-gaza-s-nasser-hospital/ar-BB1ipTCt>.

¹⁷⁶ World Health Organisation (‘WHO’), *WHO transfers critical patients out of Nasser Medical Complex, fears for safety of remaining patients* (20 February 2024), <https://www.who.int/news/item/20-02-2024-who-transfers-critical-patients-out-of-nasser-medical-complex--fears-for-safety-of-remaining-patients>.

¹⁷⁷ Mohammed Alhalou, @mo_elhelo21, Instagram Post (13 February 2024), <https://www.instagram.com/p/C3SjX11trhs/>.

¹⁷⁸ UN News, Global Perspective Human Stories, *Mass graves in Gaza show victims’ hands were tied, says UN rights office* (23 April 2024), <https://news.un.org/en/story/2024/04/1148876>.

Israeli Soldiers Mocking Palestinian Deaths / Desecrating Palestinian bodies

21. Israeli soldiers in Gaza routinely joke about their massacres of Palestinians.¹⁷⁹ On one occasion, following the deliberate targeting and killing by Israeli soldiers of a group of seemingly displaced Palestinian men and women on a horse-drawn cart in March 2024, they joked “too bad for the horse”.¹⁸⁰ As Palestinian children literally starve to death,¹⁸¹ Israeli soldiers in Gaza mockingly film themselves intentionally driving over food supplies with their tanks.¹⁸² They also brag with impunity about running over Palestinians themselves with tanks¹⁸³ — which explains the horrific scenes of crushed bodies which survivors in Gaza have documented,¹⁸⁴ including of a wounded Palestinian patient with a full leg cast whose body was otherwise completely crushed, in the grounds of Al Shifa hospital.¹⁸⁵ Israeli soldiers are also filmed, digging up and demolishing Palestinian graves,¹⁸⁶ and using loaders to dispose of Palestinian bodies,¹⁸⁷ and to bury them in unmarked — often mass — graves.¹⁸⁸

Treatment of Palestinian captives

22. Israeli soldiers deployed in Gaza have been reported to have forced Palestinians — including doctors, medics, journalists, aid workers, and children¹⁸⁹ — to strip to their underwear, mocking and humiliating them, including beating them, draping them in the Israeli flag, and forcing them to sing Israeli songs or chant Israeli slogans, and posting on social media photographs and films of them stripped,

¹⁷⁹ See Younis Tirawi, @ytirawi, Tweet (11:20 pm, 19 January 2024), <https://x.com/ytirawi/status/1748455365480415353>; “Captain Loupy” was Awarded with an honour certificate: Younis Tirawi, @ytirawi, Tweet (4:02 pm, 30 January 2024), <https://x.com/ytirawi/status/1752346657625104791>.

¹⁸⁰ Younis Tirawi, @ytirawi, Tweet (10:30 pm, 21 March 2024), <https://twitter.com/ytirawi/status/1770910935714033927>.

¹⁸¹ UN News, *Gaza: Worst famine fears realised as 10th child reportedly ‘starves to death’* (1 March 2024), <https://news.un.org/en/story/2024/03/1147112>.

¹⁸² Quds News Network, @QudsNen, Tweet (6:43 pm, 24 February 2024), <https://twitter.com/QudsNen/status/1761461886690718101>.

¹⁸³ Middle East Eye, @middleeasteye (4:45 am, 6 March 2024), <https://twitter.com/middleeasteye/status/1765237302794842195>; Daniel Luroeu, @danilurietw, Tweet (10:04 am, 4 March 2024), <https://archive.fo/YhhMo>; See also Middle East Eye, @MiddleEastEye, Tweet (3:06 pm, 22 February 2024), <https://twitter.com/MiddleEastEye/status/1760667469839216980>.

¹⁸⁴ Euro-Med Human Rights Monitor, *Israeli tanks have deliberately run over dozens of Palestinian civilians alive* (4 March 2024), <https://euromedmonitor.org/en/article/6202/Israeli-tanks-have-deliberately-run-over-dozens-of-Palestinian-civilians-alive>.

¹⁸⁵ Eye On Palestine, @EyeOnPalestine, Tweet (6:54 pm, 22 March 2024), <https://twitter.com/EyeonPalestine/status/1771234085320503605>; “Gazan Man Crushed by Israeli Tank Named: Jamal Hamdi Hassan Ashour, 62 Years Old”, *Mint Press* (25 April 2024), https://www.instagram.com/mintpress/p/C6L_rEUiZvI/.

¹⁸⁶ Middle East Monitor, @middleeastmonitor, Instagram Post (23 March 2024), <https://www.instagram.com/reel/C42y55dro80/>.

¹⁸⁷ “Palestinians killed waving white fabric: Israeli army shoots two unarmed men dead”, *Al Jazeera English* (28 March 2024), <https://www.youtube.com/watch?v=rjYudMS3q1s>. This practice has been recorded by the Israeli army in the past, see e.g., *Al Jazeera English*, @AJEnglish, Tweet (8:09 pm, 23 February 2020), <https://twitter.com/AJEnglish/status/1231657316820357123>.

¹⁸⁸ UN News, *Mass graves in Gaza show victims’ hands were tied, says UN rights office* (23 April 2024), <https://news.un.org/en/story/2024/04/1148876>.

¹⁸⁹ “Gaza medics tell BBC that Israeli troops beat and humiliated them after hospital raid”, *BBC* (12 March 2024), <https://www.bbc.co.uk/news/world-middle-east-68513408>; UNRWA, *Detention and Alleged Ill-Treatment of Detainees from Gaza during Israel-Hamas War* (16 April 2024), <https://www.unrwa.org/resources/reports/detention-and-alleged-ill-treatment-detainees-gaza-during-israel-hamas-war>; Alice Cuddy, “Gaza medics tell BBC that Israeli troops beat and humiliated them after hospital raid”, *BBC News* (12 March 2024) <https://www.bbc.com/news/world-middle-east-68513408>; Rob Schmitz, Anas Baba, “Shot by Israeli troops while getting aid, a boy in Gaza fights for his life”, *NPR* (24 April 2024), <https://www.npr.org/2024/04/24/1246593844/israel-gaza-palestinian-boy-shot-food-aid>.

bound blindfolded, and paraded for public¹⁹⁰ — which are often broadcast on Israeli television.¹⁹¹ One video shows an Israeli soldier bragging about having tortured a Palestinian man being taken from an Israeli army vehicle, stating: “This son of a whore. . . You will see his back . . . look how we tortured him”.¹⁹²

23. In one video uploaded to the internet, an Israeli soldier forced a group of detained, bound and blindfolded Palestinians to chant: “[w]e want to be slaves of the Azolai family [one of the soldier’s family] forever and ever.”¹⁹³ The language of slavery is reflective of teachings by some Israeli rabbis, including Rabbi Eliezer Kashtiel — a senior instructor at the Bnei David pre-military religious academy in the illegal Israeli West Bank settlement of Eli, at which the Israeli Prime Minister gave his ‘total victory’ speech on 30 January 2024 (above), calling the institution “an exemplary yeshiva . . . to the glory of the people, heritage and fighters of Israel”.¹⁹⁴ In 2019, Israeli Channel 13 broadcast leaked comments made by the Rabbi asserting that: “It’s best to be a slave of a Jew. They are happy to be slaves . . . We have nations around us with genetic problems. The Arab wants to be under occupation because they have a genetic issue, they don’t know how to manage a country, they don’t know how to do anything. Look at how they look”.¹⁹⁵ Recently, consistent with the slavery rhetoric, an Israeli soldier proudly stated, in a televised interview broadcast throughout Israel and posted on YouTube, that “now we control them 100%. Their food, the cuffing, and their sleep. We also wake them up in the middle of the night and do a personal check-up, and show them that we are the owners of the house, and we decide the policy inside the prison”.¹⁹⁶ This occurs against a backdrop of a report by UNRWA that the Israeli army has used nail guns on prisoners’ knees, sexual abuse against men and women under their detention, and in some cases, insertion of electrified metal sticks into prisoners’ rectums.¹⁹⁷ As of May 2024, there are an estimated

¹⁹⁰ Genocide in Gaza through the eyes of Israeli soldiers | The Listening Post”, *Al Jazeera* (3 March 2024), <https://www.youtube.com/watch?v=JAT9NQ4WkE0> [1:15]-[1:26]; “Social Media Posts Show Off Blindfolded and Bound Palestinian Detainees”, *Bellingcat* (5 March 2024), <https://www.bellingcat.com/news/2024/03/05/social-media-posts-show-off-blindfolded-and-bound-palestinian-detainees/>; Younis Tirawi, @ytirawi, Tweet (9:51 pm, 25 March 2024), <https://twitter.com/ytirawi/status/1772380808327618560>; Younis Tirawi, @ytirawi, Tweet (10:20 pm, 4 March 2024), <https://twitter.com/ytirawi/status/1764778057364042167>; Times of Gaza, @Timesofgaza (3:36 am, 7 March 2024), <https://twitter.com/Timesofgaza/status/1765582266808283381>; Quds News Network, @QudsNen, Tweet (9:31 am, 4 March 2024), <https://twitter.com/QudsNen/status/1764584439961550849>; Younis Tirawi, @ytirawi, Tweet (6:01 pm, 12 February 2024), <https://twitter.com/ytirawi/status/1757072533197656551>; Younis Tirawi, @ytirawi, Tweet (1:52 am, 5 February 2024), <https://twitter.com/ytirawi/status/1754291866588090601>.

¹⁹¹ See, e.g., “Individuals of virtue: dramatic documentation of the Givati Brigade in the south of the Gaza Strip”, *Channel 14* (17 February 2024), <https://www.youtube.com/watch?v=Ij-ZbxNvEtQ&t=921s> [at 24:07].

¹⁹² Younis Tirawi, @ytirawi, Tweet (12:57 am, 19 March 2024), <https://twitter.com/ytirawi/status/1769890847703568665>.

¹⁹³ “War on Gaza: Video shows Israeli soldier forcing detained Palestinians to say ‘we want to be slaves’”, *Middle East Eye* (31 January 2024), <https://www.middleeasteye.net/news/israel-soldier-coerces-detained-palestine-we-want-be-slaves>; Middle East Eye, @MiddleEastEye, Tweet (7:21 am, 31 January 2024), <https://twitter.com/MiddleEastEye/status/1752577833577460167>.

¹⁹⁴ Israel Prime Minister’s Office, *PM Netanyahu to the Students of the Bnei David Institutions in Eli: “The testament of the fallen is our mission – total victory”* (30 January 2024), <https://www.gov.il/en/departments/news/event-visit300124>.

¹⁹⁵ Tamar Pileggi, “Embracing racism, rabbis at pre-army yeshiva laud Hitler, urge enslaving Arabs”, *Times of Israel* (30 April 2019), <https://www.timesofisrael.com/embracing-racism-rabbis-at-pre-army-yeshiva-laud-hitler-urge-enslaving-arabs/>.

¹⁹⁶ “‘Everyone here is a murderer from the Nuh’ba’: a glimpse of the guarded prison in Israel”, *Channel 13* (18 February 2024), <https://www.youtube.com/watch?v=jBp7eEHH2fo>; B.M., @ireallyhateyou, Tweet (2:32 pm, 19 February 2024), <https://x.com/ireallyhateyou/status/1759571542382436645>.

¹⁹⁷ UN OHCHR, *UN experts appalled by reported human rights violations against Palestinian women and girls* (19 February 2024), <https://www.ohchr.org/en/press-releases/2024/02/israelopt-un-experts-appalled-reported-human-rights-violations-against>; UNRWA, *Detention and alleged ill-treatment of detainees from Gaza during Israel-Hamas War* (16 April 2024), https://www.unrwa.org/sites/default/files/content/resources/summary_on_detention_and_alleged_ill-treatmentupdated.pdf.

9,088 Palestinians recorded in Israeli custody, including 3,424 held without trial,¹⁹⁸ and many more whose accounts are unknown.¹⁹⁹

Destruction and Defilement of Palestinian Homes and Property

24. Israeli soldiers repeatedly post disturbing photographs and videos of themselves posing with or dressing up in the clothes — including the underwear — of displaced or dead Palestinian women,²⁰⁰ or searching through their underwear drawers.²⁰¹ They post photographs and videos of themselves ‘playing’ with the toys of displaced or dead Palestinian children,²⁰² and using disability aids belonging to displaced or dead Palestinians, taken from Palestinian homes or hospitals.²⁰³ They also post photographs of Palestinian women’s underwear and Palestinian children’s toys affixed to the front of their tanks.²⁰⁴

25. Israeli soldiers also engage in widespread looting of Palestinian property and more, openly recording themselves stealing money from Palestinian homes, ‘joking’ “are you looting again? . . . what

¹⁹⁸ HaMoked Center for the Defence of the Individual, *9,088 "Security" Inmates Are Held In Prisons Inside Israel* (May 2024), <https://hamoked.org/prisoners-charts.php>.

¹⁹⁹ Addameer Prisoner Support and Human Rights Association, *On International Workers' Day: The Occupation Has Arrested Thousands of Palestinian Workers After the Seventh of October* (1 May 2024), <https://www.addameer.org/news/5335>, “Approximately 6,441 workers were deported to the West Bank governorates, while around 1,000 workers remain missing due to the ongoing crime of enforced disappearance against Gaza detainees”.

²⁰⁰ Younis Tirawi, @ytirawi, Tweet (7:41 pm, 21 February 2024), <https://twitter.com/ytirawi/status/1760359033095991623>; Younis Tirawi, @ytirawi, Tweet (7:31 pm, 12 February 2024), <https://twitter.com/ytirawi/status/1757094979460067773>; Younis Tirawi, @ytirawi, Tweet (1:40 pm, 4 March 2024), <https://x.com/ytirawi/status/1764647157208891649?s=46>; Younis Tirawi, @ytirawi, Tweet (8:02 pm, 16 May 2024), <https://x.com/ytirawi/status/1791167455731048886>; Younis Tirawi, @ytirawi, Tweet (12:24 pm, 18 May 2024), <https://x.com/ytirawi/status/1791776873485115641>; Younis Tirawi, @ytirawi, Tweet (12:05 pm, 25 March 2024), <https://twitter.com/ytirawi/status/1772399473018192372>; Younis Tirawi, @ytirawi, Tweet (11:13 pm, 26 March 2024), <https://twitter.com/ytirawi/status/1772748840388419826>; Younis Tirawi, @ytirawi, Tweet (4:52 pm, 9 March 2024), <https://twitter.com/ytirawi/status/1766492204267081876>; Younis Tirawi, @ytirawi, Tweet (11:04 pm, 6 April 2024), <https://twitter.com/ytirawi/status/1776717745045803169>; Younis Tirawi, @ytirawi, Tweet (12:29 pm, 1 March 2024), <https://twitter.com/ytirawi/status/1763708246227865971>; Younis Tirawi, @ytirawi, Tweet (9:21 am, 8 March 2024), <https://twitter.com/ytirawi/status/1766016416371630284>; Middle East Eye, @MiddleEastEye, Tweet (5:46 pm, 17 April 2024), <https://twitter.com/MiddleEastEye/status/1780623930400948367>; Younis Tirawi, @ytirawi, Tweet (3:17 am, 22 April 2024), <https://twitter.com/ytirawi/status/1782217080986579148>; Younis Tirawi, @ytirawi, Tweet (1:29 pm, 27 March 2024), <https://twitter.com/ytirawi/status/1772964108121313599>. “Israeli soldiers play with Gaza women's underwear in online posts”, *Reuters* (28 March 2024), <https://www.reuters.com/world/middle-east/israeli-soldiers-play-with-gaza-womens-underwear-online-posts-2024-03-28/>; Younis Tirawi, @ytirawi, Tweet (1:40 pm, 4 March 2024), <https://x.com/ytirawi/status/1764647157208891649>; B.M., @ireallyhateyou, Tweet (11:37 am, 23 February 2024), <https://twitter.com/ireallyhateyou/status/1760977168426029162>. Younis Tirawi, @ytirawi, Tweet (12:29 pm, 1 March 2024), <https://twitter.com/ytirawi/status/1763708246227865971>. “British-born Israeli soldier rummages through lingerie drawers in Gaza homes”, *Middle East Eye* (5 January 2024), <https://www.youtube.com/shorts/EgQd1k4Fhdk>.

²⁰¹ “British-born Israeli soldier rummages through lingerie drawers in Gaza homes”, *Middle East Eye* (5 January 2024), <https://www.youtube.com/shorts/EgQd1k4Fhdk>.

²⁰² Younis Tirawi, @ytirawi, Tweet (7:42 pm, 23 February 2024), <https://twitter.com/ytirawi/status/1761084227846648004>; Younis Tirawi, @ytirawi, Tweet (10:35 pm, 20 February 2024), <https://twitter.com/ytirawi/status/1760040514915553463>; B.M., @ireallyhateyou, Tweet (7:11 pm, 27 February 2024), <https://x.com/ireallyhateyou/status/1762556002711289987>; Younis Tirawi, @ytirawi, Tweet (12:13 pm, 18 May 2024), <https://x.com/ytirawi/status/1791774091847798931>; Younis Tirawi, @ytirawi, Tweet (8:43 pm, 10 March 2024), <https://twitter.com/ytirawi/status/1766912783935852922>; Younis Tirawi, @ytirawi, Tweet (3:15 am, 22 April 2024), <https://twitter.com/ytirawi/status/1782216567431872723>.

²⁰³ Israeli soldiers filmed abusing hospital’s assistive devices”, *Middle East Monitor* (3 February 2024), <https://www.middleeastmonitor.com/20240203-israeli-soldiers-filmed-abusing-hospitals-assistive-devices/>; Jalal, @JalalAK_jojo, Tweet (12:28 am, 22 February 2024), https://twitter.com/JalalAK_jojo/status/1760431314312790255.

²⁰⁴ Quds News Network, @QudsNen, Tweet (6:07 pm, 25 February 2024), <https://twitter.com/QudsNen/status/1761815084081246331>; Sophia Ponders, @sophiaponders, Tweet (11:32 pm, February 24, 2024), <https://twitter.com/sophiaponders/status/1761534688068595845>.

did you loot today?”²⁰⁵ They are reported to have stolen an estimated 90 million shekels (US\$24.5 million) from Palestinian homes and businesses, and from displaced Palestinians.²⁰⁶

26. Soldiers post photographs and videos of themselves posing as estate agents, selling Palestinian homes to Israelis.²⁰⁷ They also film and photograph themselves in Palestinian homes, staging mock domestic scenes,²⁰⁸ with Israeli newspapers themselves carrying ‘lifestyle pieces’ on Israeli soldiers taking over Palestinian homes and kitchens, cooking themselves meals using ingredients belonging to displaced, starving Palestinians.²⁰⁹ A document published by the military rabbinate on 7 January 2024 having provided soldiers in Gaza with detailed instructions on how they could use food found in homes in Gaza while keeping kosher.²¹⁰ The document ended with the Biblical directive: “you shall consume [destroy] all the peoples” (from Deuteronomy: “You shall consume [destroy] all the peoples that your God delivers to you, showing them no pity”).²¹¹

Israel’s Rewarding of Soldiers Engaging in Genocidal Rhetoric

27. To date, it appears that Israel has failed to criminally sanction any soldier for their egregious acts against Palestinians in Gaza. It appears that the only soldier to have even been arrested was arrested on 25 May 2024, having filmed himself in Gaza, pledging allegiance to the Israeli Prime Minister, as against Israeli Defence Minister Yoav Gallant, warning that if the army does not “go all the way to victory, 100,000 reservists will stay on the [Gaza] fence [area]... We want victory. We want decisive [victory]. *We want to take apart whoever’s left here. Everyone who celebrated when we were slaughtered. All the little children who stepped on the heads of our brothers. The soldiers, when they stepped on the land of Gaza. All of them, we want to kill. No one will stay alive*”.²¹² Despite expressing clear genocidal intent towards Palestinians, the charges relate to rioting and disobeying orders, not to acts against Palestinians.²¹³

28. Israeli soldiers engaging in genocidal rhetoric against Palestinians are *rewarded* rather than criminally punished. By way of three examples:

²⁰⁵ Younis Tirawi, @ytirawi, Tweet (10:00 pm, 26 February 2024), <https://twitter.com/ytirawi/status/1762221066372485260>.

²⁰⁶ Nour Abu Aisha, “Israeli army looted \$25 million in money, gold artifacts: Gaza government”, *Anadolu Agency* (7 January 2024), <https://www.aa.com.tr/en/middle-east/israeli-army-looted-25-million-in-money-gold-artifacts-gaza-government/3102215>.

²⁰⁷ Younis Tirawi, @ytirawi, Tweet (12:02 pm, 24 February 2024), <https://twitter.com/ytirawi/status/1761360983174316281>; “Israeli soldier gives tour of occupied Palestinian home in Gaza”, *Middle East Eye* (16 February 2024), <https://www.middleeastmonitor.com/20240216-israeli-soldier-gives-tour-of-occupied-palestinian-home-in-gaza/>.

²⁰⁸ Younis Tirawi, @ytirawi, Tweet (2:40 pm, 27 March 2024), <https://twitter.com/ytirawi/status/1772982136796041377>.

²⁰⁹ “In every house in Gaza we found olives, olive oil and full of spices. We cook there with mixed feelings”, *Haaretz* (13 February 2024), <https://www.haaretz.co.il/food/2024-02-13/ty-article-magazine/.premium/0000018d-82c5-d6dc-ab9f-cffd1ebc0000>.

²¹⁰ “We found non-kosher food in a house in Gaza, is it allowed to be eaten?”, *Srugim* (7 January 2024), <https://www.srugim.co.il/883163-מציאו-אוכל-בלוי-כשרות-בבית-בעזה-האם-מותר>.

²¹¹ Sefaria, Deuteronomy 7:16, JPS, 1985, https://www.sefaria.org/Deuteronomy.7.16?lang=bi&vside=Tanakh:The_Holy_Scriptures_published_by_JPS|en&with=Translation%20Open&lang2=en.

²¹² See Annex I, para. 12.

²¹³ Doron Kadosh, @Doron_Kadosh, Tweet (1:45 pm, 26 May 2024), https://x.com/Doron_Kadosh/status/1794696347607556336.

- **Brigadier General Bar Kalifa** — who directed soldiers under his command to “pulverize every accursed plot of land”²¹⁴ in Gaza and subsequently oversaw the complete destruction of Gaza neighbourhood of Shuja’iya in 2023²¹⁵ — was recognised by the Israeli army in May 2024 as a “commander[...] who excelled in combat on the ground and at headquarters”, and promoted to the rank of Major General, and to Head of the Israeli army’s Personnel Division.²¹⁶
- **Brigadier General Dan Golfuss** — who oversaw the devastation of Khan Younis in December 2023²¹⁷ — was promoted to Major General, and Commander of the Northern Corps and Head of the Manoeuvre Array in the Israeli Ground Forces.²¹⁸
- **Israeli army reservist Ezra Yachin** — the 95-year-old veteran of the 1948 Deir Yassin massacre of the Nakba, who gave genocidal ‘motivational speeches’ to Israeli soldiers as they prepared for the ground invasion of Gaza in October 2023, urging the soldiers to “Erase the memory of them. Erase them, their families, mothers and children. These animals can no longer live”²¹⁹ — was presented with a certificate of thanks and commendation by Israeli President Herzog on 6 March 2024.²²⁰ In his speech at the award ceremony, President Herzog told Ezra Yachin and the other senior recipients of the reward that they “*have been a tremendous personal example for generations of Israeli citizens and the whole world*”.²²¹ Ezra Yachin was also invited to be one of the torch-lighters and speakers at the Israeli national torch-lighting ceremony of 13 May 2024, commemorating Israel’s founding, at which Israeli Prime Minister Benjamin Netanyahu gave a speech.²²²

Urgent Action Required

29. The evidence of genocidal intent towards Palestinians in Gaza on the part of Israeli soldiers of all ranks in the Israeli army is incontrovertible from their statements, just as it is from their actions on the ground in Gaza. It demands the urgent intervention by the international community to prevent further acts of genocide and to protect the Palestinian people in Gaza from further harm, death and destruction.

²¹⁴ See above at para. 0.

²¹⁵ “Documentation: Fighters of the 13th Fleet raided Gaza from the sea”, *Ynet* (27 October 2023), <https://www.ynet.co.il/news/article/r1o4kqkfa>.

²¹⁶ IDF, Announcement Regarding New Appointments to the General Staff Forum (2 May 2024), <https://www.idf.il/en/minisites/hamas-israel-war-24/briefings-by-idf-spokesperson-rear-admiral-daniel-hagari/april-24-press-briefings/announcement-regarding-new-appointments-to-the-general-staff-forum/>.

²¹⁷ “The IDF entered the depths of the tunnels in the south of the Gaza Strip, and Sinwar’s clock is ticking backwards”, *Walla* (26 December 2023), <https://news.walla.co.il/item/3631276>.

²¹⁸ IDF, Announcement Regarding New Appointments to the General Staff Forum (2 May 2024), <https://www.idf.il/en/minisites/hamas-israel-war-24/briefings-by-idf-spokesperson-rear-admiral-daniel-hagari/april-24-press-briefings/announcement-regarding-new-appointments-to-the-general-staff-forum/>.

²¹⁹ See above at para. 19.

²²⁰ Isaac Herzog, @Isaac_Herzog, Tweet (4:05 pm, 6 March 2024), https://twitter.com/Isaac_Herzog/status/1765378196449501227.

²²¹ Isaac Herzog, @Isaac_Herzog, Tweet (4:05 pm, 6 March 2024), https://twitter.com/Isaac_Herzog/status/1765378196449501227 (*emphasis added*).

²²² “Netanyahu: [I] promise — we will continue until the end. Ohana: Israel was not in 7/10 as we expected it to be”, *Yedioth Ahronoth* (13 May 2024), <https://www.ynet.co.il/news/article/r1nxkj1xr>; Elana Kirsh and Joshua Davidovich, “May 13: ‘Torch-dousing’ ceremony, rally for hostages counter state independence confab”, *Times of Israel* (13 May 2024), https://www.timesofisrael.com/liveblog_entry/oldest-active-idf-reservist-95-lights-independence-day-torch-the-people-of-israel-are-eternal/;

Appendice III*

INCITEMENT TO GENOCIDE

1. Article III(c) of the Genocide Convention requires States to punish “direct and public incitement to commit genocide”. As Article IV of the Genocide Convention makes clear, “persons committing” direct and public incitement to genocide “shall be punished, *whether they are constitutionally responsible rulers, public officials or private individuals*”.¹ As Article V of the Genocide Convention further underscores, the obligation binding on State Parties is to provide “*effective penalties*” in relation to such incitement.² Article 25(3)(e) of the Rome Statute of the International Criminal Court provides that “a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person . . . directly and publicly incites others to commit genocide”.³ Crimes of incitement to genocide are within the jurisdiction of the Court and give rise to an obligation on State parties to the Rome Statute to exercise their criminal jurisdiction over such crimes⁴ — in light of the universal jurisdiction of States over the crime of genocide and related acts⁵ — and to cooperate fully with the Court in its investigation and prosecution of crimes.⁶

2. The third provisional measure indicated by the International Court of Justice in its Order of 26 January 2024 (‘January Order’), as reaffirmed in its orders of 28 March 2024 (‘March Order’) and 24 May 2024 (‘May Order’), requires Israel to “take *all* measures within its power to prevent and punish the direct and public incitement to commit genocide”.⁷ The requirement to “punish” the direct and public incitement to genocide requires Israel to investigate, prosecute and punish those responsible for public incitement to genocide, regardless of their status, rank or role. The requirement that Israel “prevent” direct and public incitement to commit genocide requires Israel to take all measures to prevent and deter such incitement, such as through warnings and sanctions — including against Members of the Knesset (‘MKs’) and high-ranking governmental and military officials who have engaged, and continue to engage, in such incitement.

* Distribué uniquement dans la langue de l’original.

¹ Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 12 January 1951), 78 UNTS 277, Art. IV (emphasis added).

² Convention on the Prevention and Punishment of the Crime of Genocide (adopted 9 December 1948, entered into force 12 January 1951), 78 UNTS 277, Art. V. (emphasis added).

³ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002), 2187 UNTS 90, art 25(3)(e).

⁴ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002), 2187 UNTS 90, Art. 86.

⁵ See e.g., *Prosecutor v Ntuyahaga*, Decision on the Prosecutor’s Motion to Withdraw the Indictment, Trial Chamber I (18 March 1999) IT-98-40-T, <https://ucr.irmct.org/LegalRef/CMSDocStore/Public/English/Transcript/NotIndexable/ICTR-98-40/TRS19274R0000631156.PDF>, p. 10; *Attorney-General v Eichmann* (Israeli Supreme Court, 29 May 1962) 36 ILR 277, para. 12.

⁶ Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002), 2187 UNTS 90, Art. 86.

⁷ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order of 26 January 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>, p. 25, para. 86(3) (emphasis added).

Incitement to Genocide by Non-Cabinet Members of the Knesset

3. Israeli parliamentarians in both the opposition and the government's coalition engage in the direct and public incitement to genocide against Palestinians in Gaza. They call for Israel to "destroy all the houses" in Gaza, to "build . . . large and wide neighbourhoods" and to "distribute plots of lands to the soldiers"⁸, and call for the "large, extensive re-settlement" of Gaza, asserting that there is "intensive work behind the scenes, for this to happen".⁹ Politicians reiterate genocidal statements made by senior Israeli officials, including that "[t]here are *no innocents in Gaza*",¹⁰ that "we mustn't separate between the murderers of the women and children and the citizens of Gaza",¹¹ and there should be "one sentence" for all those in the Gaza Strip: "death".¹² They incite genocide against Palestinian children in particular, asserting that "*the children of Gaza have brought this upon themselves*".¹³ Israeli politicians — like Israeli soldiers — call for a "Nakba that will overshadow the Nakba of 48".¹⁴ They also call for the blocking of humanitarian aid "for *the residents* [*sic.*] of Gaza",¹⁵ both praising and participating in protests blocking aid convoys carrying life-saving humanitarian aid to the starving population of Gaza.¹⁶ Further illustrative examples are set out below. Emphases have been added to quotations.

4. **Likud MK Galit Distel Atbaryan** and former Minister of Information (29 December 2022 to 12 October 2023) has incited genocide against Palestinians in Gaza:

⁸ Statement of MK Zvi Sukkot (Religious Zionist Party) at the Knesset, "Knesset Committee Discussion", *Knesset Channel* (2 January 2024), <https://www.knesset.tv/committees/conventions/video/62475/>. Subtitles at Younis Tirawi, @ytirawi, Tweet (9:58 pm, 2 January 2024), <https://twitter.com/ytirawi/status/1742304288221925541?s=20>.

⁹ MK Limor Son Har-Melech (Otzma Yehudit) at "The Central Stage, 8.4.24", *Knesset TV* (8 April 2024), <https://www.knesset.tv/tv-shows/hazira-hamerkazit/video/65627/> [0:46:06], translation at Middle East Eye, @middleeasteye, TikTok (15 April 2024), <https://www.tiktok.com/@middleeasteye/video/7358018826467904800>.

¹⁰ MK Avigdor Liberman (Yisrael Beiteinu), @AvigdorLiberman, Tweet (6:45 pm, 30 November 2023), <https://twitter.com/avigdorlibermathen/status/1730297081959530685> (informal translation provided) (emphasis added).

¹¹ Interview with MK Katrin "Keti" Shitrit-Peretz (Likud) on Now 14, 1 November 2023: Now 14, @Now14Israel, Tweet (9:50 pm, 1 November 2023), <https://twitter.com/Now14Israel/status/1719834297832526215> (informal translation provided) (emphasis added).

¹² MK Yitzhak Kroizer (Otzma Yehudit) in "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>.

¹³ MK Meirav Ben-Ari (Yesh Atid), *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/>.

¹⁴ MK Ariel Kallner (Likud), @ArielKallner, Tweet (10:29 pm, 7 October 2023), <https://twitter.com/ArielKallner/status/1710769363119141268>. Translated in: Jessica Buxbaum, "'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-israel>.

¹⁵ MK Limor Son Har-Melech (Otzma Yehudit), @limor_sonhrmelh, Tweet (1:26 pm, 28 January 2024), https://twitter.com/limor_sonhrmelh/status/1751597625407569991 (informal translation provided: "Today I arrived at the Kerem Shalom crossing to participate in the just protest like no other to close the crossing for trucks transporting food, medicine and more for the residents of Gaza") (emphasis added).

¹⁶ MK Nissim Vaturi (Likud) at "The Central Stage With Mazal Mualem 15.05.2024", *Knesset TV* (15 May 2024), https://youtu.be/m_py5jKHkBQ?si=pBeX-CNeDwvab_SU [21:15] (informal translation provided: "I came and blocked the road with my vehicle as well, a month and two months ago"). See, also for example: MK Revital Gotlieb (Likud), @TallyGotliv, Tweet (12:30 pm, 31 January 2024), <https://twitter.com/TallyGotliv/status/1752670702858072329>; MK Limor Son Har-Melech (Otzma Yehudit), @limor_sonhrmelh, Tweet (1:26 pm, 28 January 2024), https://twitter.com/limor_sonhrmelh/status/1751597625407569991; MK Zvi Sukkot (Religious Zionist Party), @tzvisuccot, Tweet (10:47 am, 1 February 2024), <https://twitter.com/tzvisuccot/status/1752991982169751682>.

- On **26 January 2024**, she asserted to her 128,000 followers on X that all the children in Gaza are “indoctrinated from the age of three to bloodthirst and death”¹⁷
- On **1 November 2023**, having watched Israeli army footage of the 7 October 2023 attacks by Hamas and others, she urged Israelis to “invest [their] energy in one thing; *Erasing all of Gaza from the face of the earth.*” She stated: “Let the Gazan monsters rush to the southern fence and flee into Egypt’s territory. Or let them die. And *let them die badly. Gaza should be wiped out.* And fire and pillars of smoke [Joel 3:3] on the heads of the Nazis in Judea and Samaria. A Jewish rage that will shake the earth of the world. A vengeful and cruel IDF is needed here. Anything less than that is immoral. Simply immoral.”¹⁸

5. On 4 November 2023, **Yesh Atid Party MK Ram Ben-Barak**, former deputy director of the Mossad and director general of the Ministry of Intelligence Services and the Ministry of Strategic Affairs, stated in an interview on Israeli television, Channel 12: “if all Gaza is refugees, so let’s distribute them around the world. There are 2.5 [million] people there, every country will receive 20,000 people, 100 countries, it’s humane, it’s implied [asked for], they are refugees anyway, it’s better to be a refugee in Canada than a refugee in Gaza.”¹⁹

6. On 16 October 2023, **Likud MK Boaz Bismuth** — a former journalist and Israeli Ambassador — stated to his more than 82,000 followers on X that “We cannot forget that also *the cruel and monstrous ‘innocent civilians’* from Gaza took an active part in the pogrom inside Israeli settlements . . . One cannot have mercy on the cruel, *there is no place for any humanitarian gesture — the memory of Amalek must be erased!*”.²⁰

7. **Likud MK Revital (‘Tally’) Gotliv**, a Member of the Knesset’s Constitution, Law and Justice Committee; Special Committee for the Rights of the Child; Labour and Welfare Committee and State Control Committee, publicly incited the genocide of Palestinians in Gaza, including by posts on X receiving millions of views.²¹ By way of illustrative example:

44. On **9 October 2023**, posting on X, she called for a “A Jericho missile! A Jericho missile! . . . The doomsday weapon!” to be dropped on Gaza, prior to Israeli army’s ground assault.²²

45. On **10 October 2023**, she followed this up with a ‘tweet’ asserting that: “*Only an explosion that shakes the Middle East will restore this country’s dignity, its strength and its security! It is time for*

¹⁷ MK Galit Distel Atbaryan (Likud), @GalitDistel, Tweet (1:04 pm, 26 January 2024), <https://twitter.com/GalitDistel/status/1750867185839247739> (informal translation provided).

¹⁸ Galit Distel Atbaryan, @GalitDistel, Tweet (11:13 pm, 1 November 2023), <https://twitter.com/GalitDistel/status/1719689095230730656> (informal translation provided) (emphasis added).

¹⁹ In Context, @incontextmedia, Tweet (5:10pm, 5 November 2023), <https://x.com/incontextmedia/status/1721198184742125817> (subtitles in source not relied on, informal translation provided).

²⁰ MK Boaz Bismuth (Likud), @BismuthBoaz, Tweet (8:02 am, 16 October 2023), <https://twitter.com/BismuthBoaz/status/1713812686784311358> (informal translation provided).

²¹ See for example MK Revital Gotliv (Likud), @TallyGotliv, Tweet (5:59 pm, 9 October 2023), <https://twitter.com/TallyGotliv/status/1711426284322996613> which has received 2.4 million views.

²² MK Revital Gotliv (Likud), @TallyGotliv, Tweet (5:59 pm, 9 October 2023), <https://twitter.com/TallyGotliv/status/1711426284322996613> (informal translation provided).

the doomsday weapon. Launching powerful missiles without limit. Not flattening a neighbourhood. *Crushing and flattening Gaza*. Otherwise we have done nothing. Not with slogans, *[but] with penetrating bombardments. Mercilessly! Mercilessly!*"²³

- On **23 October 2023**, in a debate in the Knesset, she objected to the first – minimal – humanitarian convoy since 8 October 2023, carrying essential supplies including food, water and medicine permitted by Israel to enter Gaza,²⁴ stating: "Without hunger or thirst among the Gazan population, we will not be able to recruit collaborator[s], . . . we will not be able to *bribe people, with food, with drink, with medicine*".²⁵
- On **29 October 2023**, she 'tweeted' "'May your village burn'!! Yes, yes, from my point of view [that's a] *great morale [chant] wishing Gaza be erased and burned*. I've said more than once [that] *revenge is a value...*".²⁶ "May your village burn" is a racist, anti-Palestinian football chant and song,²⁷ repeatedly chanted by Israeli soldiers,²⁸ or played as the background to videos by Israeli soldiers blowing up or setting fire to Palestinian homes, buildings and villages in Gaza.²⁹
- On **7 December 2023**, she 'tweeted', calling for the "Bombings from the air with no mercy!!". She also echoed the Israeli President's remark that "[i]t's not true this rhetoric about civilians not aware not involved", stating: "Enough feeling sorry for 'uninvolved' Gazans. *There are no uninvolved*. Every Gazan who remains at a combat location is a collaborator for a terror organization. Enough! ... Destroy any place where there are terrorists and terrorist collaborators. From the air!! Do not endanger soldiers if bombing from the air is possible!"³⁰
- On **13 December 2023**, she 'tweeted' similarly that "[t]here are no uninvolved, neither in Khan Younis nor in Shuja'iyya. They are all marked for death. This must be the working assumption". She

²³ MK Revital Gotliv (Likud), @TallyGotliv, Tweet (11:41, 10 October 2023), <https://x.com/TallyGotliv/status/1711678420235534705>.

²⁴ Ministry of Foreign Affairs, *Security Cabinet convenes and makes series of operational decisions* (8 October 2023), <https://www.gov.il/en/pages/security-cabinet-convenes-and-makes-series-of-operational-decisions-8-oct-2023>; "Among the decisions made by the Security Cabinet is halting the supply of electricity, fuel and goods"; UN News, *Israel-Palestine: Lack of fuel in Gaza now critical says WFP* (23 October 2023), <https://news.un.org/en/interview/2023/10/1142707>.

²⁵ Statement by MK Revital Gotliv (Likud) in the Knesset: Knesset Channel, @KnessetT, Tweet (6:10 pm, 23 October 2023), <https://twitter.com/KnessetT/status/1716502486331113922> (informal translation provided).

²⁶ MK Revital Gotliv (Likud), @TallyGotliv, Tweet (5:10 pm, 29 October 2023), <https://twitter.com/TallyGotliv/status/1718676748542296207> (informal translation provided).

²⁷ Nimer Sultany, @NimerSultany, Tweet (1:14 pm, 6 March 2024), <https://x.com/NimerSultany/status/1765350242327646397?t=iXdGPVgypJAXUIMF3RNxaw&s=08>. See original chant by football club Beitar fans: "'Akfar' - Beitar Fans", *FCBJS1936* (24 February 2017), <https://www.youtube.com/watch?v=otxRkFwp824>; "Peretz sings may your village burn 2", *OfekCenter* (26 November 2023), <https://www.youtube.com/watch?v=xCH2o4c5KZY>.

²⁸ Younis Tirawi, @ytirawi, Tweet (10:47 am, 6 March 2024), <https://twitter.com/ytirawi/status/1765313264324333905>; Younis Tirawi, @ytirawi, Tweet (9:40 pm, 19 February 2024), <https://twitter.com/ytirawi/status/1759679360842313849>; See e.g. "Ishmach Hatani: the moving tribute of the singer Kobi Peretz to the fighters in the south", *Now 14* (26 November 2023), <https://www.now14.co.il/קובי-פרץ-התחייב-אם-תיקחו-מצוות-הפילין>; John Brown, @brown_johnbrown, Tweet (7:44 pm, 14 November, 2023), https://twitter.com/brown_johnbrown/status/1724498543346422241; "Peretz sings may your village burn 2", *OfekCenter* (26 November 2023), <https://www.youtube.com/watch?v=xCH2o4c5KZY>.

²⁹ See e.g. Younis Tirawi, @ytirawi, Tweet (8:12 pm, 31 January 2024), <https://twitter.com/ytirawi/status/1752771808531517628>.

³⁰ MK Revital Gotliv (Likud), @TallyGotliv, Tweet (3:46 pm, 7 December 2023), <https://twitter.com/TallyGotliv/status/1732788632430186872> (emphasis added, informal translation provided).

called for Israel to “bomb” Gaza “mercilessly from the air”, and for the Israeli army to undertake “a ground manoeuvre... only after demolishing buildings.”³¹

- On **31 January 2024** – five days after the Court’s January Order – she decried the fact that protestors blocking aid into Gaza at the Kerem Shalom / Karem Abu Salem crossing had been stopped by police,³² tweeting: “Sorry. Sorry. I am ashamed when, on a 'full-blown' right-wing government’s watch, our best people who came to protest the transport of flour and fuel to Hamas, are arrested at the Kerem Shalom crossing. Proud of you. I ask you for forgiveness. What a disgrace!”³³
 - On **9 May 2024**, after the United States delayed the delivery of precision missiles to Israel, she stated on Israeli television Channel 7 that Israel should instead use missiles which are imprecise and thus more destructive, stating “We have imprecise missiles! So maybe instead of using a precise missile and taking down a specific room or a specific building, *I’ll use my imprecise missiles and ill just collapse 10 buildings*. That’s what I’ll do.”³⁴
 - On **10 May 2024**, after Israel began its ground invasion of Rafah, she posted on X: “G-d. Why not attack from the air?? How many more times will I ask this? The citizens of Rafah received an evacuation notice. *Whoever hasn’t evacuated is physically shielding Hamas terrorists and Palestinian Islamic Jihad. Attack from the air with no mercy! Avenge the blood of our murdered! This is the language the enemy understands. Only so will we lead to the enemy’s surrender. Attack Rafah like we attacked in the north of the Gaza Strip. G-d will avenge the blood of our soldiers, glorious heroes.... Attack from the air without mercy. Instead of looking towards the court in The Hague, look towards the people of Israel.*”³⁵
8. **Likud MK Ariel Kallner** has made multiple statements inciting genocide:
- On **7 October 2023**, he ‘tweeted’, calling for a second Nakba, stating: “Right now, one goal: Nakba! *A Nakba that will overshadow the Nakba of 48. A Nakba in Gaza and a Nakba for anyone who dares to join!*”.³⁶

³¹ MK Revital Gotliv (Likud), @TallyGotliv, Tweet (7:39 am, 13 December 2023), <https://twitter.com/TallyGotliv/status/1734840416522948800> (informal translation provided).

³² “Dozens of protesters said detained amid clashes at Kerem Shalom over aid to Gaza”, *The Times of Israel* (31 January 2024), https://www.timesofisrael.com/liveblog_entry/dozens-of-protesters-said-detained-amid-clashes-at-kerem-shalom-over-aid-to-gaza/.

³³ MK Revital Gotliv (Likud), @TallyGotliv, Tweet (12:30 pm, 31 January 2024), <https://twitter.com/TallyGotliv/status/1752670702858072329>.

³⁴ Younis Tirawi, @yitirawi, Tweet (6:15pm, 8 May 2024), <https://x.com/yitirawi/status/1788241394340929690> (informal translation provided) (emphasis added).

³⁵ MK Revital Gottlieb (Likud), @TallyGotliv (6:02 pm, 10 May 2024), <https://x.com/TallyGotliv/status/1788962952176976231> (informal translation provided) (emphasis added).

³⁶ MK Ariel Kallner (Likud), @ArielKallner, Tweet (10:29 pm, 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-israel> (emphasis added).

- On **23 October 2023**, he echoed the dehumanising words of senior Israeli governmental and military officials: “The war that the Nazi Satan declared on us is a war against humanity and humaneness . . . Against *the inhumane* monster, all of humanity must stand together.”³⁷

9. **Otzma Yehudit MK Yitzhak Kreuzer** is one of the Israeli Knesset’s representatives to the Judicial Selection Committee.³⁸ On 5 November 2023, the same day that Minister of Heritage, Amichay Eliyahu, stated that dropping a nuclear weapon on Gaza was an option,³⁹ he asserted in an interview on Israeli radio Channel 94fm, that: “*The Gaza Strip must be flattened. [...] I think Minister Eliyahu’s message was very clear: Gaza has to be wiped off the map, in order to send a message to the rest of our enemies, with that goal we need to retrieve our captives as well. There are no innocents in the Gaza Strip, not everyone who came in to rape and slaughter us was armed with Hamas bandanas on their head, some of them were civilians. They are Nazis and Nazis have one sentence: death.*”⁴⁰

10. **MK Avigdor Liberman – former Deputy Prime Minister and Minister of Foreign Affairs, and the founder and leader of the opposition Yisrael Beiteinu Party** – ‘tweeted’ statements inciting the genocide of Palestinians to his 228,000 followers on X, including the following:

- On **30 November 2023**, he ‘tweeted’ “*there are no innocents in Gaza*”,⁴¹ attracting 2.6 million views.
- On **24 April 2024**, he stated in an interview aired on Israeli television that “how we look like even today, is like a bunch of wussies . . . what’s half of Gaza?!”⁴²

Likud MK Hanoch Milwidsky has made statements inciting genocide:

- On 21 February 2024, during a procedural government announcement in the Knesset broadcast on Knesset TV, he stated that “[t]here will never be a Palestinian state. *You will die, your children will die, your grandchildren will die* – there won’t be a Palestinian state, there won’t be”.⁴³

³⁷ MK Ariel Kallner (Likud), @ArielKallner, Tweet (6:16 pm, 23 October 2023), <https://twitter.com/ArielKallner/status/1716488723196477720> (informal translation provided) (emphasis added).

³⁸ “Knesset Elects Otzma Yehudit MK to JSC, Opposition Leader Gantz calls for Resumption of Talks”, *Market News* (12 July 2023), <https://marketnews.com/knesset-elects-otzma-yehudit-mk-to-jsc-opposition-leader-gantz-calls-for-resumption-of-talks>.

³⁹ “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/.

⁴⁰ “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> (emphasis added).

⁴¹ Avigdor Liberman @AvigdorLiberman, Tweet (8:45 pm, 30 November 2023), <https://twitter.com/AvigdorLiberman/status/1730297081959530685> (informal translation provided).

⁴² MK Avigdor Liberman (Yisrael Beiteinu) at B.M., @ireallyhateyou, Tweet (9:38 pm, 13 April 2024), <https://twitter.com/ireallyhateyou/status/1779232781706416404> (informal translation provided).

⁴³ Eye on Palestine, @EyeonPalestine, Tweet (10:11 pm, 21 February 2024), <https://x.com/EyeonPalestine/status/1760396928540442888> (emphasis added).

11. **Likud MK Eliyahu Revivo** has incited genocide, including on X:

- On **1 November 2023**, he ‘tweeted’ in response to the Knesset having screened a video montage of the events that unfolded on 7 October 2023: “**[E]very* resident of the Strip who is not fighting against Gaza ISIS, is a son of death. I am convinced that it will be possible to evacuate those sane few from the Strip area.* Dear citizens of Israel, gaining the world’s support for the elimination of Hamas is not considered an achievement and there is no logic in creating an equation that differentiates between those wearing the uniform and the rest of the residents there, with the exception, as mentioned, for the exclusion of those who go against that oppressive regime! Therefore, I am full of hope and expectation that the decision-makers will clarify to make it clear to the world about updating the war objectives. *Crushing Gaza on all its inhabitants.* They have set the standards both for us and for them and we will work to not disappoint them and we will act with God’s help, with strength, determination and with composure until the definite victory. I pursued my enemies and overtook them and I did not turn back till I destroyed them [Psalm 18:38]. Together we will win!”⁴⁴
- On **3 January 2024**, he asserted in the Knesset that “We are not only against Hamas. We are against Hamas, ISIS, and all who do not disavow their behavior. All including all. I have reached this conclusion and expressed it before, that there are no innocents in Gaza except those who make clear that the ways of Hamas and its kind are different from theirs. Let it not be misunderstood. Also in Gaza, also in Judea and Samaria [the West Bank], and also here inside the Knesset. I am speaking very clearly. Also from the Palestinian people and also from the Jewish people”.⁴⁵

13. On 1 November 2023, **Likud MK Katrin Shitrit-Peretz**, in an interview broadcast on Israeli television, stated – echoing the words of the Israeli President inciting to genocide – that “*we must not separate between the murderers of women and children and the ‘citizens of Gaza’ [making air quotes gesture with her hands]. It’s not the same*”.⁴⁶

14. **Religious Zionist Party MK Zvi Suktot** — Chairman of the Knesset Subcommittee for the West Bank⁴⁷ — has made various statements inciting to genocide, including the following:

- On **3 January 2024**, in an interview broadcast on Knesset TV, Zvi Suktot called for a second Nakba in Gaza:

⁴⁴ Eliyahu Revivo, @revivoelياهو, Tweet (2:46 pm, 1 November 2023),

<https://twitter.com/revivoelياهو/status/1719727722459508915> (informal translation provided) (emphasis added) .

⁴⁵ MK Eliyahu, *Kugelnews* (4 January 2024), <https://www.youtube.com/watch?v=Agp6h4ec11M> (informal translation provided).

⁴⁶ Interview with MK Katrin “Keti” Shitrit-Peretz (Likud) on Now 14, 1 November 2023: Now 14, @Now14Israel, Tweet (9:50 pm, 1 November 2023), <https://twitter.com/Now14Israel/status/1719834297832526215> (informal translation provided) (emphasis added).

⁴⁷ Jeremy Sharon, “Ultrationalist MK Tzi Succot appointed head of Knesset West Bank subcommittee”, *The Times of Israel* (1 November 2023), <https://www.timesofisrael.com/ultrationalist-mk-tzvi-succot-appointed-head-of-knesset-west-bank-subcommittee/>.

“Reporter 2: I would like to continue your thesis about settlements in the north of the Strip. What do we do with the population that lives there and now lives in tents in the south?”

MK Sukkot: “*First of all I reject this whole idea that we have a responsibility towards the residents of Gaza . . . The residents of Gaza . . . murdered 1400 of our people, they all voted for Hamas, supported Hamas, and we don’t have any responsibility towards these people. What would I do with them [the residents of Gaza]? It’s none of my business. I’m not letting them return home. If it depended on me: you fled? Don’t come back. Just like it happened in Tel Aviv, just like in many more places in the state of Israel. [...] They fled because there was warfare, it is like what happened here, by the way. I think Giv’at Ram lays on the ruins of an Arab village. Also Tel Aviv University lays on the ruins of an Arab village, because that’s what happened in ’48. They messed with us, fought, tried to kill us, couldn’t manage, fled, and we settled there [in Gaza].*”⁴⁸

- On the same day, he further called for the total destruction of northern Gaza and its Israeli settlement, in an interview with Israeli news channel, Channel 12, reportedly stating “Jewish settlement on ruins of Palestinian villages is a message we must convey,”⁴⁹ and in a gathering held at the Knesset that “[a]t least the northern Strip we must first of all conquer, annex, *raze all the buildings* and build neighbourhoods.”⁵⁰

Incitement to Genocide by Israeli Civic Leaders

15. Prominent Israeli personalities — including former ministers, ambassadors and politicians, and local and municipal officials — routinely use their public platforms to incite to genocide.

- **Former Likud MK Moshe Feiglin** has repeatedly called for the destruction of Palestinians as a group. In an Israeli Channel 14 television interview on 10 October 2023, he called for the carpet bombing of Gaza, stating: “[i]f three days after this massacre . . . and Gaza isn’t Dresden at this very moment — *a firestorm! All of Gaza!* — then the meaning is that we learned nothing”.⁵¹ He repeated this call in a subsequent interview two days later, stating that “*if the goal of this operation is not destruction, occupation, deportation and settlement, we have done nothing*”.⁵² He continued his incitement on 17 October 2023 on X (formerly Twitter), ‘tweeting’ that “it is not Hamas that should be eliminated. *Gaza should be razed and Israel’s rule should be restored to the place.* This is our

⁴⁸ כנסת ערוץ, @KnessetT, Tweet (6:32 pm, 3 January 2024), <https://x.com/KnessetT/status/1742599787659088222> (informal translation provided) (emphasis added).

⁴⁹ “Israeli MP: ‘Jewish settlement on ruins of Palestinian villages is a message we must convey’”, *Middle East Eye* (3 January 2024), <https://www.middleeasteye.net/live-blog/live-blog-update/israeli-mp-jewish-settlement-ruins-palestinian-villages-message-we-must?nid=331061&topic=Israel-Palestine%2520war&fid=496206>.

⁵⁰ “Genocide Charge Against Israel Must Serve as a Wake-up Call”, *Haaretz* (3 January 2024), <https://www.haaretz.com/opinion/editorial/2024-01-03/ty-article-opinion/genocide-charge-against-israel-must-serve-as-a-wake-up-call/0000018c-d113-daf6-a5df-d77f2f370000>.

⁵¹ “A Firestorm Should Wash Over Gaza, Now! – Moshe Feiglin In [Channel] 14 Studio”, *Moshe Feiglin* (10 October 2023), <https://www.youtube.com/watch?v=5yPjMy9G-Fo> (informal translation provided).

⁵² Yehuda Shaul, @YehudaShaul, Tweet (5:27 pm, 12 October 2023), <https://twitter.com/YehudaShaul/status/1714301995002020296/photo/1> (Informal translation provided).

country”.⁵³ In October 2023, he gave two television interviews; in the first he called on the Israeli army to “not leave one stone upon stone in Gaza. Gaza needs to turn to Dresden, yes. *Complete incineration. No more hope. . . flatten[.]all of Gaza . . . Annihilate Gaza now! Now!*”;⁵⁴ in the second interview, with Al Jazeera, he urged Israel “to retaliate with strong vengeance. There is one and only one solution which is *to completely destroy Gaza* before invading it”, clarifying that his call for “destruction” meant “destruction *like it was in Dresden and Hiroshima* without a nuclear weapon”, advocating for “*burn[ing] everything*” and dropping “*bombs that penetrate defensive structures to penetrate Al Shifa hospital and to destroy the ground from beneath it without any consequences*”.⁵⁵

- **Arieh King, the Deputy Mayor of Jerusalem**, has repeatedly incited to genocide against Palestinians, repeating the Israeli Prime Minister’s invocation of the Old Testament tale of Amalek,⁵⁶ echoing statements by the Minister of Defence and senior military officials that “the Muslim Nazis [in Gaza] . . . aren’t human beings and not human animals, [t]hey’re subhuman and that’s how they should be treated”,⁵⁷ calling them “ants” and urging the Israeli army to “pick up the pace” in “eliminat[ing]” them.⁵⁸ On 17 October 2023, he said that “[i]f the PM@ Netanyahu cared, or his ministers from the State of IL [Israel] cared, there would have been 150K dead already in the Gaza Strip and not a single building in the Gaza Strip would have been left standing.”⁵⁹ And on 11 November 2023, he called to “wipe out the cities of terror from which those who massacred our brothers came.”⁶⁰
- On 25 October 2023, **Dan Gillerman** — Israel’s former Permanent Representative to the United Nations and former Director of Israel’s central bank⁶¹ — stated in an interview on Sky News that he was “very puzzled by the constant concern which the world and also Britain. . . is showing *for the Palestinian people* and is actually showing *for these horrible inhuman animals* who have done the

⁵³ משה פייגלין, @moshefeiglin, Tweet (6:16 am, 12 October 2023), <https://x.com/moshefeiglin/status/1712336429982846977>. Translation at: Yehuda Shaul, @YehudaShaul, Tweet (5:27 pm, 17 October 2023), <https://twitter.com/YehudaShaul/status/1714301999703814288/photo/> (emphasis added).

⁵⁴ Ania Lewandowska, @Anna_AnninaEl, Tweet (10:38 am, 26 October 2023), https://twitter.com/Anna_AnninaEl/status/1717460569601475007 (informal translation provided) (emphasis added).

⁵⁵ “Moshe Feiglin: The only solution is the ‘complete destruction of Gaza’”, *Middle East Eye* (26 October 2023), <https://youtu.be/rjLW847tvig?si=bxBL8hqdNu8nC-oZ> (informal translation provided) (emphasis added).

⁵⁶ “Address by the Prime Minister of Israel”, *IsraeliPM* (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>.

⁵⁷ “Jerusalem deputy mayor referred to Hamas militants as ‘subhuman’ in X post | Fact check”, *USA Today* (14 December 2023), <https://eu.usatoday.com/story/news/factcheck/2023/12/14/israeli-official-called-hamas-subhuman-fact-check/71918947007/> (informal translation provided).

⁵⁸ “Israeli official calls for burying alive ‘subhuman’ Palestinian civilians”, *Middle East Eye* (8 December 2023), <https://www.middleeasteye.net/live-blog/live-blog-update/israeli-municipality-official-calls-burying-alive-subhuman-palestinian> (informal translation provided).

⁵⁹ AriehKing, @ariehking, Tweet (9:36 pm, 17 October 2023), <https://archive.is/fZ32j> (informal translation provided).

⁶⁰ Yehuda Shaul, @yehudashaul, Tweet (4:23 pm, 11 November 2023), <https://archive.is/q5jGi> (informal translation provided).

⁶¹ UN Meetings Coverage and Press, *New Permanent Representative of Israel Presents Credentials* (15 January 2003), <https://press.un.org/en/2003/bio3471.doc.htm>.

worst atrocities that this century has seen and the worst atrocities the Jews have suffered since the Holocaust”.⁶²

- On 8 November 2023, **Ayelet Shaked** — former Israeli Minister of the Interior and Minister of Justice — was quoted in Israeli newspaper Israel Hayom as stating: “*the Gaza Strip will have to shrink significantly*”.⁶³ Two weeks later, on 22 November 2023, he explained in an interview on Israel television Channel 13 that: “*With God and the IDF’s help, after we turn Khan Younis too into a soccer field, I’m sure there will be international pressure at some point . . . And then we need to take advantage of that. To take advantage of the destruction . . . in order [to tell] the countries of the world, that each one of them should take a quota, it can be 20,000 or 50,000, [so] that they too should shoulder the burden in order to allow them to leave. You have to understand, it was hard for them to leave until now, it was complicated to leave Gaza. We need to change our mindset and let them leave. We need to let them leave. As Zvika said before, in the last few years half a million young people emigrated. We need two million to leave. In all honesty, that’s the solution for Gaza*”.⁶⁴
- On 9 November 2023, former Minister of Communications and former Blue and White Party MK, **Yoaz Hendel**, stated in an opinion editorial on the Israel Hayom news website that “*[w]e will certainly tear apart the [Gaza] strip, dismember it, if that’s what’s required for full security. This is a no choice war. Every military step we make will be done because there are no other alternatives*”.⁶⁵
- On 17 December 2023, **David Azoulai, head of the Metula Council** — the Council of a town in the North of Israel — in a radio interview with Ben Caspit and Yinon Magal stated that “a security strip should be established from the sea to the Gaza border fence, completely empty, as a reminder of what was once there. *It should resemble the Auschwitz concentration camp . . . Tell everyone in Gaza to go to the beaches. Navy ships should load the terrorists onto the shores of Lebanon. The entire Gaza Strip should be emptied and leveled flat, just like in Auschwitz. Let it become a museum, showcasing the capabilities of the State of Israel* and dissuading anyone from living in the Gaza Strip. This is what must be done to give them a visual representation”.⁶⁶
- On 29 December 2023, **former MK Michael Ben-Ari** — an avowed disciple of Rabbi Meir Kahane — was filmed stating “Our enemy is not Hamas, it is not the rockets. *Our enemy is the Arabs in Gaza. As long as there are Arabs in Gaza the State of Israel is threatened.* To eliminate Hamas is to

⁶² Sky News, @SkyNews, Tweet (10:37 pm, 25 October 2023), <https://twitter.com/SkyNews/status/1717279204130037806> (emphasis added).

⁶³ “Ayelet Shaked: Hezbollah Should be Attacked, Even Now if They are on the Border”, *BHOL* (8 November 2023), <https://www.bhol.co.il/news/1615149> (Informal translation provided).

⁶⁴ Younis Tirawi, @ytirawi, Tweet (11:47 am, 22 November 2023), <https://twitter.com/ytirawi/status/1727262445033386230> (informal translation provided).

⁶⁵ Yoaz Hendel, “When Jewish Children Are Murdered: There Is No Other Option But To Destroy Hamas”, *Israel Hayom* (9 November 2023), <https://www.israelhayom.co.il/news/politics/article/14806698> (informal translation provided).

⁶⁶ “You need a completely flat strip, just like in Auschwitz”, *103FM* (17 December 2023), <https://103fm.maariv.co.il/programs/media.aspx?ZrqvnVq=JGJIGI&c41t4nzVQ=FJF>. Translated at “Israel should make Gaza look like Auschwitz museum - council head”, *The Jerusalem Post* (17 December 2023), <https://www.jpost.com/israel-hamas-war/article-778367> (emphasis added).

eliminate Gaza, not to kill them, to send them around the world . . . *Remember the sentence: there is no Gaza and us; it's either Gaza or us. This is the humanitarian solution*".⁶⁷

- On 6 January 2024, as reported by Middle East Monitor, **former Israeli Ambassador Dror Eydar** stated on Israeli news Channel 14 that: "The price they must pay for what they've done to us, should not be limited to merely punishing the killing of insurgents. We are not talking about a conflict imposed on us, that's illogical. We refer to them as 'spaces', while they call them 'land', from which the word 'human' is derived'. In the Middle East, it means that a human without land is worth nothing and has no right to exist. *Therefore, the price they must pay for it to impact future generations is that we must take their land* [he says ADAMA]. *First, we must take land* [ADAMA], after we have taken their land [ADAMA], we will think about what we'll do next. The second thing we need to push for, despite all voices and opinions, is new migration and helping them find a new life... *Gaza is certainly now destroyed and not suitable for human habitation. And I expect the Western world, as they did by welcoming a million Syrian refugees, to open their doors and welcome the people of Gaza*".⁶⁸ Prior to that, on October 25, 2023, Dror Eydar stated in an interview with Stasera Italia, an Italian current events channel, that: "we, in Israel, at least the population, are not interested in all this rational Palestinian talks", rather "[f]or us, there is one purpose: *to destroy Gaza, to destroy this absolute evil. To destroy this....*".⁶⁹
- On 14 February 2024, **former MK and Head of Eshkol Regional Council, Halim Jelin**, stated to Israeli news website Mako, that "[t]here are no more non-involved in the Gaza Strip. The data they gave me is completely incorrect. *Everyone is involved there, including the homes of the citizens*".⁷⁰
- On 3 May 2024, only days prior to the Rafah invasion, **Shimon Boker — the Vice Chair of the international arm of the Likud Party** — stated on Israeli television: "I think we needed to invade Rafah yesterday. To go in and to ... kill . . . *There are no uninvolved . . . [We] need to go in and kill and kill and kill . . . we need to kill them before they kill us*".⁷¹

⁶⁷ "Former Knesset member says Gazans must be forced out of Gaza for Israel's survival", *Middle East Monitor* (29 December 2023), <https://www.middleeastmonitor.com/20231229-former-knesset-member-says-gazans-must-be-forced-out-of-gaza-for-israels-survival/> (informal translation provided) (emphasis added).

⁶⁸ "Former Israeli Ambassador calls on the Western world to take the Gazan population", *Middle East Monitor* (6 January 2024), <https://www.middleeastmonitor.com/20240106-former-israeli-ambassador-calls-on-the-western-world-to-take-the-gazan-population/> (informal translation provided).

⁶⁹ Middle East Eye, @MiddleEastEye, Tweet (6:17 pm, 30 October 2023), <https://twitter.com/MiddleEastEye/status/1719025745626910862> (informal translation provided) (emphasis added). See also, "Le parole aberranti dell'ex ambasciatore israeliano Dror Eydar, 'C'è uno scopo: distruggere Gaza'", *Reportitalia24* (30 October 2023), <https://www.youtube.com/watch?v=luz1jnI6OIk>.

⁷⁰ "There Are No More Uninvolved In The Gaza Strip, Everyone Is Involved. These Are Not Our Neighbours Anymore", *Mako News* (14 February 2024), <https://www.mako.co.il/tv-morning-news/articles/Article-4975b67be66ad81027.htm> (informal translation provided) (emphasis added).

⁷¹ "Ofira and Levison", *Channel 12* (3 May 2024), https://www.mako.co.il/mako-vod-keshet/ofira_levinson-2024/VOD-3cc2a2319283f81027.htm, archived at B.M., @ireallyhateyou, Tweet (4.50 pm, 6 May 2024), <https://twitter.com/ireallyhateyou/status/1787495113578491967> (informal translation provided) (emphasis added).

Incitement to Genocide by Former Military and Intelligence Officials

16. Israeli former military and intelligence officials — including those who continue to serve in an advisory role to Israeli governmental officials — are routinely given a public platform to incite to genocide against Palestinians. By way of example:

- On 8 October 2023, **Former Head of the Israeli National Security Council and former National Security Advisor to Prime Minister Netanyahu, Ya’akov Amidror**, stated on Knesset TV that “Israel should announce, in my opinion, that it will not enter negotiations and it will not stop the military operation until all the hostages are returned. If this means that we *continue to bomb Gaza for the next three months, and slowly destroy Gaza*—you must understand this is part of the process—then the Gazans will have to do their own calculations, whether this situation is good for them or not. So we *have to impose a siege on Gaza, so that the supplies they need won’t be there, create pressure from within, and continue to bomb Gaza so that there is severe damage to its infrastructure . . .* in Gaza, the Gazans have elected Hamas, in free elections. *So Gaza is Hamas, Hamas is Gaza*. Therefore, our hand *should rest easier on the trigger when it comes to the matter of hitting civilian infrastructures*. Will this kind of operation succeed in bringing back the hostages? I don’t know, it is going to be a very complex manoeuvre”.⁷²
- On 10 October 2023, **former Commander of the Israeli Military’s Northern Command and former MK, Yossi Peled**, stated in a radio interview: “*this time there’s nothing humanitarian. We must deliver such a blow, be determined and cruel*. We have to take responsibility so that this country can exist. *We need to level Gaza*. If we do not know [how] to respond in a way that will restore the confidence of this nation in its leadership and the military, a big part [of the nation] will leave.”⁷³
- On 16 October 2023, **former Head of the Mossad (Israel’s national intelligence agency), Yossi Cohen**, stated to Israeli news channel Kann News, that “[c]urrently Gaza is under siege. If you’ve heard my statements on the matter, I said ‘don’t blink’—I’ve seen [now] the first blink... letting in water to the south of Gaza [...] If this was done due to pressure from the international community, which doesn’t understand that *Gazan civilians went through the fence* [on October 7th] — *civilians! Not just the Hamas terrorists*”.⁷⁴
- On 17 October 2023, **former Israeli Minister of National Security, Omer Bar-Lev**, in a ‘tweet’, called for a “*complete siege on Gaza. No water, no electricity, no food*. As in Beirut 1982. Water to the south of the Gaza Strip - only in exchange for the return of the kidnapped children and women.

⁷² Knesset TV, @KnessetT, Tweet (6:50 pm, 8 October 2023), <https://twitter.com/KnessetT/status/1711061487530225758> (informal translation provided) (emphasis added).

⁷³ “Major General Peled: ‘[To] Be Determined And Cruel – Our Existence Depends Upon It’”, *Galey Israel Radio* (10 October 2023), <https://www.gly.co.il/item?id=29883>. Available at Nimer Sultany, @NimerSultany, Tweet (10:14 pm, 27 May 2024), <https://x.com/NimerSultany/status/1795186747669651770>. Translation at Nimer Sultany, @NimerSultany, Tweet (9:14 pm, 27 May 2024), <https://x.com/NimerSultany/status/1795186744343613557> (emphasis added).

⁷⁴ “Former Head of The Mossad: No ‘Blinking’ In Siege, Except For Existential Needs”, *Kann News* (16 October 2023), <https://www.kan.org.il/content/kan-news/global/569875/> (informal translation provided) (emphasis added).

A broad humanitarian move only in exchange for the return of all the abductees. *We must not give up even if your hand is pressed*".⁷⁵

- On 22 October 2023, **former counter-terrorism advisor to Israeli prime ministers Yitzhak Rabin and Yitzhak Shamir, and former head of the Israeli Civil Administration in the West Bank, Yigal Carmon**, emphasised Israel's focus on bombing Gaza to completely destroy it, stating "Gaza will not be rebuilt in the next 20 years.... *Gaza as a center of life will no longer exist*. . . There will be no return of civilians into Gaza until Israel's security is guaranteed, and there is no chance of that for at least the next twenty years".⁷⁶ On 7 November 2023, he stated that "*Gaza will be turned into piles of ruins in any case*", saying that "[i]f Hamas refuses such a deal . . . we have no choice but to bomb and *then triple the bombing and turn Gaza to piles of ruins*. *Every empty house should become a ruin* . . . Northern Gaza will become a war zone for the next decade . . . The south of the Gaza Strip will become one big refugee camp - like in Syria, like in Turkey, like in Jordan. Hundreds of thousands will live there . . . After Gaza City is wiped out, it and the north of the Gaza Strip will become, within a decade or two, like Normandy after World War II. *Gaza will disappear from the face of the earth, because they will continue to shoot at us and there will be no end to this war*."⁷⁷
- On 29 October 2023, **former Deputy Commander of the Gaza Division of the Israeli army, Amir Avivi**, confirmed to the Financial Times newspaper that the Israeli army is "not taking any chances" in that "[w]hen our soldiers are manoeuvring we are doing this with massive artillery, with 50 aeroplanes overhead *destroying anything that moves*".⁷⁸
- On 1 December 2023, **Israel's former National Security Advisor, former Head of the National Security Council, previous senior official in Israel's Shin Bet and confidante of Benjamin Netanyahu, Meir Ben-Shabbat**,⁷⁹ published an op-ed in the Israeli newspaper, Israel Hayom. In it he advocated for "a more aggressive approach" to Israel's military offensive in Gaza, arguing that "the expectation that Israel allow humanitarian aid to Gaza (and even increase it) is based on *two mistaken assumptions*, in my opinion. *The first is that the war is being conducted between Israel and the terrorist organization Hamas* in a way that is unrelated to the 'State of Gaza.' The second is that there is a *practical possibility in the Gaza Strip to separate between 'aid to Hamas' and 'aid to*

⁷⁵ Omer Bar-Lev, @omerbarlev, Tweet (6:38 pm, 17 October 2023), <https://twitter.com/omerbarlev/status/1714320023328600461> (informal translation provided) (emphasis added).

⁷⁶ Yigal Carmon, "On The Future", *Middle East Research Institute* (22 October 2023), <https://www.memri.org/il/cgi-webxay/item?5946> (informal translation provided) (emphasis added).

⁷⁷ Dor Levintar, "Interview with Yigal Carmon: The South of Gaza Will Become One Giant Refugee Camp. The Rest Will Become A Memorial Site, Like Normandy. It Will Be A Closed Military Zone And The Fighting Will Not Cease", *Epoch* (7 November 2023), <https://epoch.org.il/geopolitics/539329/> (informal translation provided) (emphasis added).

⁷⁸ James Shotter, Neri Zilber, Mehul Srivastava and Andrew England, "The tactics behind Israel's ground offensive", *The Financial Times* (29 October 2023), <https://www.ft.com/content/92a31b6e-a5b7-4533-96ed-89d14e6c2b14> (emphasis added).

⁷⁹ "Bennett taps former senior Mossad official as his new national security adviser", *Times of Israel* (11 July 2021), https://www.timesofisrael.com/liveblog_entry/bennett-taps-former-senior-mossad-official-as-his-new-national-security-adviser/; Michael Hauser Tov, "Israel's National Security Adviser Ben-Shabbat to Step Down in August", *Haaretz* (1 July 2024), <https://www.haaretz.com/israel-news/2021-07-01/ty-article/.premium/israels-national-security-adviser-ben-shabbat-to-step-down-in-august/0000017f-e971-d62c-a1ff-fd7bfa510000>.

the population’.” On that basis, he advocated for the continued severe restrictions on aid into Gaza.⁸⁰

- On 13 February 2024, **former Division Chief of the Hostages and Missing in Action Unit of Israel’s national intelligence service (Mossad), Rami Igra**, asserted that “*there are no uninvolved civilians in Gaza. There is no such thing . . . In Gaza, everyone is involved. Everyone voted for Hamas. Anyone over the age of four is a Hamas supporter*”.⁸¹
- On 20 March, **Israeli army Brigadier General (Reserve) Jacob Nagel, former Head of Israel’s National Security Council and former National Security Advisor to Prime Minister Benjamin Netanyahu**,⁸² argued in a radio interview on Israel’s 103FM that the only reason to ensure evacuations of Palestinians from Rafah was “so that we are not accused of killing” what the Brigadier General called “*supposedly innocent civilians*” in Gaza, so that Israel would not risk losing the support of its allies or the world.⁸³
- On 24 March 2024, **former director of the Shin Bet, Yoram Cohen**, in an interview on Israeli news Channel 12, further dehumanised Palestinians in Gaza, describing them as “*a population that behaves in barbaric and sadistic manners*”.⁸⁴
- On 28 March 2024, **Major General, Moti Almoz, a former spokesperson of the Israeli army, former head of the Army’s personnel directorate, and previously Head of Israel’s ‘civil administration’ unit in COGAT** — responsible for Israel’s military administration of civilian matters in occupied Palestine —⁸⁵ labelled Palestinians in Gaza “*human animals*” in an interview conducted on Israel’s Army Radio Galei Tzahal.⁸⁶
- On 18 April 2024, **former senior Shin Bet officer, Moshe Puzailov**, when interviewed on Israeli radio 103FM stated that “*There is no such thing as uninvolved [people]*” in Gaza. He asserted that “[t]he levels of hatred instilled from infancy [in Gazans] are such that no other reality can be produced other than *true hatred and a desire to annihilate the Jews*.”⁸⁷

⁸⁰ Meir Ben Shabbat, “Generous humanitarian aid will only prolong the war”, *Israel Hayom* (1 December 2023),

<https://www.israelhayom.com/2023/12/01/generous-humanitarian-aid-will-only-prolong-the-war/> (emphasis added).

⁸¹ Igra on “Seven with Ayala Hasson”, *Kan News* (13 February 2024), <https://www.kan.org.il/content/kan/kan-actual/p-11039/703794/> [36:30]-[37:30]. Subtitles at Middle East Eye, @MiddleEastEye, Tweet (5:29 am, 15 February 2024), <https://twitter.com/MiddleEastEye/status/1758000584135962846> (emphasis added).

⁸² American Technion Society, *Faculty: Jacob Nagel*, <https://ats.org/about/faces-of-the-technion/jacob-nagel/>.

⁸³ “How will Israel evacuate 1.2 million Gazans from Rafah? IDF general explains”, *The Jerusalem Post* (20 March 2024), <https://www.jpost.com/israel-hamas-war/article-792452> (emphasis added).

⁸⁴ Yoram Cohen in “Former Shin Bet chief: Give them a state? That would be a catastrophic disaster”, *Israel National News* (24 March 2024), <https://www.israelnationalnews.com/news/387249> (emphasis added).

⁸⁵ “Moti Almoz promoted to Maj Gen and head of Manpower Directorate”, *Israel National News* (5 January 2017), <https://www.israelnationalnews.com/news/222821>; “IDF spokesman to step down”, *Times of Israel* (10 October 2013), <https://www.timesofisrael.com/idf-spokesman-to-step-down-monday/>.

⁸⁶ Major General (res.) Moti Almoz in GLZ, @GLZRadio, Tweet (28 March 2024), <https://twitter.com/GLZRadio/status/1773260052683469178> (emphasis added); see also Younis Tirawi, @ytirawi, Tweet (28 March 2024), <https://twitter.com/ytirawi/status/1773350643366850738>.

⁸⁷ Former senior officer in the Shin Bet Moshe Puzailov on 103fm, Sivan Cohen Saban, @sivanhakolkalul, Tweet (4:18 pm, 18 April 2024), <https://twitter.com/sivanhakolkalul/status/1780964143236841665> (informal translation provided) (emphasis added).

17. **Israeli Army (Retired) Major General,⁸⁸ Giora Eiland – former Head of the Israeli National Security Council,⁸⁹ and sometime adviser to Israel’s Defence Minister, Yoav Gallant⁹⁰** has repeatedly engaged in genocidal rhetoric, inciting to genocide against Palestinians. By way of example:

- **On 7 October 2023**, he wrote in online newsletter Fathom “the only effective way to achieve” Israel’s “strategic goal” in Gaza was “to impose a dramatic, continuous, and strict siege over Gaza”. He stated that “[t]his is what Israel has begun to do — we cut the supply of energy, water and diesel to the Strip”, but argued that “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.”⁹¹ On the same day, he asserted in an Israeli national newspaper Mako 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 Gaza.⁹²
- **On 8 October 2023**, he stated when asked about the continuation of fighting in Gaza that “*Israel has no interest in the Gaza Strip being rehabilitated* and this is an important point that needs to be made clear to the Americans”,⁹³ and that “[i]f we ever want to see the hostages alive, the only way is to create a severe humanitarian crisis in Gaza”.⁹⁴
- **On 9 October 2023**, he continued to advocate for the targeting of water in Gaza, noting that water in Gaza “comes from wells with unfit brackish water. They have purification facilities. *Israel should damage all these facilities.* And when the whole world says we’ve gone crazy and it’s a humanitarian disaster - we’ll say it’s a means” to an end.⁹⁵

⁸⁸ “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/.

⁸⁹ “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/r1zlcnoaga>.

⁹⁰ “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/.

⁹¹ 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).

⁹² 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 (informal translation provided) (emphasis added).

⁹³ Interview with Giora Eiland on Kann News, 17 November 2023. Kann News, @kann_news, Tweet (6:42 pm, 17 November 2023), https://twitter.com/kann_news/status/1725585143333622129 (informal translation provided) (emphasis added).

⁹⁴ 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).

⁹⁵ “How should one respond to the massacre of hundreds?”, *Yedioth Ahronoth* (print) (9 October 2023), <https://drive.google.com/file/d/115Ow2T0Na20BcoL2yautiobij8ldNsVK/view>.

- **On 10 October 2023**, he opined in an opinion editorial he penned for an Israeli national newspaper that *“the State of Israel has no choice but to make Gaza a place that is temporarily, or permanently, impossible to live in.”*⁹⁶
- **On 12 October 2023**, again writing in a popular Israeli newspaper, he called for Israel *“to create a humanitarian crisis in Gaza, compelling tens of thousands or even hundreds of thousands to seek refuge in Egypt or the Gulf . . . The entire population of Gaza will either move to Egypt or move to the Gulf . . . Gaza will become a place where no human being can exist.”*⁹⁷ In a Times Radio interview on the same day, he reiterated that the Israeli 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 whatever as we did in the past twenty years . . . but we should prevent any other possible assistance by others, and to create in Gaza such a terrible, unbearable situation, that can last weeks and months. It is going to be a very, very long siege”.*⁹⁸
- **On 6 November 2023**, in an interview with journalists from the Times of Israel newspaper, he suggested that, *“if there is an intention for a military action at Shifa [Hospital], which I think is inescapable . . . the US must ultimately back even an operation like this, even if there are thousands of bodies of civilians in the streets afterward,”*⁹⁹ clearly indicating that the hundreds of civilian casualties at Shifa, including those found in mass graves, were well anticipated in advance.
- **On 19 November 2023**, in a newspaper article in Israeli newspaper Yedioth Ahronot, echoing the words of President Herzog, he advocated for there being 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 . . . [I]t 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’

⁹⁶ 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> (informal translation provided) (emphasis added).

⁹⁷ 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).

⁹⁸ “How Israel plan to ‘destroy Hamas’ | Major General Giora Eiland”, *Times Radio* (12 October 2023), <https://www.youtube.com/watch?v=CRHz0dZwF2A> (emphasis added).

⁹⁹ “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).

are not only Hamas fighters with weapons, but also *all the ‘civilian’ officials, including hospital administrators and school administrators, and also the entire Gaza population* who enthusiastically supported Hamas and cheered on its atrocities on October 7th.”¹⁰⁰

- **On 5 March 2024**, as Palestinian children in Gaza were beginning to die of starvation, Israeli newspaper Maariv published an interview with Giora Eiland in which he called for the exacerbation of the humanitarian crisis in Gaza.¹⁰¹ He further asserted in the newspaper Israel Hayom that “humanitarian supplies into the Gaza Strip — flour and food” are “more problematic than weapons” as “it is actually flour and food that is really lacking there, so this is a significantly more powerful form of leverage”.¹⁰²
- **On 8 April 2024**, in an interview with BBC Newsnight, he stated that “if we want to make sure that all . . . the Israeli hostages will be brought back, then the only way to guarantee is to create such a pressure that even the government of Hamas, that is not really so sensitive about the well-being of the people, *will be under pressure of hundreds, thousands of Palestinians which are hungry, frustrated, angry and might rise against the regime.* That's what happened in the Arab Spring exactly 13 years ago”.¹⁰³ He reiterated this call for a total siege on 17 April 2024, advising that “*the state of Gaza does have vulnerabilities. It doesn't have sufficient fuel, food and water of its own.* You can impose a legitimate boycott on that state until the state returns all of your hostages”.¹⁰⁴

Incitement to Genocide by Israeli Journalists and Political Pundits

18. Journalists and political pundits routinely incite to genocide against Palestinians without sanction or censure. Those who called for “a more fatal attack” on Gaza, involving the killing of 100,000 Palestinians,¹⁰⁵ for Palestinians to be “exterminate[d]”,¹⁰⁶ saying that “[w]e are coming to Gaza . . . [c]an you imagine how many we are going to kill, how many of you we will slaughter . . . as many of you as we

¹⁰⁰ 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, @bezaleism, Tweet (11:20 am, 19 November 2023), <https://twitter.com/bezaleism/status/1726198721946480911>. Translation by Talula Sha, @TalulaSha, Tweet (19 November 2023), <https://twitter.com/TalulaSha/status/1726267178201362438> (emphasis added).

¹⁰¹ Major General (ret.) Giora Eiland in “Eiland reveals: the two critical mistakes that Israel makes in Gaza”, *Maariv* (5 March 2024), <https://www.maariv.co.il/news/military/Article-1081222>.

¹⁰² Major General (ret.) Giora Eiland in Nadav Shragai, “What can Israel do with the Egypt-Gaza border?”, *Israel Hayom* (2 January 2024), <https://www.israelhayom.com/2024/02/01/what-can-israel-do-to-with-the-egypt-gaza-border/>.

¹⁰³ Interview with Giora Eiland on BBC Newsnight (8 April 2024), <https://www.bbc.co.uk/iplayer/episode/m001y5k7/newsnight-police-unprotection> [33:00]-[33:36].

¹⁰⁴ “A Top Ex-General’s Radical Strategy for Tackling Iran, Saving the Hostages, Calming the North”, *The Times of Israel* (17 April 2024), <https://www.timesofisrael.com/a-top-ex-generals-radical-strategy-for-tackling-iran-saving-hostages-calming-the-north/> (emphasis added).

¹⁰⁵ Statement of Zvi Yehezkeli on The Seventh Eye, 19 December 2023: “Zvi Yehezkeli calls for the killing of 100 thousand Gazans”, *The Seventh Eye* (19 December 2023), <https://www.youtube.com/watch?v=EhYq4FvzQWM>. Subtitles at Middle East Eye, @middleeasteye, TikTok (20 December 2023), <https://www.tiktok.com/@middleeasteye/video/7314598250047081761>. He had previously called for 100,000 Palestinians to be killed on the same programme, on 30 October 2023: “Zvi Yehezkeli on the destruction of Hamas”, *The Seventh Eye* (31 October 2023), <https://www.youtube.com/watch?v=W01l4XRzivA>.

¹⁰⁶ Yinon Magal, @YinonMagal, Tweet (2:40 pm, 31 December 2023), <https://twitter.com/YinonMagal/status/1741439243530928554>.

need until all of you, including the ones who support you, will go and meet God”,¹⁰⁷ and calling to “erase the Gaza Strip” as “They are all sons of death. All of them. Revenge”¹⁰⁸ — have faced no professional or criminal repercussions.¹⁰⁹

19. By way of example, popular Israeli media personality and former politician,¹¹⁰ **Shimon Riklin**, has repeatedly incited to genocide against Palestinians, including on his television shows, Riklin and Co (until 19 May 2024) and Riklin and Segal (since 19 May 2024),¹¹¹ and to his over 209,000 followers on X. Examples of statements made by him inciting to genocide against Palestinians include:

- On **13 December 2023**, he said, on live television, that “I am for the war crimes ... I am unable to sleep if I do not see houses being destroyed in Gaza. What do I say? More houses, more buildings. I want to see more of them destroyed. I want there to be nothing for them to return to.”¹¹²
- On **29 January 2024**, he ‘tweeted’ on X: “From the north of the [Gaza] Strip we must expel all inhabitants to the south. And we must destroy it so they’ll have nowhere to return to. *There is not a single person in Gaza who does not support Hamas.*”¹¹³
- On **2 March 2024**, he urged on the continuing genocide in Gaza, and the killing and expulsion of Palestinians in Gaza, ‘tweeting’: “. . . *there are already more refugees and more dead in the Gaza Strip than there were in the original Nakba in 1948.* And every day that passes renders at least 500 Gazans incapable of harming Israel and the pressure there is increasing . . . The Israel Defense Forces is *systematically destroying the Gaza Strip* and every day that passes, the destruction and *the Gazans’ payment* for their nefarious actions is growing . . . I estimate that slowly and steadily the reality in Gaza is changing beyond recognition. *This important process must not be interrupted.*”¹¹⁴

¹⁰⁷ Statement of Shay Golden on Channel 14, 17 October 2023: “Shai Golden to the terrorists of Hamas-ISIS: ‘We will reach Gaza, Lebanon, Iran and take revenge. We will return the Middle East to a situation where you will be deathly afraid of the Jews and we will do what is necessary so that you will ascend and meet Allah’”, *Now 14* (17 October 2023), <https://www.facebook.com/watch/?v=170459649451518> [1:35]. Subtitles at Middle East Eye, @MiddleEastEye, Tweet (12:25 am, 20 November 2024), <https://twitter.com/MiddleEastEye/status/1726396420113207313>.

¹⁰⁸ Yehuda Schlesinger, @judash0, Tweet (6:57 pm, 30 November 2023),

<https://twitter.com/judash0/status/1730299958601912609>. *Translator note: “sons of death” is the literal translation of Bnei Mavet (בני מוות). This is a biblical phrase, which means “a person who must be killed”, or is killable/permitted to be killed.

¹⁰⁹ “Yehuda Schlesinger”, *Israel Hayom*, <https://www.israelhayom.co.il/writer/יהודה-שלזינגר>; “Shay Golden”, *Now 14*, <https://www.now14.co.il/tag/שי-גולדן>; “Yanon Magal and Ben Caspit”, *103FM*, <https://103fm.maariv.co.il/program/ינון-מגל-בן-1800-בשעה-הערב>; “Zvi Yehezkel”, *13TV*, <https://13tv.co.il/writer/zvi-yehezkel/>.

¹¹⁰ Riklin ran for the Knesset in the 2015 Israeli elections. See “Meet Shimon Riklin”, *Kipa* (2 January 2015) <https://www.kipa.co.il/ריקלין-שמעון-את-הכירו-את-שמעון-ריקלין>.

¹¹¹ See “Riklin and Co. with Shimon Riklin”, *Now 14*, https://www.now14.co.il/tochniot_haarutz/ריקלין-שות. See also “Tonight at 18:00: Shimon Riklin and Aral Segal in a new show”, *Now 14* (20 May 2024), <https://www.now14.co.il/בשעה-הערב-1800-בתו-סגל-ואראל-ריקלין-שמעון>.

¹¹² Statement of Shimon Riklin, 13 December 2023: Middle East Eye, @middleeasteye, TikTok (18 December 2023), <https://www.tiktok.com/@middleeasteye/video/7313866720546966816>.

¹¹³ Shimon Riklin, @Riklin10, Tweet (11:06 am, 29 January 2024), <https://twitter.com/Riklin10/status/1751924770617073682> (emphasis added).

¹¹⁴ Shimon Riklin, @Riklin10, Tweet (5:17 pm, 2 March 2024), <https://twitter.com/Riklin10/status/1763976858536726747> (emphasis added).

20. Political journalist **Yehuda Schlesinger** — a reporter for Israel Hayom, one of the most widely distributed newspapers in Israel — has repeatedly incited to genocide. By way of example:

- On **8 October 2023**, he ‘tweeted’ that “[t]here are no innocents in Gaza. All of Gaza supports terrorism. *All of Gaza should die*. It’s time the landlord went crazy.”¹¹⁵
- On **24 October 2023**, he ‘tweeted’ that: “*There are no innocent bystanders in Gaza. There are no ordinary civilians in Gaza. Every adult was trained to kill. Every woman is a monster. Every teenage boy aspires to become a Shahid. Every baby will grow to become a terrorist. Erase, kill, destroy, annihilate.*”¹¹⁶
- On **18 November 2023** and on numerous subsequent occasions, he has continued to tweet that “there are no innocents in Gaza”.¹¹⁷
- On **18 April 2024**, commenting on Israeli news Channel 12 – in relation to photographs showing Palestinians trying to cool off at the seashore in Gaza during a very hot day in April 2024, he stated: “*These people there deserve death. A hard death, an agonizing death. And instead we see them enjoying on the beach and having fun . . . There are no innocent people there, in the Gaza Strip . . . They are now enjoying on the beach, instead of starving, instead of being jerked around, instead of being severely tormented, instead of hiding from shelling . . . We should have seen there a lot more revenge, a lot more rivers of Gazans’ blood*”.¹¹⁸

21. **Zvi (Zvika) Yehezkeili** is one of the most prominent journalists in Israel, “the most popular speaker in the Israeli media”,¹¹⁹ and the Israeli television “expert” on Arab and Palestinian affairs for the past 20

¹¹⁵ Yehuda Schlesinger, @judash0, Tweet (6:55 am, 8 October 2023), <https://x.com/judash0/status/1710881487724204423>.

¹¹⁶ Yehuda Schlesinger, @judash0, Tweet (7:01 pm, 24 October 2023), <https://x.com/judash0/status/1716862391273529429> (informal translation provided) (emphasis added).

¹¹⁷ Yehuda Schlesinger, @judash0, Tweet (11:05 pm, 18 November 2023), <https://x.com/judash0/status/1725998656136827335>; Yehuda Schlesinger, @judash0, Tweet (4:04 pm, 28 November 2023), <https://x.com/judash0/status/1729516714704900318>; Yehuda Schlesinger, @judash0, Tweet (8:36 pm, 14 December 2023), <https://x.com/judash0/status/1735383162572652995>.

¹¹⁸ Yehuda Schlesinger, @judash0, Tweet (13:45 pm, 18 April 2024), <https://twitter.com/judash0/status/1780925645440070128>. Subtitles at B.M., @ireallyhateyou, Tweet (12:54 pm, 21 April 2024), <https://twitter.com/ireallyhateyou/status/1781999892866445473>. See also: Yehuda Schlesinger, @judash0, Tweet (12:45 pm, 18 April 2024), <https://twitter.com/judash0/status/1780925645440070128>: “[i]nstead of hiding from shelling, they hang out at the sea”. See also the call by Channel 13 Anchor Moriah Asraf for what she calls the “stomach churning” photographs of Palestinians, stating that this “can not be”: Nimer Sultany, @NimerSultany, Tweet (4:10 pm, 18 April 2024), <https://twitter.com/NimerSultany/status/1780977255205700040>.

¹¹⁸ Nimer Sultany, @NimerSultany, Tweet (4:10 pm, 18 April 2024), <https://twitter.com/NimerSultany/status/1780977255205700040>; B.M., @ireallyhateyou, Tweet (12:54 pm, 21 April 2024), <https://twitter.com/ireallyhateyou/status/1781999892866445473> (emphasis added).

¹¹⁹ Uri Misgav, “Sanctifying the Indiscriminate Killing in Gaza Is Israel’s Second Defeat,” *Haaretz* (28 December 2023), <https://www.haaretz.com/opinion/2023-12-28/ty-article-opinion/.premium/sanctifying-the-indiscriminate-killing-in-gaza-is-israels-second-defeat/0000018c-ace3-d22d-a3dd-bdfbb0fe0000>.

years, with 75,000 followers on TikTok¹²⁰ and 304,000 followers on Facebook.¹²¹ He “urges Gaza’s destruction nightly. The entire Gaza Strip.”¹²² Examples of his genocidal statements include the following:

- On **18 October 2023**, in a broadcast video, he asserted that “*there are no innocents in Gaza.*”¹²³
- On **7 December 2023**, he stated in a radio interview that: “Our objective is vague, to amputate Hamas in the Gaza Strip. *It may be that you will need in the end that there will not need to be residents in the Gaza Strip.* What can one do? Otherwise, any entity that will be there, will be an entity that will attack you. What can one do? Those are refugee people. You are sitting on their lands.”¹²⁴
- On **9 April 2024**, Yehezkeli defended, in an interview, his repeated calls for a “cruel war” that was “never seen here” that would include “killing 100,000” Gazans. He explained that his critics “do not understand” that “[i]n Gaza *there are almost no innocents or non-Hamas supporters. All of Gaza, most of it, is a supporter of Hamas. The education is Hamas. The support is Hamas.* And then I would start a war that would end in emigration. *No Gaza Strip.*”¹²⁵

22. **Eliyahu Berhuz Yosain** — an Israeli commentator and frequent panellist on Israeli television shows¹²⁶ — repeatedly uses his public platform, including his social media accounts to incite to genocide:

- On **22 October 2023**, he regretted that the level of killing in Gaza was insufficient, commenting that “on the first night” of Israel’s military attacks on Gaza “*we should have taken down 50,000 Gazans [sic], blood revenge*”¹²⁷ — an assertion he has repeated often including on Channel 14, Channel 11 and Channel 12, and “on any possible platform”.¹²⁸
- On **29 October 2023**, he claimed in relation to Palestinians in Gaza that “[t]here are no innocents . . . There is no population. *There are 2.5 million terrorists*”.¹²⁹

¹²⁰ zvi_yechezkel, TikTok, https://www.tiktok.com/@zvi_yechezkel.

¹²¹ Zvi Yehezkeli, Facebook, , <https://www.facebook.com/zviyechezkelirdr>.

¹²² Gideon Levy, “It Is Forbidden to Even Empathize With Innocent Gazans,” *Haaretz* (26 October 2023), <https://www.haaretz.com/opinion/2023-10-26/ty-article-opinion/.premium/and-darkness-was-upon-the-face-of-israel/0000018b-6813-d78a-a5eb-7c93d6fe0000>.

¹²³ “Zvi Yehezkeli: In Gaza there are no innocents, there are those who cover up the crime”, *Hidabrut TV* (18 October 2023), <https://www.hidabroot.org/article/1187139>.

¹²⁴ Zvi Yehezkeli interview with Yanon Magal and Ben Caspit in Radio 103 (7 December 2023), <https://www.bhol.co.il/news/1625842>.

¹²⁵ Zvi Yehezkeli interview with Oded Harosh on Hidabrut TV and Youtube channel, 9 April 2024, https://www.youtube.com/watch?v=t9249dT_ro4 [6:30]. The Youtube video was viewed over 279,000 times.

¹²⁶ ““We will not last with liberal democracy”: Eliyahu Yossian in a special interview”, *Maariv* (14 November 2023), <https://www.maariv.co.il/culture/tv/Article-1051970>.

¹²⁷ TOV Jewish Current Affairs, @TOVnews1, Tweet (4:00 pm, 22 October 2023), <https://twitter.com/TOVnews1/status/1716092045012381790>. Translation at Yehuda Shaul, @YehudaShaul, Tweet (6:38 pm, 25 October 2023), <https://twitter.com/YehudaShaul/status/1717219211540390059>.

¹²⁸ Interview with Eliyahu Yossian on Now 14 Israel, 29 October 2023: Now 14, @Now14Israel, Tweet (9:32 pm, October 29, 2023), <https://twitter.com/Now14Israel/status/1718742747455053922>; also available at “2.5 million terrorists in Gaza, Says Former Israeli military Eliyahu Yossian”, *Truth Untold* (30 October 2023), <https://www.youtube.com/watch?v=QI-anvxOSok> [0:45 – 0:55].

¹²⁹ See *South Africa v. Israel, Application instituting proceedings and request for the indication of provisional measures of 29 December 2023*, p. 66-67, para. 106.

- On **17 February 2024**, he ‘tweeted’: “The enemy is not the tunnel! The enemy is not Hamas! The enemy is Gaza! The enemy is the family with the tunnel in a baby's room. Victory = annihilation + deportation + occupation + judahization of the area + annexation. As much as possible, whenever possible. Otherwise we are only fooling ourselves.”¹³⁰
 - On **28 March 2024**, he incited to the genocide of Palestinian children, asserting that “[an] Arab minor who threw rocks’, is the same Little Muhammed of 07/10. The same Little Muhammad who entered with Big Muhammad. Muhammad junior burned and Big Muhammad raped, beheaded, abducted and murdered. Each Muhammed did what he could.”¹³¹
 - On **1 April 2024**, in an interview with Channel 7, he stated that there is no distinction between Gaza and Hamas: “In the Gaza Strip it is the same thing” (like Afghanistan equals Taliban) “and all the data supports this. *They went to the ballot box during the disengagement [translators note: the unilateral withdrawal of Israeli settlements and ground forces in 2005] and voted for Hamas.*”... Hamas does not control Gaza, rather *Gaza thinks Hamas.*” He advocated for the Israeli settlement of Gaza, stating: “They do not want us on this land – and the punishment and the victory image is to take from them this land [Gaza] ... *The punishment will be to annex the northern Gaza Strip to Israel and to Judaize it.*”¹³²
23. On **10 November 2023**, he was invited to give a lecture to “an elite reserve battalion” — including officers — of the Israeli army,¹³³ notwithstanding his repeated genocidal statements in relation to Gaza.
24. **Almog Boker** – a prominent Israeli news presenter with 132,000 followers on Facebook,¹³⁴ 110,000 followers on Twitter,¹³⁵ and 140,000 followers on Instagram¹³⁶ -- was presented with a special award for his journalism on the military operation against Gaza on 18 March 2024,¹³⁷ despite making repeated broadcast statements calling for the mass destruction of Gaza, including that “Shujaiyyah must be razed to the ground”.¹³⁸ More recently, he has ‘tweeted’ to his 109,000 followers, “*total victory is to destroy the*

¹³⁰ Eliahu Behruz Yosian, @limoodiran, Tweet (9:47 pm, 17 February 2024), <https://x.com/limoodiran/status/1758971526592762282>.

¹³¹ Eliahu Behruz Yosian, @limoodiran, Tweet (8:11 am, 28 March 2024), <https://twitter.com/limoodiran/status/1773246584312017099> (informal translation provided).

¹³² Yoni Kampinsky, “Eliahu Yosian to Channel 7: Victory Image – Jewish Settlement in Gaza”, Inn, 1 April 2024, <https://www.inn.co.il/news/633596>; “Eliahu Yosian to Channel 7: Victory Image – Jewish Settlement in Gaza”, Channel 7, 2 April 2024, <https://www.youtube.com/watch?v=FoeSWtPBwzA>.

¹³³ Eliahu Behruz Yosian, @limoodiran, Tweet (8:55 pm, 10 November 2023), <https://twitter.com/limoodiran/status/1723066905282462178> (informal translation provided).

¹³⁴ Almog Boker, Facebook, https://www.facebook.com/people/%D7%90%D7%9C%D7%9E%D7%95%D7%92-%D7%91%D7%95%D7%A7%D7%A8/100044291083242/?locale=he_IL.

¹³⁵ Almog Boker, @bokeralmog, Twitter, <https://x.com/bokeralmog?lang=en>.

¹³⁶ Almog Boker, @boker.almog, <https://www.instagram.com/boker.almog>.

¹³⁷ “Almog Boker for Channel 14: This is the prestigious Shicharim award”, Ice (18 March 2024), <https://www.ice.co.il/tv/news/article/1005255>.

¹³⁸ Nimer Sultany, @NimerSultany, Tweet (4:41 pm, 14 December 2023), <https://twitter.com/NimerSultany/status/1735324123318874553>. See also Nimer Sultany, @NimerSultany, Tweet (6:11 pm, 20 December 2023), <https://twitter.com/NimerSultany/status/1737521095610138629>.

entire area now. It is either them — or us”¹³⁹ — making clear that the Israeli Prime Minister’s identification of “total victory” as one of Israel’s war aims in Gaza is understood to mean the total destruction of Gaza itself. Other examples of his incitement to genocide include the following:

- On **11 October 2023**, he wrote for the website of Channel 13: “No matter how long it lasts, *no matter how many people in Gaza will be hurt. The lives of our children are more important than the lives of the despicable murderers on the other side of the fence. Gaza should be erased, and Hamas should be destroyed. It’s either us or them.*”¹⁴⁰
- On **8 December 2023**, he shared a post on Instagram in which he stated that “[t]here is no such thing as uninvolved in Gaza. They are all involved. All of them Hamas.” In the post, he quotes a resident of a Israeli ‘Gaza Envelope’ community who says “*There is no such thing as uninvolved. Impossible to rely on anyone. Need to wipe out everything beyond the fence, I want to see only the sea.*”¹⁴¹
- On **23 April 2024**, he tweeted criticising an announcement by Israeli army’s spokesman in Arabic requiring residents in Beit Lahia to evacuate, stating: “We learned nothing! *Gazans who allow rockets to be fired from their homes are not uninvolved! They are fully involved. Any area from which rockets are launched at our children (certainly an area they should not be at all), should be destroyed. Must be destroyed. Without prior notice. It’s either them - or us.*”¹⁴²

25. Genocidal views are also routinely given a platform on Israeli television panel shows and in television and radio interviews, where they are aired without sanction. By way of example:

46. **Israeli ‘Now 14’ panel show ‘the Patriots’**: on the episode broadcast on 10 February 2024, panellists commented without censure: “I don’t feel sorry for Gazans . . . Not for elderly, not for youth, and not for children. People of Gaza, for me, let them starve to death”; and “[w]e will not leave Gaza. *You will die, you will starve and your homes will be burned! Your children will live in tents from mud and nylon until [the] last hostage is returned.*”¹⁴³

¹³⁹ Almog Boker, @bokeralmog, Tweet (11:39 am, 23 April 2024), <https://twitter.com/bokeralmog/status/1782705743587660195>; translated at Younis Tirawi, @ytirawi, Tweet (11:46 am, 24 April 2024), <https://twitter.com/ytirawi/status/1783069968654798963/photo/1>. See also Almog Boker, @bokeralmog, Tweet (4:24 pm, 23 April, 2024), <https://twitter.com/bokeralmog/status/178277513678196933>, translated at Younis Tirawi, @ytirawi, Tweet (11:46 am, 24 April 2024), <https://twitter.com/ytirawi/status/1783069968654798963/photo/2>: “We learned nothing! Gazans who allow rockets to be fired from their homes are not uninvolved! They are fully involved. Any area from which rockets are launched at our children (certainly an area they should not be at all), should be destroyed. must be destroyed without prior notice. It’s either them - or us”.

¹⁴⁰ Almog Boker, “If Hamas stays here – residents of the [Gaza] Envelope won’t return home. Opinion”, *Channel 13* (11 October 2023), <https://13tv.co.il/item/news/opinions/z6xse-903745072/>.

¹⁴¹ Almog Boker, @bokeralmog, Instagram Post (8 December 2023), <https://www.instagram.com/p/C0lV9bWohXI>. The post was also reported on in “Almog Booker reveals a shocking story: ‘There is no such thing as non-involved in Gaza,’” *Ice* (8 December 2023), <https://www.ice.co.il/media/news/article/991671>.

¹⁴² Almog Boker, @bokeralmog, Tweet (3:24 pm, 23 April 2024), <https://x.com/bokeralmog/status/178277513678196933>.

¹⁴³ “The Patriots with Yanon Magal: 10.2.2024 | The full program”, *Now 14* (11 February 2024), <https://www.youtube.com/watch?v=VWBmQQPKqdl> [24:30]-[30:10] (emphasis added). Subtitles at Younis Tirawi, @ytirawi, Tweet (10:21 am, 11 February 2024), <https://twitter.com/ytirawi/status/1756624608633974877> (emphasis added).

47. **Media interview with former settlement mayor and prominent settler leader:** Daniella Weiss was platformed on 1 February 2024, to air her views that: “[n]o Arab will remain in Gaza. The Arabs have finished this chapter . . . Hamas cannot stay, Hamas supporters cannot stay. Those who want a quiet life should live a quiet life in Canada, Scotland, Egypt, Turkey”.¹⁴⁴
48. Radio conversation between a former settlement organisation spokesperson and the Dean of the Faculty of Law of a private Israeli college: comments broadcast during a radio programme on 1 March 2024 included: “the amount of *uninvolved people* in Gaza is marginal, marginal, marginal”; “*it’s an entire nation that chose total evil*”; “we know exactly, exactly, exactly, exactly, the definition of total evil and how to *annihilate total evil*”; and “[w]hat did Samuel the Prophet say to Saul, who showed mercy towards Agag [the Biblical king of the Amalekites] and the sheep?” (referring to the Biblical story of Amalek — invoked by the Israeli Prime Minister — wherein Saul was commanded to “*kill alike men and women, infants and sucklings, oxen and sheep, camels and asses*”).¹⁴⁵
26. Footage of the systematic ill-treatment of Palestinians from Gaza under Israeli interrogation and in Israeli prisons is also broadcast to Israeli civilians.¹⁴⁶ In one broadcast showing a prison where Palestinians from Gaza, alleged to be Hamas members, are detained, Israeli prison wardens confirm that “[t]he beds are empty, with no mattresses” and “[t]here is nothing . . . we control them 100% — Their food, their cuffing, their sleep . . . [we] show them that *we are the owners of the house*”.¹⁴⁷ The slogan ‘masters of the house’ was the election slogan of Minister of National Security, Itamar Ben-Gvir,¹⁴⁸ who has stated that “*those [in Gaza] who celebrate, those who support, and those who hand out candy — they’re all terrorists, and they should also be destroyed*”,¹⁴⁹ and that anyone who approached a security fence — including “women and children” — “needs to get a bullet”.¹⁵⁰

¹⁴⁴ Interview with Daniella Weiss on Israeli media site ‘Relevant’, 1 February 2024: Middle East Eye, @middleeasteye, Instagram (2 February 2024), <https://www.instagram.com/reel/C22nWaAoYeX> (emphasis added).

¹⁴⁵ “Emily and the Professor - Yuval Elbasha and Emily Amrusi”, Kan Reshet Bet (1 March 2023), <https://www.kan.org.il/player?itemId=714031&playerType=Radio> (emphasis added). See Sefaria, I Samuel 15:3, JPS, 1985, https://www.sefaria.org/I_Samuel.15.1-34?lang=bi. This post has since been removed, however an archived copy of the interview can be found with subtitles at B.G., @ireallyhateyou, Tweet (2:47 am, 5 March 2024), <https://twitter.com/ireallyhateyou/status/1764845142802940216>; B.M., @ireallyhateyou, Tweet (2:47 am, 5 March 2024), <https://twitter.com/ireallyhateyou/status/1764845147185950940>; B.M., @ireallyhateyou, Tweet (2:47 am, 5 March 2024), <https://twitter.com/ireallyhateyou/status/1764845149517926468>.

¹⁴⁶ “Israel Channel 13 prison tour 18.2.2024”, Jonathan Ofir (1 March 2024), <https://www.youtube.com/watch?v=jvIIPxxS8Pg>; “‘Segulah Individuals’ - a dramatic day with Givati fighters from the battle in the heart of Khan Yunis”, Hallel Bitton Rosen (17 February 2024), <https://www.youtube.com/watch?v=EWtEQYxJr84&>; Quds News Network, @QudsNen, Tweet (4:33 pm, 2 February 2024), <https://twitter.com/QudsNen/status/1753441486358679852>.

¹⁴⁷ “Israel Channel 13 prison tour 18.2.2024”, Jonathan Ofir (1 March 2024), <https://www.youtube.com/watch?v=jvIIPxxS8Pg> [4:22], [5:57] (emphasis added).

¹⁴⁸ Bethan McKernan and Quieke Kierszenbaum, “Hebron’s Jewish settlers take heart from far-right polls surge in Israel”, *The Guardian* (12 November 2022), <https://www.theguardian.com/world/2022/nov/12/hebrons-jewish-settlers-take-heart-from-far-right-polls-surge-in-israel>.

¹⁴⁹ Interview with Itamar Ben-Gvir, 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 pm, November 12, 2023), <https://twitter.com/QudsNen/status/1723784790682358189>.

¹⁵⁰ Shirir Avitan Cohen, “The Chief of Staff: ‘This is the third time we are having this conversation’; Ben Gvir: ‘We will have it the fourth and fifth time as well’”, *Israel Hayom* (11 February 2024), <https://www.israelhayom.co.il/news/geopolitics/article/15248717>, <https://www.newarab.com/news/ben-gvir-says-israeli-army-can-shoot-women-children-gaza>

Incitement to Genocide in Parts of Broader Israeli Society

27. Direct and public incitement to genocide — which has gone unsanctioned for over seven months — is now commonplace in Israeli society. Views that appear to now be mainstream include: “*I don’t believe in innocent civilians. I think everyone there is a terrorist*”¹⁵¹ — reflecting the words of Israeli President Herzog himself;¹⁵² are repeated in the descriptions of Palestinians as ‘human animals’ and Nazis by senior Israeli figures;¹⁵³ and expressions of “disappoint[ment] that there wasn’t more destruction to Northern Gaza. It should be *completely destroyed and handed over to us*”¹⁵⁴ — again reflecting the dominant Israeli political narrative.¹⁵⁵

Amalek in Israeli popular culture

28. The Prime Minister’s invocation of the Old Testament story of the destruction of Amalek has been widely understood to refer to the total destruction of Gaza and of Palestinians: advertisements on Israel’s public bus service and taxis feature slogans such as “erase the memory of Amalek, you shall not forget”,¹⁵⁶ and cars display the sticker “[f]inish them” on their bumpers.¹⁵⁷ References to Amalek are prolific in Israeli public discourse, with Israeli public figures openly referring to Gaza as “*the lands of Amalek*”,¹⁵⁸ and asserting “we have an obligation to *remember what Amalek did to us*, defeat him, and *erase even his memory!*”, “[s]ince October 7, our *IDF soldiers have been annihilating the heirs of Amalek*”, and “[m]ay the Lord help his People to overthrow the evil decrees and *exterminate all their enemies*”.¹⁵⁹

¹⁵¹ B.M., @ireallyhateyou, Tweet (1:45 pm, 29 March 2024), <https://twitter.com/ireallyhateyou/status/1773708003515990189>.

¹⁵² 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>. President Herzog stated, “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”.

¹⁵³ Bezalel Smotrich, @bezalelsm, Tweet (7:51 am, 28 November 2023), <https://twitter.com/bezalelsm/status/1729407722766897329>; Galit Distel Atbaryan, @GalitDistel, Tweet (11:13 pm, 1 November 2023), <https://twitter.com/GalitDistel/status/1719689095230730656>. “Statement by Yoav Gallant”, *ערוץ כנסת* (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/, “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’”; “Video address by Ghassan Alian”, *COGAT* (10 October 2023), <https://www.youtube.com/shorts/5a0EWv-o7mE>, Major General Ghassan Alian of COGAT warned on 9 October 2023: “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”.

¹⁵⁴ Censored Men, @CensoredMen, Tweet (8:50 pm, 8 April 2024), <https://twitter.com/CensoredMen/status/1777423710112055377>.

¹⁵⁵ See also Section V above.

¹⁵⁶ Tali, @TalulaSha, Tweet (5:44 pm, 4 February 2024), <https://twitter.co/TalulaSha/status/1754199155151433737>; Yehuda Shaul, @YehudaShaul, Tweet (3:31 pm, 6 February 2024), <https://twitter.com/YehudaShaul/status/1754890582932029478>.

¹⁵⁷ Jalal, @JalalAK_jojo, Tweet (3:15 pm, 17 February 2024), https://twitter.com/JalalAK_jojo/status/1758872802319348027.

¹⁵⁸ Jonathan Serero, @sererjonathan, Tweet (9:04 am, 24 March 2024), <https://twitter.com/sererjonathan/status/1771810346560290831>.

¹⁵⁹ Nili Kupfer-Naouri, @NaouriNili, Tweet (10:15 am, 24 March 2024), <https://twitter.com/NaouriNili/status/1771828123312542008>.

Israel's targeting and killing of the two sons and four young grandchildren of Hamas leader, Ismael Haniyeh, were described as "[e]ras[ing] the memory of Amalek".¹⁶⁰

Dehumanisation of Palestinians

29. The dehumanisation of Palestinians is clear from a brief survey of Israeli X (formerly Twitter) accounts, which call Palestinians "cockroaches",¹⁶¹ and openly celebrate what they acknowledge to be "massacre[s]" of Palestinians — including the killings of Palestinians in the 'flour massacre' on 29 February 2024 — wishing for more deaths, and cheering for Palestinians in Gaza to be forced to resort to "cannibalism" to stay alive.¹⁶²

30. In December 2023, it was discovered that the popular Telegram channel "72 Virgins – Uncensored" — which had over 5,300 followers, and comprised of posts of dead Palestinians in Gaza, with captions such as "Burning their mother... You won't believe the video we got" — was in fact run by the Israeli Army.¹⁶³ The Israeli Army, which had encouraged followers to "Share [the images] so everyone will see what crybabies they are"¹⁶⁴ admitted this fact — and merely closed the channel — in February 2024.¹⁶⁵ Another Telegram account, entitled "Dead Terrorists", continues to post dehumanising pictures of Palestinians to its over 120,000 followers.¹⁶⁶ These include a photograph of the emaciated body of Yazan Kafarna, a 9-year-old Palestinian child with cerebral palsy who died of starvation on 4 March 2024¹⁶⁷ and who was photoshopped into a poster for the film 'E.T.';¹⁶⁸ images of the WCK aid workers killed by Israel accompanied by mocking captions;¹⁶⁹ and celebrations of the massacre in Rafah.¹⁷⁰

¹⁶⁰ Younis Tirawi, @ytirawi, Tweet (3:47 pm, 10 April 2024), <https://twitter.com/ytirawi/status/1778072422530400755>. Hallel Bitton Rosen, @BittonRosen, Tweet (4:40 pm, 10 April 2024), <https://twitter.com/BittonRosen/status/1778070472082493662>.

¹⁶¹ Or Reichert, a publicist, with 18k followers on X: Or Reichert, @orreichert (3:49 pm, 29 February 2024), <https://twitter.com/orreichert/status/1763230080627618043>.

¹⁶² See, Seraj Assi, "Israel's Flour Massacre in Gaza Is a Horrific War Crime", *Jacobin* (3 March 2024), <https://jacobin.com/2024/03/israel-flour-massacre-war-crime-gaza>.

¹⁶³ "Graphic Videos and Incitement: How the IDF Is Misleading Israelis on Telegram", *Haaretz* (12 December 2023), <https://www.haaretz.com/israel-news/security-aviation/2023-12-12/ty-article/.premium/graphic-videos-and-incitement-how-the-idf-is-misleading-israelis-on-telegram/0000018c-5ab5-df2f-adac-febd01c30000>.

¹⁶⁴ "Graphic Videos and Incitement: How the IDF Is Misleading Israelis on Telegram", *Haaretz* (12 December 2023), <https://www.haaretz.com/israel-news/security-aviation/2023-12-12/ty-article/.premium/graphic-videos-and-incitement-how-the-idf-is-misleading-israelis-on-telegram/0000018c-5ab5-df2f-adac-febd01c30000>.

¹⁶⁵ "Israeli Army Admits Running Unauthorized Graphic Gaza Influence Op", *Haaretz* (4 February 2024), <https://www.haaretz.com/israel-news/security-aviation/2024-02-04/ty-article/.premium/israeli-army-its-admits-staff-was-behind-graphic-gaza-telegram-channel/0000018d-70b4-dd6e-a98d-f4b6a9c00000>.

¹⁶⁶ See "Terrorists from another angle", Telegram https://t.me/dead_terrorists.

¹⁶⁷ "Yazan al-Kafarna, 10-year-old with cerebral palsy, dies of malnutrition", *Middle East Eye* (4 March 2024), <https://middleeasteye.net/live-blog/live-blog-update/yazan-al-kafarna-10-year-old-cerebral-palsy-dies-malnutrition>.

¹⁶⁸ IMAGES — "Israelis" mock Palestinian child with Cerebral Palsy who died from malnutrition in Gaza", *RoyaNews* (8 March 2024), <https://en.royanews.tv/news/49939/IMAGES%20->.

¹⁶⁹ See Dead Terrorists, @dead_terrorists, Telegram (2 April 2024), https://t.me/dead_terrorists/8202; Dead Terrorists, @dead_terrorists, Telegram (2 April 2024), https://t.me/dead_terrorists/8190; Dead Terrorists, @dead_terrorists, Telegram (2 April 2024), https://t.me/dead_terrorists/8189; Dead Terrorists, @dead_terrorists, Telegram (2 April 2024), https://t.me/dead_terrorists/8188; Dead Terrorists, @dead_terrorists, Telegram (1 April 2024), https://t.me/dead_terrorists/8186. Archived at Brian Merlen, @votemerlen, Tweet (5:31 pm, 30 April 2024), <https://twitter.com/votemerlen/status/1785346255108862314>.

¹⁷⁰ See e.g., Dead Terrorists, @dead_terrorists, Telegram (12:11 am, 27 May 2024), https://t.me/dead_terrorists/8831.

Support for the starvation of Palestinians

31. Israeli civilians conduct routine protests, which sometimes take the form of raves or parties, with “inflatables, cotton candy, and popcorn and slushies” , to block the delivery of life-saving humanitarian aid to the starving population of Gaza.¹⁷¹ Israeli civilians have also entered Gaza unimpeded by Israeli soldiers to plough the land and to establish a symbolic ‘settlement’ in Palestinian territory as harbingers of the future Israeli settlement of Gaza.¹⁷² South Africa is unaware of any prosecutions arising from such protests, which appear to be facilitated by the Israeli military.¹⁷³

Incitement to genocide in song

32. Incitement to the genocide of Palestinians has also become mainstream in Israeli popular culture, with genocidal songs and anthems routinely topping the charts. Song lyrics include: ‘May your village burn’ (as addressed above),¹⁷⁴ and calls on the Israeli army to give “no warnings” and to “shoot . . . rockets like rain . . . until *Gaza is erased*”.¹⁷⁵ Popular songs routinely taunt Palestinians in Gaza, with lyrics such as: “Good morning Gaza, *another day, another dead Nazi. . . no survivors*”.¹⁷⁶ One song with over 2.4 million views on YouTube includes the following lyrics:

“We got into Gaza, we’ll get out only when it’s gone . . . It will be hard for you to see pictures from Gaza. You don’t have any neighbourhoods left in Gaza, you’re not able to drink in Gaza anymore. You won’t get to bury the bodies in Gaza. The IDF is moving in on you, the whole company, your houses are collapsing non-stop.... [G]oodbye you whores, and all your Fatimas look like [vomiting sound]... like whores . . . you have no bread or water. Oh, and you don’t have a home either. ‘Launch!’.”¹⁷⁷

¹⁷¹ “Israeli activists block aid trucks from entering Gaza”, *Middle East Eye* (7 February 2024), <https://www.youtube.com/shorts/pS7SGFnAmRk>; Igal Malka, @igal_malka_5G, Tweet (12:19 pm, 6 February 2024), https://twitter.com/igal_malka_5G/status/1754842129619108068; “Gaza aid delivery hampered by Israeli attacks on police, rising chaos”, *The Washington Post* (22 February 2024), <https://www.washingtonpost.com/world/2024/02/22/gaza-aid-deliveries-looting-police-hamas/>.

¹⁷² עזה מנצחים סוף, @azasof, Tweet (8:24 pm, 29 February 2024), <https://twitter.com/azasof/status/1763299108654055463>; Oren Ziv, “Israeli settlers cross into Gaza, build ‘symbolic’ outpost”, *+972 Magazine* (1 March 2024), <https://www.972mag.com/israeli-settlers-gaza-outpost-erez-crossing/>.

¹⁷³ Loveday Morris, “Young Israelis block aid to Gaza while IDF soldiers stand and watch”, *The Washington Post* (10 February 2024), <https://www.washingtonpost.com/world/2024/02/10/gaza-aid-blockade-protest-kerem-shalom/>.

¹⁷⁴ See also e.g., “Video of Kobi Peretz with soldiers”, *OfekCentre* (17 November 2023), <https://www.youtube.com/watch?v=xCH2o4c5KZY>.

¹⁷⁵ “Raskai x Eliad Sapir x Tali Paz – Shagar”, *Raskai* (23 November 2023), <https://web.archive.org/web/20240114024922/https://www.youtube.com/watch?v=sfZOJYA7EOg> (removed by YouTube). Available on Spotify at: <https://open.spotify.com/album/0wW3GGnBPLpOGxndY61hZD?highlight=spotify:track:1hmYRXWKRm4IIEHZ3GS7SH>.

¹⁷⁶ “It’s on Us - Subliminal, HaTzel and Raviv Kenner”, *Subliminal Official* (29 January 2024), <https://www.youtube.com/watch?v=gpoX7w2RayQ>.

¹⁷⁷ “Who’s crazy, duda gang”, *duda gang* (17 November 2023) (2,590, 775 views) <https://www.youtube.com/watch?v=Rob85tu7PVY>.

33. Another song which topped the Israeli charts for five weeks includes the lyrics: “we swear there won’t be forgiveness, sons of Amalek”.¹⁷⁸ The more recent release of a ‘bonus’ verse for the song refers to “writing names on shells”, “destroy[ing] Gaza” and “turning Gaza into a parking lot”, and referring to Palestinians in explicit terms — has been performed for Israeli schoolchildren.¹⁷⁹ A previous song called “The Friendship Song” sung by Israeli children included the genocidal lyrics: “[i]n another year, there will be nothing there . . . *within a year we will annihilate everyone*”.¹⁸⁰ Such songs are repeatedly played as the soundtrack to videos posted on social media by Israeli soldiers, firing missiles into Gaza, filming the ruins of Gaza, and recording their destruction of buildings — including schools.¹⁸¹ Their role in inciting to the genocide of Palestinians in Gaza could not be clearer.

Failure by Israel to prevent, prosecute or punish incitement to genocide

34. The impunity of those responsible for making genocidal statements is itself demonstrative of Israel’s continuing failure to prevent or punish incitement to genocide against Palestinians in Gaza, as it is duty bound to do under the Genocide Convention and pursuant to binding orders by the International Court of Justice. It is to be contrasted with Israel’s approach towards Palestinian citizens of Israel and Palestinian residents of East Jerusalem alleged to have engaged in incitement to terror or violence, including for expressions of sympathy for Palestinians in Gaza or sharing news about Gaza. In the first six weeks from the start of the escalation alone, over 130 people were arrested and detained, and at least 56 indicted, including in some instances for what appears to constitute protected speech under the International Covenant on Civil and Political Rights (‘ICCPR’) to which Israel is a party.¹⁸² Arrest numbers continue to grow.¹⁸³ Recent examples include the arrest of a protester for holding a sign stating “Stop the Genocide”, asserted to be an “inciting slogan . . .”;¹⁸⁴ and the high-profile arrest, interrogation, ill-

¹⁷⁸ “‘Harbu Darbu’: the war song of the creators of the hit ‘Small Bag’ [Tik Katan]”, *Yedioth Ahronoth* (14 November 2023), <https://www.ynet.co.il/entertainment/article/rk5xh6en6>. See “Why the No. 1 song in Israel represents a radical shift in Israeli pop music”, *Forward* (4 December 2023), <https://forward.com/culture/572004/israel-pop-music-number-one-song-harbu-darbu-ness-stilla>. Regarding popularity and response by army: “We have been waiting for this song!” said one active reservist. “I have changed my sadness to anger and found great pride because of you.”).

¹⁷⁹ B.M., @ireallyhateyou, Tweet (10:50 pm, 23 March 2024), <https://twitter.com/ireallyhateyou/status/1771670813801926916>.

¹⁸⁰ Ali Abunimah, “Watch: Israeli children sing, ‘We will annihilate everyone’ in Gaza”, *The Electronic Intifada* (19 November 2023), <https://electronicintifada.net/blogs/ali-abunimah/watch-israeli-children-sing-we-will-annihilate-everyone-gaza> (emphasis added).

¹⁸¹ “Stopped Counting Erased Neighborhoods”, <https://tiktokgenocide.com/uploads/stopped-counting-erased-neighborhoods>; mesayat7, @mesayat7, TikTok (26 December 2023), <https://www.tiktok.com/@mesayat7/video/7317040508352597256>; tal_nagar_stand_up, @tal_nagar_stand_up, TikTok (23 January 2024), https://www.tiktok.com/@tal_nagar_stand_up/video/7327220185646124306; Davidttzayv, @davidttzayv, TikTok (28 November 2023), <https://www.tiktok.com/@davidttzayv/video/7306576825944214786>; urielbenzvi, @urielbenzvi, TikTok (25 February 2024), <https://www.tiktok.com/@urielbenzvi/video/7339622226938891538>.

¹⁸² International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (‘ICCPR’) art 20. Israel ratified the ICCPR on 3 October 1991.

¹⁸³ Adalah, *Interrogations, Arrests, and Indictments of Palestinian Citizens of Israel since 7 October* (15 November 2023), <https://www.adalah.org/en/content/view/10959>; Steve Hendrix and Judith Sudilovsky, “A Palestinian posted a message on Oct. 7. Then came the death threats”, *The Washington Post* (2 February 2024), <https://www.washingtonpost.com/world/2024/02/02/dalal-abu-amneh-palestinians-israel/>.

¹⁸⁴ “A protester in Haifa who waved a sign with the words ‘stop the genocide’ will spend a night in detention”, *Haaretz* (14 March 2024), https://www.haaretz.co.il/news/politics/war-2023/2024-03-14/ty-article-live/0000018e-3a05-d2fd-a1fe-3ff56af90000?liveBlogItemId=1611606096&utm_source=site&utm_medium=button&utm_campaign=live_blog_item#1611606096.

treatment¹⁸⁵ and conditional bail of Hebrew University Professor Nadera Shalhoub-Kevorkian, for alleged “severe incitement against Israel”, consisting *inter alia* of “statements made against Zionism” and “claims that Israel is currently committing genocide in Gaza”.¹⁸⁶ Many of the arrests and indictments are for statements made on social media.¹⁸⁷ This follows the announcement by the ‘Cyber department’ in Israel’s State Attorney’s Office — focused on “fighting incitement to violence and terrorism” — which has officially declared that it is “increasing the efforts to indict anyone who explicitly or implicitly expresses support of Hamas and its heinous crimes against Israeli citizens”.¹⁸⁸ Palestinians convicted for such speech-related offences have often been sentenced to imprisonment and are reportedly subject to inhumane and degrading treatment.¹⁸⁹

Required Urgent Action

35. This widespread incitement pervading Israeli society requires urgent action.¹⁹⁰ This rhetoric has escalated, unsanctioned by Israel, notwithstanding the International Court of Justice’s reiteration in its Orders that Israel “must take all measures” to prevent and punish direct and public incitement.¹⁹¹

¹⁸⁵ Emma Graham-Harrison and Quieke Kierszenbaum, “‘Political arrest’ of Palestinian academic in Israel is civil liberties threat, say lawyers”, *The Guardian* (26 April 2024), <https://www.theguardian.com/world/2024/apr/26/political-arrest-palestinian-academic-nadera-shalhoub-kevorkian-israel-civil-liberties-threat>.

¹⁸⁶ Nicola Perugini, @PeruginiNic, Tweet (8:23 pm, 19 April 2024), <https://twitter.com/PeruginiNic/status/1781403281715064954>.

¹⁸⁷ Adalah, *Interrogations, Arrests, and Indictments of Palestinian Citizens of Israel since 7 October* (15 November 2023), <https://www.adalah.org/en/content/view/10959>; Loveday Morris, “Israel’s free speech crackdown: ‘War inside of a war’”, *The Washington Post* (12 November 2023), <https://www.washingtonpost.com/world/2023/11/12/israel-free-speech-arrests-hamas/>.

¹⁸⁸ See, Israel Office of the State Attorney, *Fighting Incitement Online* (26 November 2023), <https://www.gov.il/en/departments/news/news-26-11>.

¹⁸⁹ The Public Committee Against Torture in Israel, Adalah -The Legal Center for Arab Minority Rights in Israel, HaMoked - Center for the Defence of the Individual and Physicians for Human Rights Israel, *Urgent appeal to the UN Special Rapporteur on torture, cruel, inhumane or degrading treatment or punishment regarding the systematic torture and inhuman treatment of Palestinian detainees in Israel prison facilities since October 7, 2023* (16 February 2024), https://www.omct.org/site-resources/files/Submission_SR_Torture_final-15.2.24.pdf p. 3. See also, the *Law on Combating Terrorism, 2016* — under which many Palestinians are charged — can carry a five-year prison sentence: *Law on Combating Terrorism, 2016*, art 24(B).

¹⁹⁰ UN OCHA, *Gaza Strip: States are obliged to prevent crimes against humanity and genocide, UN Committee stresses* (21 December 2023), <https://www.ohchr.org/en/press-releases/2023/12/gaza-strip-states-are-obliged-prevent-crimes-against-humanity-and-genocide> (emphasis added).

¹⁹¹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip* (South Africa v. Israel), Order of 26 January 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>, p. 25, para. 86(3).

Appendix IV*

STATEMENTS EVIDENCING CONTEMPT FOR THE INTERNATIONAL COURT OF JUSTICE AND THE UNITED NATIONS BY ISRAELI GOVERNMENTAL OFFICIALS

1. Israel and its officials in positions of the highest responsibility within the Israeli government — including members of the Israeli Security Cabinet and War Cabinet, responsible for decision-making in relation to Israel's military operations in Gaza — have repeatedly expressed their contempt for the International Court of Justice's Orders in the case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*,¹ as well as for the United Nations more generally.

2. Such open contempt in word has been accompanied by the Israeli military's open defiance of those Orders in deed. Thus, on 26 January 2024, the day of the Court's January Order — in which Israel was ordered to take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to Palestinians in the Gaza Strip — and notwithstanding United Nations assessments cited by the Court, that “[f]amine [wa]s around the corner”,² Israel sought to dismantle United Nations Relief and Works Agency for Palestine Refugees in the Near East (‘UNRWA’), upon whom some 2 million people in Gaza depend on for aid.³ On 24 May 2024, hours after the Court issued its Order to Israel to “[i]mmediately halt its military offensive”, Israel dropped what was reported to be a 2,500 lb bomb on the Al Mawasi area of Gaza, which had been designated by Israel as a ‘safe zone’ for displaced Palestinians.⁴ In the 48 hours that followed the Court's May Order, Israel reportedly bombed Rafah over 60 times.⁵ On the evening of 26 May 2024, Israel repeatedly bombed an UNRWA compound for displaced people, setting alight tents in which displaced families were sheltering, killing at least 45 Palestinians — reportedly beheading and partially beheading multiple babies/infants, and burning others alive — and wounding at least 249 others, many with severe burns.⁶ The attack

* Distribué uniquement dans la langue de l'original.

¹ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order of 26 January 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf> (‘South Africa v. Israel, Provisional Measures, Order of 26 January 2024’).

² *South Africa v. Israel, Provisional Measures, Order of 26 January 2024*, p. 16, para. 47.

³ United Nations Relief and Works Agency for Palestine Refugees (‘UNRWA’), *Nearly 2 million people depend on assistance from UNRWA as war in Gaza enters 200 days and violence increases in the West Bank* (24 April 2024), <https://www.unrwa.org/newsroom/news-releases/nearly-2-million-people-depend-assistance-unrwa-war-gaza-enters-200-days>.

⁴ Maher Arar, @ArarMaher, Tweet (10:17 pm, 24 May 2024), <https://x.com/ArarMaher/status/1794100364817375732>.

⁵ Euro-Med Human Rights Monitor, *Gaza: After ICJ order to halt attacks on Rafah, Israel launches over 60 air raids on the city in 48 hours* (26 May 2024), <https://euromedmonitor.org/en/article/6348/Gaza:-After-ICJ-order-to-halt-attacks-on-Rafah,-Israel-launches-over-60-air-raids-on-the-city-in-48-hours>; Nidal Al-Mughrabi, “Strikes continue in Gaza, as UN court orders Israel to halt Rafah assault” *Reuters* (24 May 2024), <https://www.reuters.com/world/middle-east/heavy-fighting-northern-gaza-israeli-tanks-advance-further-rafah-2024-05-24/>; “What has happened in Rafah since the ICJ ruling?”, *Al Jazeera* (27 May 2024), <https://aje.io/x8f7er?update=2928675>.

⁶ Doctors Without Borders, @MSF_USA, Tweet (11:55 pm, 26 May 2024), https://x.com/MSF_USA/status/1794849932819525715; UNRWA, @UNRWA, Tweet (9:34 am, 27 May 2024), <https://x.com/UNRWA/status/1794995632446615792>; Quds News Network, @qudsnen, Tweet (9:44 pm, 26 May 2024), <https://x.com/qudsnen/status/1794831943994875959>; GLZ, @GLZRadio, Tweet (9:00 pm, 26 May 2024), <https://x.com/GLZRadio/status/1794821028042125779>; Eye on Palestine, @EyeonPalestine, Tweet (12:28 am, 27 May 2024), <https://x.com/EyeonPalestine/status/1794873270535352438>; Anas Al-Sharif, @AnasAlSharif0, Tweet (8:48 pm, 26 May 2024), <https://x.com/AnasAlSharif0/status/1794802852541730893>; “World outraged by Rafah massacre with calls for ceasefire and sanctions on Israel”, *The New Arab* (27 May 2024), <https://www.newarab.com/news/horror-world-condemns-israels-massacre-rafah-camp>; United Nations Office for the Coordination of Humanitarian Affairs (‘UN OCHA’), *Hostilities in the Gaza Strip and Israel | Flash Update #171* (27 May 2024), <https://www.ochaopt.org/content/hostilities-gaza-strip-and-israel-flash-update-171>.

was in a zone⁷ specifically highlighted by South Africa during the International Court of Justice proceedings as having been previously declared a 'safe zone' by Israel, but excluded by it from its 'humanitarian zone' on 6 May unbeknownst to Palestinians, with many fleeing to and seeking refuge in the area for safety over the past weeks.⁸ Due to Israel's systematic destruction of Gaza's healthcare system, there is no medical facility with the capacity to treat the injured and specialised care for burn victims is not available.⁹ Israel has also failed to ensure that the Rafah crossing remains open for the "unhindered provision at scale of urgently needed basic services and humanitarian assistance", leading to tonnes of food rotting in trucks unable to enter Gaza while Palestinians starve to death.¹⁰ Israel has also failed to prevent Israeli protesters from obstructing and destroying food bound for Gaza's starving population.¹¹

3. Israel's clear statements and its actions in defiance of the International Court of Justice's binding orders illustrate the imperative necessity for the international community to act urgently to ensure compliance by Israel with those Orders and with its broader commitments under international law, and to protect Palestinians in Gaza from further death, harm and destruction.

The Provisional Measures Orders Indicated against Israel by the International Court of Justice

4. The International Court of Justice has issued three binding Orders against Israel in the above case concerning the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)* aimed at protecting, from "irreparable harm", the rights implicated in the case, including "the right of the Palestinians in Gaza to be protected from acts of genocide and related prohibited acts identified in Article III" of the Genocide Convention.¹² South Africa has been compelled to return to the Court on each successive occasion in light of Israel's non-compliance with previous Orders and its continuing, egregious breaches of the Genocide Convention against Palestinians in Gaza.

⁷ Mostafa, @m_osint, Tweet (12:24 am, 27 May 2024), https://x.com/m_osint/status/1794857105326997790.

⁸ Forensic Architecture, *Inhumane Zones: An assessment of Israel's actions with respect to the provision of aid, shelter, safe passage, and assistance to evacuees in Gaza; response to questions raised in the ICJ on 17 May 2024* (19 May 2024), pp. 8-9, paras. 5.3 and 5.4 and figures 4 and 5; as annexed to and available at *South Africa v. Israel, Written comments of South Africa on the reply of the State of Israel to the question put by Judge Nolte at the public sitting held on 17 May 2024*, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240520-oth-01-00-en.pdf>, pp. 30-31. See also Forensic Architecture, *Humanitarian Violence: Israel's Abuse of Preventative Measures in its 2023-2024 Genocidal Military Campaign in the Occupied Gaza Strip* (7 March 2024), https://content.forensic-architecture.org/wp-content/uploads/2024/03/Humanitarian-Violence_Report_FA.pdf, pp. 53-57.

⁹ Joyce Ogirri, "Portland nurse makes emotional return home after treating burn victims in Gaza", *KOIN 06 News* (20 May 2024), <https://www.msn.com/en-us/health/other/portland-nurse-makes-emotional-return-home-after-treating-burn-victims-in-gaza/ar-BB1mGbOY>; Izzeddin, @izzeddinshaheen, Tweet (1:57 am, 27 May 2024), <https://x.com/izzeddinshaheen/status/1794880582557802610>; izzeddin, @izzeddinshaheen, Tweet (1:50 am, 27 May 2024), <https://x.com/izzeddinshaheen/status/1794878727169728666>.

¹⁰ "Food bound for Gaza rots in the sun as Egypt's Rafah crossing stays shut", *Reuters* (24 May 2024), <https://www.reuters.com/world/middle-east/food-bound-gaza-rots-sun-egypts-rafah-crossing-stays-shut-2024-05-24/>; Stuti Mishra, "Food for starving Gazans rots in the sun as Israeli military keeps Rafah crossing shut", *The Independent* (24 May 2024), <https://www.independent.co.uk/news/world/middle-east/rafah-border-israel-gaza-aid-b2551429.html>.

¹¹ Loveday Morris, "Far-right Israeli settlers step up attacks on aid trucks bound for Gaza", *Washington Post* (26 May 2024), <https://www.washingtonpost.com/world/2024/05/26/west-bank-aid-trucks-gaza-settlers/>.

¹² *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel)*, Order of 24 May 2024, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240524-ord-01-00-en.pdf>, para 32, 34 and 37.

5. The Court's first **Order of 26 January 2024** ('**January Order**') indicated the following six provisional measures binding on Israel:

"1. The State of Israel shall, in accordance with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, in relation to Palestinians in Gaza, take all measures within its power to prevent the commission of all acts within the scope of Article II of this Convention, in particular:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; and
- (d) imposing measures intended to prevent births within the group ['PM1'];

2. The State of Israel shall ensure with immediate effect that its military does not commit any acts described in point 1 above ['PM2'];

3. The State of Israel shall take all measures within its power to prevent and punish the direct and public incitement to commit genocide in relation to members of the Palestinian group in the Gaza Strip ['PM3'];

4. The State of Israel shall take immediate and effective measures to enable the provision of urgently needed basic services and humanitarian assistance to address the adverse conditions of life faced by Palestinians in the Gaza Strip ['PM4'];

5. The State of Israel shall take effective measures to prevent the destruction and ensure the preservation of evidence related to allegations of acts within the scope of Article II and Article III of the Convention on the Prevention and Punishment of the Crime of Genocide against members of the Palestinian group in the Gaza Strip ['PM5'];

6. The State of Israel shall submit a report to the Court on all measures taken to give effect to this Order within one month as from the date of this Order ['PM6']".

6. On 16 February 2024, the Court clarified the Order of 26 January 2024 and reaffirmed its applicability, stating as follows ('February Decision'):¹³

"The Court notes that *the most recent developments* in the Gaza Strip, and in Rafah in particular, '*would exponentially increase what is already a humanitarian nightmare with untold regional consequences*', as stated by the United Nations Secretary-General (Remarks to the General Assembly on priorities for 2024 (7 Feb. 2024)).

This perilous situation demands immediate and effective implementation of the provisional measures indicated by the Court in its Order of 26 January 2024, which are applicable throughout the Gaza Strip, including in Rafah, and does not demand the indication of additional provisional measures.

The Court emphasizes that the State of Israel remains *bound to fully comply* with its obligations under the Genocide Convention and with the said Order, including by ensuring the safety and security of the Palestinians in the Gaza Strip."

¹³ *South Africa v. Israel, Decision of the Court on South Africa's request for additional provisional measures of 16 February 2024, ('February Decision')*, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240216-pre-01-00-en.pdf> (emphasis added).

7. The Court's second **Order of 28 March 2024 ('March Order')** reaffirmed all of the above provisional measures indicated in the January Order, and indicated the following additional three provisional measures binding on Israel:¹⁴

"2. The State of Israel shall, in conformity with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, and in view of the worsening conditions of life faced by Palestinians in Gaza, *in particular the spread of famine and starvation*:

(a) Take all necessary and effective measures to ensure, without delay, in full co-operation with the United Nations, the *unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing, hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary* ['PM7'];

(b) Ensure with immediate effect that *its military does not commit acts which constitute a violation of any of the rights of the Palestinians in Gaza as a protected group under the Convention on the Prevention and Punishment of the Crime of Genocide, including by preventing, through any action, the delivery of urgently needed humanitarian assistance* ['PM8'];

3. . . . [T]he State of Israel shall submit a report to the Court on all measures taken to give effect to this Order, within one month as from the date of this Order [PM9]".

8. The Court's third **Order of 24 May 2024 ('May Order')** again reaffirmed all previous provisional measures, ordering that they "be immediately and effectively implemented", and indicated the following additional four provisional measures binding on Israel:¹⁵

"(2) The State of Israel shall, in conformity with its obligations under the Convention on the Prevention and Punishment of the Crime of Genocide, and in view of the worsening conditions of life faced by civilians in the Rafah Governorate:

48.1. Immediately halt its military offensive, and any other action in the Rafah Governorate, which may inflict on the Palestinian group in Gaza conditions of life that could bring about its physical destruction in whole or in part [PM10];

48.2. Maintain open the Rafah crossing for unhindered provision at scale of urgently needed basic services and humanitarian assistance [PM11]; and

48.3. Take effective measures to ensure the unimpeded access to the Gaza Strip of any commission of inquiry, fact-finding mission or other investigative body mandated by competent organs of the United Nations to investigate allegations of genocide [PM12];

(3) . . . [T]he State of Israel shall submit a report to the Court on all measures taken to give effect to this Order, within one month as from the date of this Order [PM13]".

9. Israel has breached every substantive provisional measure indicated against it. It has done so while ever intensifying its military operations in Gaza, which South Africa asserts to be genocidal, and overtly proclaiming its contempt for the Court and its orders.

¹⁴ *South Africa v. Israel, Order of 28 March 2024*, pp. 12-13, paras. 48 and 51 (emphasis added).

¹⁵ *South Africa v. Israel, Order of 24 May 2024*, pp. 14-15, para. 57(1), (2), and (3).

Israel's Intention not to Abide by the Orders of the Court

10. Even before the International Court of Justice's first Order indicating provisional measures of protection against Israel, on 26 January 2024, Israeli officials indicated that they would not comply with any ruling by the Court. On the day after the oral hearings at the Court, 13 January 2024, the **Israeli Prime Minister Benjamin Netanyahu** claimed in a statement published by the Prime Minister's Office "Nobody will stop us – not The Hague, not the axis of evil and not anybody else. The hypocritical onslaught at The Hague against the state of the Jews that arose from the ashes of the Holocaust, at the behest of those who came to perpetrate another Holocaust against the Jews — is a moral low point in the history of nations."¹⁶

Israel's Intention Not to Comply with the January Order

11. Israeli ministers — including members of Israel's Security Cabinet and War Cabinet responsible for Israel's conduct of military operations in Gaza — immediately indicated their contempt for the Court's January Order:

- On 26 January 2024, the date of the Court's January Order, in a formal statement in response, **Israeli Prime Minister, Benjamin Netanyahu** called the Court's failure to reject South Africa's claim "a *mark of disgrace* that will not be erased for generations".¹⁷ The next day, in a statement issued by the Ministry of Foreign Affairs, he stated that there was "no greater absurdity than what occurred yesterday" in reference to the Court's Order,¹⁸ stating that the "very willingness in The Hague to discuss this ridiculous claim, the very fact that it was not rejected outright, proves that many in the world have not learned anything from the Holocaust."¹⁹
- On 26 January 2024, the **Israeli Defence Minister, Yoav Gallant**, also 'tweeted' that "[t]he ICJ went above and beyond, when it granted *South Africa's antisemitic request* to discuss the claim of genocide in Gaza",²⁰ adding in Hebrew that it "further compound[ed] a crime by not dismissing the petition outright".²¹ He further stated: "*Those who seek justice, will not find it on the leather chairs of the court chambers in The Hague* — they will find it in the Hamas tunnels in Gaza, where 136 hostages are held, and where those who murdered our children are hiding."²²

¹⁶ Israeli Prime Minister's Office, *Statement by PM Netanyahu* (13 January 2024), <https://www.gov.il/en/pages/spoke-press130424>. See also then-Spokesperson Eylon Levy's interview on the BBC, 10 January 2024: Eylon Levy, @EylonALevy, Tweet (6:42 pm, 10 January 2024), <https://x.com/EylonALevy/status/1745139093732790485>: "Tomorrow, the State of Israel will appear before the International Court of Justice to dispel South Africa's absurd blood libel, as Pretoria gives political and legal cover to the Hamas Rapist Regime."

¹⁷ Israel Prime Minister's Office (Hebrew), *Prime Minister Netanyahu in reference to the decision of the International Court of Justice in The Hague* (26 January 2024), <https://www.gov.il/he/departments/news/spoke-hague260124> (emphasis added).

¹⁸ Israeli Ministry of Foreign Affairs, *Statement by PM Netanyahu* (27 January 2024), <https://www.gov.il/en/departments/news/statement-by-pm-netanyahu-27-jan-2024>.

¹⁹ Israeli Ministry of Foreign Affairs, *Statement by PM Netanyahu* (27 January 2024), <https://www.gov.il/en/departments/news/statement-by-pm-netanyahu-27-jan-2024> (emphasis added).

²⁰ Yoav Gallant, @yoavgallant, Tweet (3:52 pm, 26 January 2024), <https://twitter.com/yoavgallant/status/1750879386759241776> (emphasis added).

²¹ Yoav Gallant, @yoavgallant, Tweet (3:30 pm, 26 January 2024), <https://twitter.com/yoavgallant/status/1750873882880360837>.

²² Yoav Gallant, @yoavgallant, Tweet (2:52 pm, 26 January 2024), <https://x.com/yoavgallant/status/1750879390882316755> (emphasis added).

- On the same day, **Israeli Minister of National Security, Itamar Ben-Gvir** — a member of the Security Cabinet — tweeted “Hague Shmague” in response to the Order,²³ calling it “the decision of the *antisemitic court*” which “prove[d] that the Court is not seeking justice, but the persecution of the Jewish people.”²⁴ In effect recognising the restraints placed by the Order on Israel, he stated: “*decisions that endanger the continued existence of the State of Israel should not be obeyed, and we must continue crushing the enemy until absolute victory*”.²⁵
 - On 27 January 2024, **the Israeli Ministry of Foreign Affairs**, led by Israeli Minister of Foreign Affairs Israel Katz, issued an official statement in response to the January Order stating that “[t]he charge of genocide levelled against Israel at the International Court of Justice is false and outrageous”, calling it “a shameful exploitation of the Genocide Convention that is not only wholly unfounded in fact and law, but morally repugnant.”²⁶
 - On 28 January 2024, the **Israeli President, Isaac Herzog**, in a formal statement issued by the Israeli Ministry of Foreign Affairs, stated that the hearing of the Order for provisional measures on 26 January 2024 was a “*blood libel that undermines the very values on which this court was established*”.²⁷
 - On 29 January 2024, **the Israeli Minister of Communications, Shlomo Karhi**, asserted that “[w]e must make sure that we are not tying the hands of the IDF soldiers, God forbid, exposing them to danger out of fear of what the world will say”.²⁸ The same day, **Israeli Minister of Social Equality May Golan** declared on a televised interview, also published on her X account, that “we have to be honest: the majority of the States in [the] Hague are Muslim countries . . . so I take no regard about what they are saying . . . You can’t expect Muslim dictatorships to tell us what to do in a real democracy”.²⁹
12. Such views were broadly echoed by Members of the Knesset (‘MK’), including through the following ‘tweets’ challenging the legitimacy of the International Court of Justice:
- **Likud MK Dan Illouz** compared the ruling to “a post-World War II scenario where a court that includes some *Nazi-supporting judges*” relies “on statements from Nazi sympathizers (like UNRWA is to Hamas) [to] debate whether the United States and Britain committed genocide by freeing the world from Nazism”.³⁰

²³ Itamar Ben-Gvir, @itamarbengvir, Tweet (12:53 pm, 26 January 2024), <https://twitter.com/itamarbengvir/status/1750864446807794046>.

²⁴ Paz Abuhatzirah, “Ben Gvir on the court’s decision: ‘Hague Shmague, they continue with the hypocrisy and the persecution of the Jewish people’”, 0404 (26 January 2024), <https://www.0404.co.il/?p=954729> (emphasis added).

²⁵ Paz Abuhatzirah, “Ben Gvir on the court’s decision: ‘Hague Shmague, they continue with the hypocrisy and the persecution of the Jewish people’”, 0404 (26 January 2024), <https://www.0404.co.il/?p=954729> (emphasis added).

²⁶ Israeli Ministry of Foreign Affairs, *MFA statement following the ICJ decision on provisional measures* (26 January 2024), <https://www.gov.il/en/departments/news/mfa-statement-following-the-icj-decision-on-provisional-measures-26-jan-2024>.

²⁷ Israeli Ministry of Foreign Affairs, *President Herzog addresses ICJ Ruling* (28 January 2024), <https://www.gov.il/en/departments/news/president-herzog-addresses-icj-ruling-28-jan-2024> (emphasis added).

²⁸ Shlomo Karhi, @shlomo_karhi, Tweet (3:04 pm, 29 January 2024), https://twitter.com/shlomo_karhi/status/1751984756080640363 (emphasis added).

²⁹ May Golan, @GolanMay, Tweet (5:31 pm, 29 January 2024), <https://twitter.com/GolanMay/status/1752006519619498481>.

³⁰ Dan Illouz, @dillouz, Tweet (1:32 pm, 26 January 2024), <https://twitter.com/dillouz/status/1750874246962630919> (emphasis added).

- **Likud MK Revital Gotliv** labelled the Court the “anti-semitic tribunal in The Hague”.³¹
- **Likud MK Galit Distel Atbaryan**, commented that the provisional measures were acceptable “under one condition: that Joan Donoghue, the President of the International Court, will move to live in the first line of fire near Gaza with her daughters, granddaughters and sisters . . . I have a feeling that the day this happens she will be less interested in the humanitarian situation of the bloodthirsty uninvolved and more interested in building an atomic bunker for her and her family members.”³²
- **Religious Zionist Party MK Zvi Sukkot**, stated that “*the Hague Tribunal is the political arm of [the] renewed murderous anti-Semitism*” and “[a] *circus of hypocrisy, evil, and hatred of Jews*”.³³

13. In parallel, and despite the fact that the International Court of Justice rejected Israel’s claim that its conduct in Gaza did not give rise to a real and imminent risk of irreparable harm to the right of Palestinians to be protected from genocidal acts, Israel has claimed that this Order — and subsequent orders — do not require it to alter its conduct in Gaza in any way. For example:

- On 31 January 2024, speaking at the United Nations Security Council meeting regarding the Court’s March Order, **Israel’s Deputy Ambassador to the United Nations, Jonathan Miller** stated that “[t]he egregious provisional measures requested by South Africa were effectively and summarily dismissed by the Court. *The measures indicated relate, in practice, to existing legal obligations to which Israel is already committed.*”³⁴

Israel’s Intention not to Comply with the March Order

14. On 30 March 2024, in response to the Court’s Order of 28 March 2024, the **Israeli Ministry of Foreign Affairs** released a statement falsely asserting that it “places no limitations on the amount of essential humanitarian aid that enters the Gaza Strip”, and that “South Africa has failed yet again in its cynical attempts to exploit the ICJ in order to undermine Israel’s inherent right and obligation to defend its citizens from the ongoing Hamas attacks and to secure the release of hostages still held in Gaza in brutal captivity.”³⁵

Israel’s Intention Not to Comply with the May Order

15. Prior to the Court’s May Order, and in response to rumours that the Court would accede to South Africa’s request for the indication of further provisional measures against Israel, including a cessation of their military

³¹ Revital Gotliv, @TallyGotliv, Tweet (2:46 pm, 26 January 2024), <https://twitter.com/TallyGotliv/status/1750892850475044941>.

³² MK Galit Distel Atbaryan, @GalitDistel, Tweet (1:04 pm, 26 January 2024), <https://twitter.com/GalitDistel/status/1750867185839247739>.

³³ Zvi Sukkot, @tzvisuccot, Tweet (12:44 pm, 26 January 2024), <https://x.com/tzvisuccot/status/1750862179069198556> (emphasis added).

³⁴ United Nations Web TV (‘UN Web TV’), *The Situation in the Middle East, including the Palestinian Question - Security Council, 9540th meeting* (31 January 2024), <https://webtv.un.org/en/asset/k1z/k1zd06a6bl> [02:19:07] (emphasis added).

³⁵ Israeli Ministry of Foreign Affairs, *Press release: South African allegations against Israel* (30 March 2024), <https://www.gov.il/en/pages/south-africa-icj>.

operations in Gaza,³⁶ various Israeli officials and spokespersons indicated that any Order would be ignored. By way of example:

- On 16 May 2024, responding to South Africa's oral pleadings at the Court, **Likud MK Revital Gotliv** in a 'tweet' labelled the Court the "anti-Semitic terror supporting court in The Hague".³⁷
- On 17 May 2024, the second day of the oral hearings on South Africa's request, the **Israeli Minister for Foreign Affairs, Israel Katz**, 'tweeted' that "[a]s our representatives told the South African legal team, who serve as the legal arm of Hamas murderers and rapists – repeating a lie a thousand times does not make it true. No force will prevent Israel from exercising its right to self-defense. We will continue to fight on the legal, political, and military fronts until all 132 of our hostages return to their loved ones".³⁸
- On 20 May 2024, after the Prosecutor of the International Criminal Court's announced that he was applying for arrest warrants for the Israeli Prime Minister and Minister of Defence, **Israeli Prime Minister, Benjamin Netanyahu**, issued a video statement on X, in which he stated: "Two weeks ago, on Holocaust Memorial day, I pledged this: 'no amount of pressure, and no decision in any international forum, will prevent Israel from defending itself against those who seek our destruction'. To all the enemies of Israel, including their collaborators in The Hague, I renew that pledge today".³⁹ In the Hebrew version of the statement, he added "in the face of the lies in the Hague, I say: the Glory of Israel does not deceive",⁴⁰ invoking the Old Testament.⁴¹
- On 23 May 2024, the evening before the International Court of Justice indicated additional provisional measures, in response to a question about whether a decision of the Court to cease hostilities would be accepted by Israel, **Deputy Speaker of the Knesset and Member of the Israeli Foreign Affairs and Security Committee Nissim Vaturi** stated on radio: "No matter what happens, we need to firmly stand up for ourselves and not be worried, in the end we are always to blame",⁴² and that "[i]t is Israel's top-priority mission to return the hostages, it is part of our victory and it will come following the military pressure. *The war is not going to end.*"⁴³ On the same day, in response to a question at a press briefing about whether Israel would suspend its operation if the International Court of Justice rules against Israel in its 24 May Order, the **Israeli Government Spokesperson, Avi Hyman**, stated that "[n]o power on earth will stop Israel from protecting its citizens, and going after Hamas in Gaza."⁴⁴

³⁶ See e.g., Shirit Avitan Cohen, "ICJ poised to order halt to Gaza war; Israel concerned over next steps", *Israel Hayom* (23 May 2024), <https://www.israelhayom.com/2024/05/23/exclusive-icj-poised-order-halt-to-gaza-war/>; "An order to stop fighting in Rafah? These are the scenarios for the ruling in The Hague tomorrow", *Ynet* (23 May 2024), <https://www.ynet.co.il/news/article/sy2xp3hmc>.

³⁷ Revital Gotliv, @Tallygotliv, Tweet (7:13 pm, 16 May 2024), <https://twitter.com/TallyGotliv/status/1791154950019461157>.

³⁸ Israel Katz, @Israel_katz, Tweet (11:59 am, 17 May 2024), https://twitter.com/Israel_katz/status/1791408126643601607.

³⁹ Benjamin Netanyahu, @netanyahu, Tweet (8:28 pm, 20 May 2024), <https://x.com/netanyahu/status/1792623424893784221> [2:37] (emphasis added). Hebrew version available at "Netanyahu attacking The Hague and calling on Congress: 'Sanctions are the least that can be done'", *Yedioth Ahronoth* (23 May 2024), <https://www.ynet.co.il/news/article/bkwiel13ma>.

⁴⁰ "Netanyahu attacking The Hague and calling on Congress: 'Sanctions are the least that can be done'", *Ynet* (23 May 2024), <https://www.ynet.co.il/news/article/bkwiel13ma>.

⁴¹ Samuel 15:29.

⁴² 103FM, @radio103FM, Tweet (4:25 pm, 23 May 2024), <https://x.com/radio103fm/status/1793649357000200292>.

⁴³ 103FM, @radio103FM, Tweet (4:25 pm, 23 May 2024), <https://x.com/radio103fm/status/1793649578660487606> (emphasis added).

⁴⁴ Avi Hyman, @AviHyman, (1:10 pm, 24 May 2024), <https://x.com/AviHyman/status/1793962709735678182> (emphasis added).

- In the morning of 24 May 2024, before the Order was handed down, the **Israeli Minister of National Security, Itamar Ben-Gvir**, ‘tweeted’ that “[o]nly increasing the pace and power of fighting, full entry into Rafah and a massive pounding of Hamas will lead to victory in the war and to returning the abductees. *We should pay no regard to the Court in The Hague and the other tribunals in the world that want to give rewards to Hamas and are preventing us from winning the war.*”⁴⁵

16. Israeli Ministers also expressed their rejection of the Court’s May Order, almost immediately on it being handed down on 24 May 2024. By way of example:

- **Israeli Minister of National Security, Itamar Ben-Gvir** reportedly stated that “[t]here should only be *one answer to the irrelevant order of the antisemitic court in The Hague: the occupation of Rafah, the increase of military pressure and the complete defeat of Hamas*”.⁴⁶ He further ‘tweeted’ a quote by Israel’s first Prime Minister David Ben-Gurion — “Our future does not depend on what the gentiles will say, but on what the Jews will do.”⁴⁷
- **Israeli Minister of Finance, Bezalel Smotrich**, ‘tweeted’ that “[t]he State of Israel is at war for its existence. . . . Whoever demands of the State of Israel to stop the war, is demanding of it to sentence itself to cease to exist. *We will not agree to this. . . . We continue to fight for our own sake and for the sake of the entire free world. History will judge those who stood today on the side of the Nazis from Hamas and ISIS.*”⁴⁸
- **Israeli Minister of Social Equality and the Advancement of the Status of Women, May Golan**, ‘tweeted’ “[a]s soon as the decision of the court in The Hague was announced — I instructed my ministry staff to warm up the shredders.”⁴⁹
- **Negev, Galilee and National Resilience Minister, Yitzhak Wasserlauf**, reportedly stated “[w]e are deeply shocked by the biased and dangerous decision of the International Court in The Hague. This decision is not only shocking, but also a *chilling reminder that anti-Semitism still exists and is gaining legitimacy*. We reject this ruling in its entirety, which is not based on facts, or on international law, but is *tainted with anti-Semitic odours that strengthen and perhaps encourage evil and terrorism in the world*. This is a severe offense to the victims of Nazism and to historical justice. The court in the Hague has become Hamas’s protective vest”.⁵⁰
- **Culture and Sports Minister, Miki Zohar**, reportedly stated “[t]he judges of the Hague Tribunal are welcome to visit Gaza and convince Hamas to return our hostages home. Until that happens, clearly there’s

⁴⁵ Itamar Ben Gvir, @itamarbengvir, Tweet (10:57 am, 24 May 2024), <https://twitter.com/itamarbengvir/status/1793929229429522651> (emphasis added).

⁴⁶ Anna Barsky, “Severe criticism in Israel of the Court in the Hague: ‘They have become collaborators with terrorists’”, *Maariv* (24 May 2024), <https://www.maariv.co.il/news/politics/Article-1101635>. Translated at Sam Sokol, “‘Our future doesn’t depend on what gentiles say’: Ben Gvir, other far-right ministers dismiss ICJ ruling”, *The Times of Israel* (24 May 2024), https://www.timesofisrael.com/liveblog_entry/our-future-doesnt-depend-on-what-gentiles-say-ben-gvir-other-far-right-ministers-dismiss-icj-ruling (emphasis added).

⁴⁷ Itamar Ben Gvir, @itamarbengvir, Tweet (3:37 pm, 24 May 2024), <https://x.com/itamarbengvir/status/1793997190626673079/>.

⁴⁸ Bezalel Smotrich, @bezalelsm, Tweet (3:29 pm, 24 May 2024), <https://x.com/bezalelsm/status/1793997756027019390>.

⁴⁹ May Golan, @GolanMay, Tweet (3:34 pm, 24 May 2024), <https://x.com/GolanMay/status/1793998936207929474>.

⁵⁰ Anna Barsky, “Severe criticism in Israel of the Court in the Hague: ‘They have become collaborators with terrorists’”, *Maariv* (24 May 2024), <https://www.maariv.co.il/news/politics/Article-1101635> (emphasis added).

no option to stop the fighting in Rafah. Stopping the fighting would be a spit in the face of the captives, who are going through daily torture and hell, when the only way to save them is by applying pressure to Hamas”.⁵¹

- **Minister of Settlements and National Missions, Orit Strock**, ‘tweeted’ “[t]he State of Israel is fighting at The Hague for its life and the life of the entire free world, and it will in any case continue to fight. *The court that orders it to stop - is nothing but an anti-Semitic theater of absurdity. A state that obeys its instructions – casts upon itself an indelible moral stain*”.⁵²
- In a joint statement, the **Head of the Israeli National Security Council** and the **Spokesperson of the Israeli Ministry of Foreign Affairs** reiterated that “[t]he charges of genocide brought by South Africa against Israel at the International Court of Justice in the Hague are false, outrageous and morally repugnant”. They persisted in claiming that the May Order does not require Israel to alter its conduct, on the asserted basis that “Israel *has not* and will not conduct military actions in the Rafah area which may inflict on the Palestinian civilian population in Gaza conditions of life that could bring about its physical destruction in whole or in part”.⁵³ Such a position is untenable, having regard to the factual basis for the Court’s Order,⁵⁴ and the Court’s determination that “Israel has not sufficiently addressed and dispelled the concerns raised by its military offensive in Rafah.”⁵⁵

17. Members of the Knesset across all parties — both in government and in opposition — similarly immediately rejected the ruling. By way of example, on 24 May 2024:

- **Chairman of World Likud, Likud MK Danny Danon**, ‘tweeted’: “The members of the court in The Hague deliberate in air-conditioned rooms and return to their families after the hearing, while 125 hostages languish in tunnels. *The State of Israel will not stop the war* until Hamas is defeated and our sons and daughters are returned home.”⁵⁶
- **Chairman of the Foreign Affairs and Defense Committee, Likud MK Yuli Edelstein**, ‘tweeted’ in relation to the Court’s Order that Israel “[i]mmediately halt its military offensive, and any other action in the Rafah Governorate”: “We are not in an operation, *we are in a war*. When we defeat terrorism and return all our captives home - we will end the ‘operation’.”⁵⁷
- **Deputy Minister and Chairman of the Noam Party, MK Avi Maoz**, reportedly stated: “We are now committed to one thing only - defeating Hamas and Hezbollah and returning all our captives. *No factor*

⁵¹ Moran Azoulay, “‘A moral downfall, an ethical disaster’: Wall-to-wall condemnation among politicians of the decision in The Hague”, *Ynet* (24 May 2024), <https://www.ynet.co.il/news/article/bjraqfaxc>.

⁵² Orit Strock, @oritstrock, Tweet (3:42 pm, 24 May 2024), <https://x.com/oritstrock/status/1794000980239069423> (emphasis added).

⁵³ Israel, @Israel, Tweet (6:55 pm, 24 May 2024), <https://x.com/Israel/status/1794049600644391140> (emphasis added).

⁵⁴ *South Africa v. Israel*, Order of 24 May 2024, paras. 28, 46 and 47.

⁵⁵ *South Africa v. Israel*, Order of 24 May 2024, p. 12, para. 46.

⁵⁶ Danny Danon, @dannyanon, Tweet (3:32 pm, 24 May 2024), <https://x.com/dannyanon/status/1793998619382776034> (emphasis added).

⁵⁷ Yuli Edelstein, @yuliedelstein, Tweet (4:12 pm, 24 May 2024), <https://x.com/YuliEdelstein/status/1794008654951125501> (emphasis added).

*will prevent us from fighting for our lives, our existence and our national honor. We will not let anyone interfere with the continuing process of return to Zion.”*⁵⁸

- **Yisrael Beiteinu Party MK, Avigdor Lieberman**, ‘tweeted’ that: “[t]oday’s court decision proves that the various UN institutions, as well as the criminal court in *The Hague*, have become collaborators of terrorists all over the world and their entire role is to deter democratic countries in their struggle against terrorist organizations”.⁵⁹
- **Labor MK Gilad Karib**, reportedly stated: “The International Court's orders, as well as the disgraceful disregard of the hostages’ situation, once again prove international institutions’ *double standard towards the State of Israel*.”.⁶⁰
- **Chairman of the Constitution Committee and Mafdal-Religious Zionism Party MK Simcha Rotman**, ‘tweeted’: “The supreme obligation of the State of Israel is to protect its citizens, return the abductees, eliminate Hamas and restore the power of deterrence on all fronts, after the events of the seventh of October. This is the supreme order that the State of Israel must respect. *Any other order by any court does not prevail over it*”.⁶¹

18. Such statements reflected positions taken by others — including that of **former Israeli Minister of Justice and MK Gideon Sa’ar** who stated on 20 May 2024 that “[t]he ICC decision is evidence of the bankruptcy of the institutions of international law, and *this is a continuation of the farce of the deliberation in the South Africa claim at the ICJ*.”⁶²

19. The statements — widespread, repeated, vitriolic, defiant — by a State that chose to be a party to the Genocide Convention and which has appeared before the International Court of Justice with a fully-fledged legal team to unsuccessfully argue for South Africa’s application to be rejected outright, constitute an unprecedented attack by a State on the International Court of Justice, the principal judicial organ of the United Nations.

Statements of Contempt for the United Nations in General

20. The contempt for the International Court of Justice reflects the contempt that Israeli officials have routinely expressed for the United Nations more generally, particularly in the circumstances of the above case. The following statements by **Israel’s Permanent Representative to the United Nations, Gilad Erdan**, are illustrative:

⁵⁸ Moran Azoulay, “‘A moral downfall, an ethical disaster’: Wall-to-wall condemnation among politicians of the decision in The Hague”, *Ynet* (24 May 2024), <https://www.ynet.co.il/news/article/bjraqfaxc> (emphasis added).

⁵⁹ Avigdor Liberman, @AvigdorLiberman, Tweet (3:29 pm, 24 May 2024), <https://x.com/AvigdorLiberman/status/1793997697843683786> (emphasis added).

⁶⁰ Moran Azoulay, “‘A moral downfall, an ethical disaster’: Wall-to-wall condemnation among politicians of the decision in The Hague”, *Ynet* (24 May 2024), <https://www.ynet.co.il/news/article/bjraqfaxc> (emphasis added).

⁶¹ Simchar Rothman, @rothmar, Tweet (2:54 pm, 24 May 2024), <https://x.com/rothmar/status/1794004146443420101> (emphasis added).

⁶² “Panicked consultations in Israel after the Hague prosecutor's request for arrest warrants: ‘disgrace, hypocrisy’”, *Ynet* (20 May 2024), <https://www.ynet.co.il/news/article/rylwxnoma>. Translated at “Gideon Sa’ar quote”, *The Zionism Observer* (20 May 2024), <https://zionism.observer/quotes/gideonsaar/the-icc-decision-is-evide> (emphasis added).

- On **2 December 2023**, he ‘tweeted’ that “[t]he UN has officially become *Hamas’ accomplice!!* Our soldiers have irrefutably exposed how UNRWA aid - aid that is meant to benefit Gazan civilians — is exploited by Hamas to conceal missiles and rockets used to murder Israeli civilians. *I show-cased Hamas’ cynical use of the UN’s aid, at the UN and to UN officials. The UN’s indifference to terrorists exploiting UN resources makes the UN a direct accomplice in terror!*”⁶³
- On **26 January 2024**, he ‘tweeted’ that “[t]he UN is not only weaponized to delegitimize our existence, but also to physically exterminate us.”⁶⁴
- On **21 February 2024**, he ‘tweeted’ that “[i]t is *no longer possible to believe any report or data provided by the UN*” because “In Gaza, Hamas is the UN, and the UN is Hamas!”⁶⁵
- On **8 April 2024**, he stated: “breaking the Guinness World Record for rewarding terrorism, *the UN now is in complete violation of its charter . . . if Hitler were alive, he would be singing the UN’s praises*”. He further stated that “the UN Security Council . . . will forever be known as the terror council”.⁶⁶
- On **26 April 2024**, he ‘tweeted’ that: “In an interview with Israel Hayom, I said that *the UN had become a Hamas collaborator!* Israel will have to set down new ‘rules of the game’, which will include closing the UN compound, cancelling visas and deporting UN employees who act against us. *If after the change of rules, this rotten organization still doesn’t treat us decently — leaving the UN will have to be considered.*”⁶⁷

21. Such statements are representative of the position of Israel itself. They are routinely reflected in statements by other senior Israeli officials, including Ministerial members of the Israeli Security Cabinet, responsible for the conduct of Israel’s military operations in Gaza. By way of example:

- On 23 March 2024, the **Israeli Minister for Foreign Affairs Israel Katz** ‘tweeted’ that “[u]nder [UN Secretary-General Antonio Guterres’] leadership, *the UN has become an antisemitic and anti-Israeli body that shelters and emboldens terror.*”⁶⁸
- On 25 March 2024, in response to United Nations Security Council Resolution 2728 of 25 March 2024, that “demand[ed] an immediate ceasefire . . . leading to a lasting sustainable ceasefire”,⁶⁹ **Israeli Minister without portfolio Benny Gantz** ‘tweeted’ “[t]he State of Israel has a moral obligation to keep fighting until the hostages are returned and the threat of Hamas is removed and that is what we’ll do. *The Security*

⁶³ Ambassador Gilad Erdan, @giladerdan1, Tweet (7:36 pm, 2 December 2023), <https://twitter.com/giladerdan1/status/1731004542307701078> (emphasis added).

⁶⁴ Ambassador Gilad Erdan, @giladerdan1, Tweet (7:15 pm, 26 January 2024), <https://twitter.com/giladerdan1/status/1750930495276302500>.

⁶⁵ Ambassador Gilad Erdan, @giladerdan1, Tweet (12:40 am, 21 February 2024), <https://twitter.com/giladerdan1/status/1760071998502248913> (emphasis added).

⁶⁶ Ambassador Gilad Erdan, @giladerdan1, Tweet (9:09 pm, 8 April 2024), <https://twitter.com/giladerdan1/status/1777413394263408977> (emphasis added).

⁶⁷ Ambassador Gilad Erdan, @giladerdan1, Tweet (5:53 am, 26 April 2024), <https://twitter.com/giladerdan1/status/1783705992317808880> (emphasis added).

⁶⁸ Israel Katz, @Israel_katz, Tweet (3:50 pm, 23 March 2024), https://twitter.com/Israel_katz/status/1771534978364383484 (emphasis added).

⁶⁹ United Nations Security Council (‘UNSC’), Resolution 2728, S/RES/2728(2024), (25 March 2024), [https://undocs.org/S/RES/2728\(2024\)](https://undocs.org/S/RES/2728(2024)).

Council's decision has no operative significance for us, and in any case, we will continue listening to our friends, and will always do what is right for the security of Israel."⁷⁰

22. Such statements are being made against the background of Israel's continuing affront to the United Nations, in preventing the access of United Nations personnel and special procedures mandate-holders to Palestine in general and to Gaza in particular,⁷¹ including the United Nations Special Rapporteur on Palestine,⁷² and the Commissioner-General of UNRWA.⁷³ Israel continues to deny access and visas to journalists and human rights monitors,⁷⁴ as well as NGOs, aid agencies,⁷⁵ and independent investigators,⁷⁶ significantly hindering the preservation of essential evidence and the scaling up of lifesaving aid to Gaza and constituting a violation of all three of the Orders of the International Court of Justice.

Israel's Attempted Destruction and Dismantling of UNRWA

23. The UNRWA was set up by a United Nations General Assembly Resolution with the explicit recognition that "continued assistance for the relief of the Palestine refugees *is necessary to prevent conditions of starvation and distress among them* and to further conditions of peace and stability".⁷⁷ As stated by the United Nations Secretary-General, UNRWA is "at the heart of this region" as a "stabilizing force", and "the backbone of the humanitarian operation, coordinating and providing lifesaving assistance" to Palestinians in Gaza.⁷⁸ An estimated two million Palestinians are estimated to now depend on UNRWA for their survival.⁷⁹

24. Since South Africa initiated proceedings against Israel in the International Court of Justice on 29 December 2023, Israel has doubled down on its long-standing attempts to "eliminate UNRWA's role in

⁷⁰ Benny Gantz, @gantzbe, Tweet (7:14 pm, 25 March 2024), <https://twitter.com/gantzbe/status/1772310981743415511> (emphasis added).

⁷¹ United Nations Office of the United Nations High Commissioner for Human Rights ('UN OHCHR'), *Geneva Press Briefing: OCHA, UNICEF, OHCHR, WHO, UN WOMEN* (7 May 2024), <https://webtv.un.org/en/asset/k1g/k1g9eajpmk> [43:10]-[44:31].

⁷² UN OHCHR, *Israel's symbolic "ban" must not distract from atrocity crimes in Gaza: UN expert* (15 February 2024), <https://www.ohchr.org/en/press-releases/2024/02/israels-symbolic-ban-must-not-distract-atrocity-crimes-gaza-un-expert>.

⁷³ Philippe Lazzarini, @UNLazzarini, Tweet (6:08 pm, 5 May 2024), <https://x.com/UNLazzarini/status/1787152454867378687>.

⁷⁴ Francesca Albanese UN Special Rapporteur oPt, @FranceskaAlbs, Tweet (12:20 am, 29 April 2024), <https://x.com/FranceskaAlbs/status/1784709362176467187>.

⁷⁵ "Ben Gvir forms police team targeting left-wing activists in the West Bank — report", *Times of Israel* (16 April 2024), <https://www.timesofisrael.com/ben-gvir-forms-police-team-targeting-left-wing-activists-in-the-west-bank-report/>; Amira Haas, "Israel Blocks Work Visas From International Aid NGO Workers in West Bank and Gaza", *Haaretz* (25 February 2024), <https://www.haaretz.com/israel-news/2024-02-25/ty-article/.premium/israel-blocks-work-visas-from-international-aid-ngo-workers-in-west-bank-and-gaza/0000018d-e195-df79-a5cd-e1bfa8600000?utm;> Emma Farge, "Dozens of stalled Israeli visas seen hindering Gaza aid efforts", *Reuters* (28 March 2024), <https://www.reuters.com/world/middle-east/dozens-stalled-israeli-visas-seen-hindering-gaza-aid-efforts-2024-03-28/>.

⁷⁶ António Guterres, @antonioguterres, Tweet (8:44 pm, 30 April 2024), <https://x.com/antonioguterres/status/1785394742391402660>.

⁷⁷ United Nations, General Assembly, Resolution 302, A/RES/302 (IV) (8 December 1949), <https://www.unrwa.org/content/general-assembly-resolution-302> (emphasis added).

⁷⁸ United Nations Relief and Works Agency for Palestine ('UNRWA'), *Statement of the Commissioner-General of UNRWA to the UN Security Council* (17 April 2024), <https://www.unrwa.org/newsroom/official-statements/statement-commissioner-general-unrwa-security-council>; UN Secretary-General, *Secretary-General's remarks to the Committee on the Exercise of the Inalienable Rights of the Palestinian People* (31 January 2024), <https://www.un.org/sg/en/content/sg/speeches/2024-01-31/secretary-generals-remarks-the-committee-the-exercise-of-the-inalienable-rights-of-the-palestinian-people>.

⁷⁹ UNRWA, *Nearly 2 million people depend on assistance from UNRWA as war in Gaza enters 200 days and violence increases in the West Bank* (24 April 2024), <https://www.unrwa.org/newsroom/news-releases/nearly-2-million-people-depend-assistance-unrwa-war-gaza-enters-200-days>.

protecting the rights of Palestine Refugees and acting as a witness to their continuing plight”,⁸⁰ have increased since South Africa initiated proceedings against Israel in the International Court of Justice on 29 December 2023, including the continuing unfulfilled right of return to their homes in Israel.⁸¹ As stated by the UNRWA Commissioner-General,

“[C]alls for UNRWA’s closure are not about adherence to humanitarian principles. *These calls are about ending the refugee status of millions of Palestinians.* They seek to change the long-standing political parameters for peace in the occupied Palestinian territory set by the resolutions of the General Assembly and this Council. Accusations that UNRWA deliberately perpetuates refugee status are false and dishonest. The Agency exists because a political solution does not. It exists in lieu of a State that can deliver critical public services.”⁸²

25. Since 29 December 2023, senior Israeli officials have repeatedly acknowledged their attempts to destroy UNRWA, even linking those attempts to the reliance by the International Court of Justice on UNRWA materials in making its January Order:

- On 27 January 2024, the **Israeli Minister for Foreign Affairs, Israel Katz**, ‘tweeted’: “We have been warning for years: UNRWA perpetuates the refugee issue, obstructs peace, and serves as a civilian arm of Hamas in Gaza.”⁸³
- On 31 January 2024, **Israeli Prime Minister, Benjamin Netanyahu**, expressly linked Israel’s to date unsubstantiated allegations of the involvement of a small number of UNRWA employees in the 7 October 2023 attacks on Israel to Court’s reliance on UNRWA’s evidence in South Africa’s proceedings against Israel under the Genocide Convention, stating “*many of the charges, false and unfounded, that were leveled against us in The Hague were brought by UNRWA officials.* And we have discovered in the last few weeks that UNRWA officials were complicit in the massacre.”⁸⁴ That same day, he told a delegation of United Nations Ambassadors in Jerusalem: “I think it’s time that the international community and the UN itself understand that UNRWA’s mission has to end. *UNRWA is self-perpetuating. It is self-perpetuating also in its desire to keep alive the Palestinian refugee issue.* And we need to get other UN agencies and other aid agencies replacing UNRWA if we’re going to solve the problem of Gaza as we intend to do.”⁸⁵

⁸⁰ UNRWA, *Letter from the Commissioner-General to the President of the UN General Assembly* (22 February 2024), <https://www.unrwa.org/newsroom/official-statements/letter-commissioner-general-president-general-assembly>. See also, United Nations, *Statement by UNRWA Commissioner General Philippe Lazzarini* (17 April 2024), <https://press.un.org/en/2024/sc15668.doc.htm>.

⁸¹ UNRWA, *What is the Mandate of UNRWA?*, <https://www.unrwa.org/what-mandate-unrwa-0>; United Nations, General Assembly, Resolution 302 (IV) Assistance to Palestine Refugees, A/RES/302 (IV) (8 December 1949), [https://undocs.org/A/RES/302\(IV\)](https://undocs.org/A/RES/302(IV)); United Nations, General Assembly, Resolution 194 (III), Palestine – Progress Report of the United Nations Mediator, A/RES/194 (III) (11 December 1948), [https://undocs.org/A/RES/194%20\(III\)](https://undocs.org/A/RES/194%20(III)).

⁸² UNRWA, *Statement by the Commissioner-General of UNRWA to the Security Council* (17 April 2024), <https://www.unrwa.org/newsroom/official-statements/statement-commissioner-general-unrwa-security-council> (emphasis added); Philippe Lazzarini, @UNLazzarini, Tweet (1:05, am, 19 April 2024), <https://x.com/UNLazzarini/status/1781096665664856516/>.

⁸³ Israel Katz, @Israel_Katz, Tweet (9:01 am, 27 January 2024), https://x.com/Israel_katz/status/1751153470617379008.

⁸⁴ Prime Minister of Israel, @IsraeliPM, Tweet (7:43 pm, January 31, 2024), <https://twitter.com/IsraeliPM/status/1752779770432040969> (emphasis added).

⁸⁵ Israeli Prime Minister’s Office, *Prime Minister Benjamin Netanyahu to a Delegation of UN Ambassadors: “It’s time that the international community and the UN itself understand that UNRWA’s mission has to end.”* (31 January 2024), <https://www.gov.il/en/departments/news/event-un310124> (emphasis added).

- On 1 February 2024, it was reported that **Israeli Defence Minister, Yoav Gallant**, additionally told the delegation of ambassadors that UNRWA had “*lost its legitimacy to exist*” and is “an internationally funded organisation paid to kill Israelis”.⁸⁶
- On 4 February 2024, **Israeli Minister of Foreign Affairs, Israel Katz**, ‘tweeted’ that “UNRWA is part of the problem. It’s part of the terrorist infrastructure of Hamas in Gaza. *It’s part of the Palestinian lie that there are ‘refugees’ who need to return to the State of Israel.* We are working to remove UNRWA from Gaza. They are the problem — not the solution.”⁸⁷
- On 17 April 2024, the **Israeli representative at the 9607th Meeting of the United Nations Security Council** asserted to the United Nations Security Council that “[o]ne of the UN’s weapons to protract this conflict is UNRWA — “an instrument of war” — whose goal is not aid or education”. He accused UNRWA of “creating a sea of Palestinian refugees indoctrinated to believe that ‘Israel belongs to them’”, that “it is a Palestinian organization, ‘fully committed to Israel’s destruction’, and that “[o]ne of its primary goals is to *brainwash Palestinian children into believing that the war of 1949 is not over and that they are still refugees 76 years later*, even though they were born in Gaza or other countries”. Addressing the other State representatives present, he said: “You are providing aspirin to a body contaminated with cancerous cells. Today in Gaza, ‘UNRWA is Hamas and Hamas is UNRWA’ . . . *The time has come to defund UNRWA.*”⁸⁸
- On 12 February 2024, **Israeli Minister of Innovation, Science and Technology, Gila Gamliel**, ‘tweeted’: “UNRWA, which collaborates with Hamas, and some of whose workers participated in the massacres and abductions on October 7th, is not part of the solution, but part of the problem. We will continue our work to replace this dangerous organization with other bodies that are not infected with terrorism and deny other countries from the continued funding of UNRWA”.⁸⁹
- On 7 March 2024, the **Israeli Minister for Foreign Affairs, Israel Katz**, shared a video on ‘X’, that again asserted: “It’s time for action . . . UNRWA is part of the problem. It cannot be part of the solution”, with an accompanying tweet stating “Revealed: UNRWA’s deep ties to terrorism. It’s time to close UNRWA and introduce transparent, accountable aid organizations for Palestinians”.⁹⁰

⁸⁶ Jessica Le Masurier and Damilola Banjo, “As Donors Suspend Critical Funding to UNRWA, Allegations Against Staff Remain Murky”, *PassBlue* (5 February 2024), <https://www.passblue.com/2024/02/05/as-donors-suspend-critical-funding-to-unrwa-allegations-against-staff-remain-murky/> (emphasis added).

⁸⁷ Israel Katz, @Israel_Katz, Tweet (4:05 pm, 4 February 2024), https://twitter.com/Israel_katz/status/1754174311768695267 (emphasis added). See also Israel Katz, @Israel_katz, Tweet (4:15 pm, 4 February 2024), https://twitter.com/Israel_katz/status/1754176771967029757.

⁸⁸ Representative of Israel to the UN, in UN Meetings Coverage and Press Releases, ‘*Insidious Campaign’ by Israel Under Way to End Palestine Refugee Agency’s Operations in Gaza, Commissioner-General Tells Security Council* (17 April 2024), <https://press.un.org/en/2024/sc15668.doc.htm> (emphasis added).

⁸⁹ Gila Gamliel, @GilaGamliel, (7:40 pm, 12 February 2024), <https://twitter.com/GilaGamliel/status/1757037027902595453>.

⁹⁰ Israel Katz, @Israel_Katz, Tweet (3:25 pm, 7 March 2024), https://twitter.com/Israel_katz/status/1765730390054928663. See also e.g., Israel Katz, @Israel_Katz, Tweet (4:51 pm, 27 January 2024), https://x.com/Israel_katz/status/1751271598991040649; Israel Katz, @Israel_Katz, Tweet (5:15 pm, 4 February 2024), https://x.com/Israel_katz/status/1754176771967029757; Israel Katz, @Israel_Katz, Tweet (7:18 am, 23 March 2024), https://x.com/Israel_katz/status/1771421285790228926.

26. Israel's attempts to implicate its staff members in the 7 October 2023 attacks by Hamas and other Palestinian armed groups on Israel have been described by the UNRWA Commissioner-General as a "*deliberate and concerted campaign to undermine [UNRWA's] operations and ultimately end them*"⁹¹ — with serious implications for peace and security⁹² — including by "inundating donors with misinformation designed to foster distrust and tarnish the reputation of the agency".⁹³ As humanitarian groups on the ground have underscored, "[t]he plain reality is that *UNRWA's humanitarian role in this crisis is indispensable . . . and cannot remotely be replaced by any other aid organization.*"⁹⁴

27. Israel is currently attempting to designate UNRWA as a terrorist organisation. Over 191 United Nations personnel have been killed, and there have been attacks on 174 UNRWA facilities in Gaza since 7 October 2023.⁹⁵ Israel's attack on UNRWA is aligned with its attack on the International Court of Justice and its disregard for United Nations Security Council resolutions and for its obligations under the Genocide Convention. It is an attack on the very legitimacy of the United Nations itself. This is clear from repeated statements by Israeli officials, including the following:

- On 28 January 2024, **Gilad Erdan** 'tweeted' again that: "UNRWA is a terror organization and should be held accountable!! For years, we have been calling for the dissolution of UNRWA. Yesterday, it was proven that the UN agency is not only an accomplice of terrorism, but that it also employs despicable terrorists. Yesterday in the GA, I said that *the UN failed in its duty to prevent atrocities and is now part of the arsenal of weapons of those who want to destroy Israel and the Jewish people.*"⁹⁶
- On 13 February 2024, **Israeli Minister of Finance, Bezalel Smotrich**, 'tweeted' that "I have instructed not to let through the flour shipments intended for UNRWA in Gaza, and in coordination with the Prime Minister to consider a different distribution mechanism which will not end up in Hamas's hands. *Now the world also knows UNRWA is a central part of the Nazi Hamas terrorists' war machine. There is a wall-to-wall consensus in the Emergency Government and in the Cabinet about the need to prevent aid from reaching Hamas.*"⁹⁷

⁹¹ UNRWA, *Statement of the Commissioner-General of UNRWA to the General Assembly* (4 March 2024), <https://www.unrwa.org/newsroom/official-statements/statement-commissioner-general-unrwa-general-assembly> (emphasis added); see also Hanin Abou Salem, "Why is Netanyahu trying to disband the UNRWA?", *Reuters* (22 June 2017), <https://www.aljazeera.com/opinions/2017/6/22/why-is-netanyahu-trying-to-disband-the-unrwa>; David Isaac, "Israel wants UNRWA out of Gaza", *Jewish News Service* (31 December 2023), <https://www.jns.org/israel-wants-unrwa-out-of-gaza/>.

⁹² UN Meetings Coverage and Press Releases, *'Insidious Campaign' by Israel Under Way to End Palestine Refugee Agency's Operations in Gaza, Commissioner-General Tells Security Council* (17 April 2024), <https://press.un.org/en/2024/sc15668.doc.htm>.

⁹³ UNRWA, *Statement of the Commissioner-General of UNRW to the General Assembly* (4 March 2024), <https://www.unrwa.org/newsroom/official-statements/statement-commissioner-general-unrwa-general-assembly>; see also Hanin Abou Salem, "Why is Netanyahu trying to disband the UNRWA?", *Reuters* (22 June 2017), <https://www.aljazeera.com/opinions/2017/6/22/why-is-netanyahu-trying-to-disband-the-unrwa>; David Isaac, "Israel wants UNRWA out of Gaza", *Jewish News Service* (31 December 2023), <https://www.jns.org/israel-wants-unrwa-out-of-gaza/>.

⁹⁴ Norwegian Refugee Council ('NRC'), Oxfam, Save the Children and 14 others, *Joint NGO Statement: EU and Member States Must Sustain Funding to UNRWA* (29 February 2024), <https://www.unrwa.org/newsroom/official-statements/joint-ngo-statement-eu-and-member-states-must-sustain-funding-unrwa> (emphasis added); Sigrid Kaag, Senior Humanitarian and Reconstruction Coordinator for Gaza in UN Press, *'Every Day Counts, Senior Coordinator for Gaza Aid Tells Security Council, Urging Comprehensive Support with Commensurate Investment to Alleviate Suffering'* (24 April 2024), <https://press.un.org/en/2024/sc15679.doc.htm>: "UNRWA is irreplaceable and indispensable as a humanitarian lifeline and must be allowed to deliver on its mandate".

⁹⁵ UNRWA, *UNRWA Situation Report #109 on the situation in the Gaza Strip and the West Bank, including East Jerusalem* (24 May 2024), <https://www.unrwa.org/resources/reports/unrwa-situation-report-109-situation-gaza-strip-and-west-bank-including-east-jerusalem>.

⁹⁶ Ambassador Gilad Erdan, @giladerdan1, Tweet (2:23 am, 28 January 2024), <https://twitter.com/giladerdan1/status/1751400645653868924> (emphasis added).

⁹⁷ Bezalel Smotrich, @BezalelSmotrich, Tweet (7:42 pm, 13 February 2024), <https://twitter.com/bezalelsm/status/1757457717206134790> (emphasis added).

- On 22 April 2024, a **Spokesperson for the Israeli Ministry of Foreign Affairs, Oren Marmorstein**, on X, attacked the Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality, which determined that UNRWA has “a more developed approach to neutrality than other similar UN or NGO entities”.⁹⁸ Despite the Review recommendations being accepted by the United Nations Secretary-General,⁹⁹ the Ministry of Foreign Affairs has dismissed them out of hand, baselessly asserting that it was “not [...] a genuine and thorough review”,¹⁰⁰ and that “*Hamas has infiltrated UNRWA so deeply that it is no longer possible to determine where UNRWA ends and where Hamas begins,*” and reiterating Israel’s position that “*UNRWA can not be part of the solution in Gaza not now, and not in the future*”.¹⁰¹
- On 24 April 2024, in a press release, **Oren Marmorstein** yet again reiterated Israel’s continuing assertion that “UNRWA is part of the problem and not part of the solution”, and that the UNRWA employees that Israel alleges — without apparent substantiation — to be Hamas, are “not just a few bad apples — this is *a rotten and poisonous tree*”.¹⁰²
- On 14 May 2024, the **Israeli Minister for Foreign Affairs Israel Katz** tweeted with an edited video allegedly demonstrating “Hamas terrorists firing at civilians from within a UNRWA facility next to UN vehicles in Rafah stating “*No lie from [UN Secretary-General Antonio Guterres] and [UNRWA Commissioner-General Philippe Lazzarini] will hide the truth: UNRWA is an arm of the terrorist organization Hamas. [UNRWA Commissioner-General Philippe Lazzarini] must resign*”.¹⁰³

Required Urgent Action

28. Such concerted attacks by Israel on the United Nations, its bodies and organs — including Israel’s mass killing of United Nations personnel, constituting “the largest single loss of life in the history” of the United Nations¹⁰⁴ — requires urgent action by the United Nations to ensure Israel’s compliance with binding Orders of the International Court of Justice, and to protect United Nations institutions and processes and the international rule of law.

⁹⁸ Independent Review Group on UNRWA, *Final Report of the Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality established by the United Nations Secretary General* (20 April 2024, https://www.unrwa.org/sites/default/files/content/resources/unrwa_independent_review_on_neutrality.pdf, pp. 4, 21, and 22).

⁹⁹ UN Secretary-General, *Statement attributable to the Spokesperson for the Secretary-General - on the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)* (22 April 2024), <https://www.un.org/sg/en/content/sg/statement/2024-04-22/statement-attributable-the-spokesperson-for-the-secretary-general-the-un-relief-and-works-agency-for-palestine-refugees-the-near-east-%28unrwa%29>.

¹⁰⁰ Spokesperson of the Ministry of Foreign Affairs of Israel, Oren Marmorstein, @OrenMarmorstein, Tweet (11:04 pm, 22 April 2024), <https://twitter.com/OrenMarmorstein/status/1782515835640189373>.

¹⁰¹ Spokesperson of the Ministry of Foreign Affairs of Israel, Oren Marmorstein, @OrenMarmorstein, Tweet (11:04 pm, 22 April 2024), <https://twitter.com/OrenMarmorstein/status/1782515835640189373> (emphasis added).

¹⁰² Spokesperson of the Ministry of Foreign Affairs of Israel, Oren Marmorstein, @OrenMarmorstein, Tweet (7:16 pm, 24 April 2024), <https://twitter.com/OrenMarmorstein/status/1783183171166646431> (emphasis added).

¹⁰³ Israel Katz, @Israel_katz, Tweet (8:57 pm, 14 May 2024), https://twitter.com/Israel_katz/status/1790456507835744388 (emphasis added).

¹⁰⁴ UN Secretary-General, *Secretary-General's statement to the press - on the Middle East* (15 January 2024), <https://www.un.org/sg/en/content/sg/statement/2024-01-15/secretary-generals-statement-the-press-the-middle-east>.