
FEMIGENOCIDE: THE TARGETING OF WOMEN TO CARRY OUT
GENOCIDE

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The documented, systematic killing of Palestinian women in Gaza represents more than casualties of war—it constitutes a strategy to destroy a people’s capacity for existence and continuity. Israeli Defense Minister Yoav Gallant even declared, “We are fighting human animals, and we act accordingly.” Since October 2023, at least 28,000 Palestinian women have been killed, including mothers, healthcare workers, and pregnant women, with an estimated thirty-seven mothers killed daily. This staggering toll reveals a pattern that transcends conventional warfare, suggesting the weaponization of gender-based violence as a tool of collective destruction.

This article examines the deliberate targeting of Palestinian women through the lens of international criminal and humanitarian law, arguing that these killings form a crucial element of genocidal intent. Drawing on extensive documentation from UN bodies, human rights organizations, and survivor testimonies, this note demonstrates how the Israeli military campaign has disproportionately impacted women—from the destruction of maternity wards to the creation of thousands of widows—in ways that threaten the Palestinian people’s biological and social survival.

The analysis builds on three interconnected arguments: First, that the systematic killing of women, particularly of reproductive age, constitutes a strategy—evidenced by patterned conduct—to prevent Palestinian births and destroy family structures. Second, the destruction of women’s healthcare infrastructure, combined with the denial of medical care to pregnant and postpartum women, creates conditions calculated to bring about the group’s physical destruction. Third, official rhetoric and military policies reveal an intent to destroy Palestinians’ capacity for generational continuity.

Beyond documenting these atrocities, this article argues that the gendered dimensions of genocide require urgent recognition in international law. The targeting of women, as mothers, caregivers, and bearers of cultural continuity, represents a distinct form of genocidal violence that demands specific legal recognition and response. Through examining empirical evidence, legal precedents, and comparative cases, the article demonstrates how gender-based killings and violence in Gaza constitute not just war crimes but evidence of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide.

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INTRODUCTION

On February 9, 2025, Israel gunned down an eight-months-pregnant Palestinian woman named Sundus Jamal Shalabi.¹ She is one of the many murdered² since the assault on Gaza that escalated October 7, 2023, which has revealed a devastating pattern: the systematic targeting of Palestinian women as a calculated strategy of genocide under prolonged occupation.³ The pattern, here, refers to the systematic and repeated conduct in targeting specific victims, evidenced later in the Article through direct statements, statistics, and disproportionate impact on women. For example, in 2025, Australian doctors working in Gaza described doing a “C-section on a beheaded lady,” and in 2024, a doctor at a Kuwaiti hospital in Rafah described a similar situation when they delivered a baby from its dying mother; these are but two examples of the impact of femicide on Palestinian women, families, and society.⁴ Femicide is “defined as an intentional killing with gender-related motivation,” and is the most

¹ See reports in: *Pregnant Woman Killed by Israeli Forces in Nour Shams Refugee Camp*, WAFA NEWS AGENCY (Feb. 9, 2025), <https://english.wafa.ps/Pages/Details/154452> [<https://perma.cc/799F-XCBA>]; Fayha Shalash, *Israeli Forces Kill Two Palestinian Women and Unborn Child in Nour Shams*, MIDDLE E. EYE (Feb. 9, 2025), <https://www.middleeasteye.net/news/israel-forces-kill-two-palestinian-women-unborn-child-nour-shams> [<https://perma.cc/H6DE-MC2T>]; *Israel Kills Two Women, Including Pregnant 23-Year-Old, in West Bank Raid*, AL JAZEERA (Feb. 9, 2025), <https://www.aljazeera.com/news/2025/2/9/israel-kills-eight-month-pregnant-woman-in-occupied-west-bank-raid> [<https://perma.cc/9V3R-T6K2>]; *Israeli Soldiers Shot and Killed a Pregnant Woman, Used Her Relative as a Human Shield, and Killed Another Woman When They Blew Up Her Front Door*, B'TSELEM (May 18, 2025), https://www.btselem.org/firearms/20250518_soldiers_kill_two_women_one_of_them_pregnant_and_use_man_as_human_shield_in_balata_refugee_camp [<https://perma.cc/365J-UQ2B>] (reporting on Israel’s “open-fire” policy by an Israeli human rights organization).

² The term “murder” is used here consistent with its definition under international criminal law. Under ICL, murder as a crime against humanity is defined as “unlawfully and intentionally causing the death of a human being,” requiring that the perpetrator either intends to kill or intends to inflict grievous bodily harm likely to cause death while being reckless as to whether death ensues. The mens rea includes both direct and indirect forms of intention. While domestic legal systems may vary in their precise definitions of murder (including degrees of murder, distinctions between murder and manslaughter, and specific mental state requirements), the ICL definition largely converges with common domestic law understandings of intentional unlawful killing. Notably, under ICL, it is not required to recover the body to prove beyond reasonable doubt that a person was murdered: the fact of a victim’s death can be inferred circumstantially from other evidence. *International Criminal Law & Practice Training Materials: Crimes Against Humanity*, INT’L CRIM. L. SERVS., at 18, <https://ici.global/wp-content/uploads/2024/02/icls-training-materials-sec-7-cah1.pdf> [<https://perma.cc/59GL-FPXF>] (last visited Apr. 17, 2026) (citing *Prosecutor v. Akayesu*, ICTR-96-4-T, Judgment, ¶ 589 (Sept. 2, 1998); *Prosecutor v. Delalić et al. (“Čelebići”)*, IT-96-21-T, Judgment, ¶ 439 (Int’l Crim. Trib. for the Former Yugoslavia Nov. 16, 1998); *Prosecutor v. Strugar*, IT-01-42-A, Appeal Judgment, ¶ 270 (Int’l Crim. Trib. for the Former Yugoslavia July 17, 2008)).

³ “Genocide” will be used as a term of rhetoric to set the context in which indignities take place. Since the International Court of Justice (ICJ) has not ruled on South Africa’s 800-page indictment against Israel, this article characterizes the violence that has taken place as genocide; *See also* AMNESTY INT’L, ‘YOU FEEL LIKE YOU ARE SUBHUMAN’: ISRAEL’S GENOCIDE AGAINST PALESTINIANS IN GAZA (2024), <https://www.amnesty.org/en/documents/mde15/8668/2024/en/> [<https://perma.cc/K74C-DKDJ>]

(concluding that Israel’s actions in Palestine constitute genocide under Article II of the Genocide Convention). “Occupation” refers to the effective control of territory by foreign armed forces. The definition coming from the 1907 Hague Regulation, a “territory is considered occupied when it is actually placed under the authority of the hostile army,” Hague Convention (II) on the Laws and Customs of War on Land art. 42, July 29, 1899, 32 Stat. 1803. *See generally* ILAN PAPPÉ, THE ETHNIC CLEANSING OF PALESTINE (2006) (analyzing the history and methodology of ethnic cleansing and genocide in Palestine).

⁴ Frank Chung, ‘C-Section on a Beheaded Lady’: Aussie Doctors Describe Horror Conditions at Gaza Hospital, NEWS.COM.AU (Sep. 22, 2025), <https://www.news.com.au/world/middle-east/csection-on-a-beheaded-lady-aussie-doctors-describe-horror->

extreme manifestation of violence against women.⁵ Femicide and genocide are conceptually linked through their shared logic of group destruction—but they are not synonymous.⁶ Femicide centers gender as the axis of annihilation, whereas genocide targets a protected group defined by nationality, ethnicity, race, or religion.⁷ Palestinian women are killed both because they are women and because they are Palestinian, untying social capacity for continuity.⁸ Despite decades of jurisprudence recognizing gender-based violence (rape, sexual assault, and other gender-based sex crimes) as a component of genocide, femicide itself remains undefined within international criminal law, and has never been codified or prosecuted as a distinct method of group destruction. This conceptual and doctrinal absence leaves a legal void: without explicit recognition, systematic killings of women that function as instruments of genocide, such as those witnessed in Gaza, fall through the cracks of existing accountability mechanisms. Recognizing femicide in its own right, and as a distinct method used to carry out genocide, is therefore essential, for it reveals how gendered killing functions as both a manifestation and a mechanism of genocidal intent.

At least 28,000 Palestinian women have been killed to date, with thirty-seven mothers killed daily. These statistics reflect not merely casualties of “war” but also evidence of deliberate gender-based destruction.⁹ The Independent International Commission of Inquiry on the Occupied Palestinian

conditions-at-gaza-hospital/news-story/fef9379380c233530524fe331aa5d521 [https://perma.cc/Y8YQ-GK95]; Ruth Michaelson, *Gaza Doctors Save Baby from Womb of Mother Killed in Israeli Airstrike*, GUARDIAN (Apr. 22, 2024), <https://www.theguardian.com/world/2024/apr/22/gaza-doctors-save-baby-womb-mother-killed-israeli-airstrike-rafah> [https://perma.cc/CB85-587K].

⁵ *Five Essential Facts to Know About Femicide*, UN WOMEN (Nov. 25, 2024), <https://www.unwomen.org/en/articles/explainer/five-essential-facts-to-know-about-femicide> [https://perma.cc/Y5YL-32X8] (“Femicide (or feminicide, as it is referred to in some contexts) is defined as an intentional killing with a gender-related motivation. It is different from homicide, where the motivation may not be gender-related.”). For purposes of this analysis, the term “gender-related motivation” follows the definition of “gender” in Article 7(3) of the Rome Statute, referring to the two sexes, male and female, as understood within the society concerned. This Article adopts that binary framing not to exclude other gender identities but because the conduct examined here, the systematic killing of women in Gaza, targets women specifically as women. Rome Statute of the International Criminal Court art. 7(3), July 17, 1998, 2187 U.N.T.S. 90. *See, e.g.*, Lisa Davis, *Dusting Off the Law Books: Recognizing Gender Persecution in Conflicts and Atrocities*, 20 NW. J. HUM. RTS. 1 (2021) (arguing for greater recognition of gender-based persecution as a distinct international crime); Alessia Nicastro, *Addressing Femicide Through International Criminal Law: The Need for a Binding Legal Framework*, YALE J. INT’L L. (2025) (arguing for femicide to be recognized as a core gendered method of group destruction).

⁶ Nicastro, *supra* note 5.

⁷ ANGELA HEFTI, *Femicide: Genocide by Another Name?* in CONCEPTUALIZING FEMICIDE AS A HUMAN RIGHTS VIOLATION 79, 80 (2022).

⁸ Reem Alsalem (Special Rapporteur on Violence Against Women and Girls, Its Causes and Consequences), *Sex-Based Violence Against Women and Girls: New Frontiers and Emerging Issues*, U.N. Doc. A/HRC/59/47 (June 16, 2025).

⁹ *See* Rasha Khatib, Martin McKee & Salim Yusuf, *Counting The Dead in Gaza: Difficult but Essential*, 404 LANCET 237, 237 (2024) (approximating the true overall death toll to exceed 186,000); U.N. *Women Estimates Over 28,000 Women and Girls Killed in Gaza Since October 2023*, UNITED NATIONS: THE QUESTION OF PALESTINE (May 19, 2025), <https://www.un.org/unispal/document/un-women-press-release-19may25/> [https://perma.cc/3VZQ-ZS7P]; *Onslaught of Violence Against Women and Children in Gaza Unacceptable: UN Experts*, U.N. HUM. RTS. OFF. OF THE HIGH COMM’R (May 6, 2024), <https://www.ohchr.org/en/press-releases/2024/05/onslaught-violence-against-women-and-children-gaza-unacceptable-un-experts> [https://perma.cc/PRP3-YD2Y]; *see also* Angelica Wahono, *Reproductive Violence in Gaza: A Gendered Atrocity Under International Law*, WOMEN’S INITIATIVES FOR GENDER JUST. (Feb. 10, 2025), <https://4genderjustice.org/reproductive-violence-in-gaza-a-gendered-atrocity-under-international-law/> [https://perma.cc/SVK9-QW6R] (arguing that the destruction of Gaza’s maternity hospitals, IVF facilities,

Territory (OPT), including East Jerusalem, stated in a 2025 report that “Israel has targeted civilian women and girls directly.”¹⁰ While Israel’s bombardment, siege, and starvation campaigns in Gaza have prompted widespread allegations of genocide, this Article highlights a critical—yet underexamined—dimension: the systematic targeting of Palestinian women’s reproductive capacity as a tool of group destruction.¹¹ Through killings, the dismantling of maternal healthcare, and other forms of gender-specific violence, Israel’s conduct satisfies multiple acts prohibited under the Genocide Convention, particularly Article II(d)’s ban on “measures intended to prevent births within the group.”¹² An obstetrician in Gaza stated that “This is a war against women. Thousands of women have been killed and hundreds of thousands are living in extremely precarious conditions. The number of women and girls who have died from complications related to pregnancy and childbirth remains unknown.”¹³

The scale and pattern of harm directed toward women in Gaza has manifested in multiple forms. These include the destruction of Gaza’s primary fertility clinic, which reportedly contained approximately 4,000 embryos; repeated strikes on maternity wards; attacks on residential structures where women and children were sheltering; and the creation of conditions in which an estimated 50,000 pregnant women lack access to essential medical care.¹⁴ According to a United Nations press briefing,

and maternal-care infrastructure demonstrates a calculated assault on Palestinian reproductive autonomy, amounting to reproductive violence and potentially genocide under art. II of the Genocide Convention).

¹⁰ Indep. Int’l Comm’n of Inquiry on the Occupied Palestinian Territory, Including E. Jerusalem, and Israel, “*More Than a Human Can Bear*”: Israel’s Systematic Use of Sexual, Reproductive and Other Forms of Gender-Based Violence Since 7 October 2023, U.N. Doc. A/HRC/58/CRP.6 (Mar. 13, 2025), <https://www.un.org/unispal/document/report-of-the-commission-of-inquiry-israel-gender-based-violence-13march2025/> [<https://perma.cc/Q5M6-6PN9>].

¹¹ U.S.-Backed Aid Distribution Points in Gaza Are Sites of Orchestrated Killing, MÉDECINS SANS FRONTIÈRES (Aug. 7, 2025), <https://www.doctorswithoutborders.org/latest/us-backed-aid-distribution-points-gaza-are-sites-orchestrated-killing> [<https://perma.cc/3STN-ZKT3>] (reporting that Israeli and U.S. authorities have turned aid distribution sites in Gaza into “sites of orchestrated killing,” using starvation as a weapon of war and enforcing a siege that prevents the entry of life-saving supplies. The siege, imposed since March 2025, has effectively deprived civilians of food, water, and medicine); Press Release, U.N. Security Council, *As Israel’s Aerial Bombardments Intensify, “There Is No Safe Place in Gaza,” Humanitarian Affairs Chief Warns Security Council*, U.N. Press Release SC/15564 (Jan. 12, 2024), <https://www.un.org/unispal/document/as-israels-aerial-bombardments-intensify-there-is-no-safe-place-in-gaza-humanitarian-affairs-chief-warns-security-council-12jan2024/> [<https://perma.cc/P59L-RM8E>].

¹² Convention on the Prevention and Punishment of the Crime of Genocide art. II(d), Dec. 9, 1948, S. Exec. Doc. O, 81-1 (1949), 78 U.N.T.S. 277; G.A. Res. 48/104, Declaration on the Elimination of Violence against Women, art. I (Dec. 20, 1993) [hereinafter Genocide Convention] (“‘violence against women’ means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”); Indep. Int’l Comm’n, *supra* note 10, at 39.

¹³ Indep. Int’l Comm’n, *supra* note 10, at 7.

¹⁴ Nadine Shubailat & Camilla Alcini, *Over 4,000 IVF Embryos Destroyed in 1 Shelling at Gaza’s Largest Fertility Center, Director Says*, ABC NEWS (Apr. 24, 2024), <https://abcnews.com/International/4000-ivf-embryos-destroyed-1-shelling-gazas-largest/story?id=109350404> [<https://perma.cc/QB6Y-6CHH>]; *Obstetric Violence: An Overlooked Tool of Genocide in Gaza*, KVINNA TILL KVINNA FOUND. (Apr. 4, 2025), <https://kvinnatillkvinna.org/2024/12/12/obstetric-violence-an-overlooked-tool-of-genocide-in-gaza/> [<https://perma.cc/BG6W-3JW4>]; *Israel Continues to Deliberately Bomb UN-Run Shelter Centres, Killing Displaced People Inside*, EURO-MED HUM. RTS. MONITOR (June 25, 2024), <https://euromedmonitor.org/en/article/6381/%2050,000%20Women%20Pregnant%20in%20Gaza%20Amid%20Decimation%20of%20Its%20Health%20System>, [<https://perma.cc/E94N-8EDA>]; *50,000 Women Pregnant in Gaza Amid ‘Decimation’ of Its Health System*, AL JAZEERA (Dec. 24, 2023), <https://www.aljazeera.com/news/2023/12/24/50000-women-pregnant-in-gaza-amid-decimation-of-its-health-system> [<https://perma.cc/X4C6-4CP4>].

between March 18 and April 9, 2025, during the period following the breakdown of a “ceasefire”, thirty-six airstrikes reportedly targeted areas occupied exclusively by women and children.¹⁵ The United Nations Population Fund, World Health Organization, Doctors without Borders, United Nations Children’s Fund (UNICEF) and Human Rights Watch, have further documented the breakdown of maternal healthcare and infant mortality.¹⁶ In one instance, Human Rights Watch notes that due to insufficient medical infrastructure, as many as four to five newborns were placed in a single incubator—with most not surviving.¹⁷

The impact on women in Gaza extends beyond direct violence. According to the United Nations in March of 2024, approximately 155,000 women were either pregnant or breastfeeding, with an estimated 5,500 expected to give birth the next month—many likely while facing severe food insecurity, as 96% of the population was reported to be experiencing starvation-level conditions.¹⁸ Access to maternal healthcare has been critically impaired. Reports indicate that women have been prevented from reaching hospitals, including by sniper fire, forcing births in unsafe and unsanitary conditions.¹⁹ The widespread destruction of medical infrastructure has contributed to a marked increase in preventable infant deaths and, according to some accounts, a 300% rise in miscarriages.²⁰ These

¹⁵ UN Finds 36 Israeli Strikes on Gaza Killed Only Women and Children, FRANCE 24 (Apr. 11, 2025), <https://www.france24.com/en/middle-east/20250411-un-finds-36-israeli-strikes-on-gaza-killed-only-women-and-children> [https://perma.cc/MUG2-YGEC]; Spokesperson Ravina Shamdasani, *Gaza: Increasing Israeli “Evacuation Orders” Lead to Forcible Transfer of Palestinians*, OFFICE OF THE U.N. HIGH COMM’R FOR HUM. RTS. (Apr. 11, 2025), <https://www.ohchr.org/en/press-briefing-notes/2025/04/gaza-increasing-israeli-evacuation-orders-lead-forcible-transfer> [https://perma.cc/AKQ5-JFXJ] (reporting that an April 6 airstrike on the Abu Issa family’s residential building in Deir al Balah killed one girl, four women, and one four-year-old boy, illustrating the gendered and civilian toll of Israeli attacks).

¹⁶ *Women and Newborns Bearing the Brunt of the Conflict in Gaza*, UN Agencies Warn, WHO (Nov. 3, 2023), <https://www.who.int/news/item/03-11-2023-women-and-newborns-bearing-the-brunt-of-the-conflict-in-gaza-un-agencies-warn> [https://perma.cc/3TGR-6YBM]; *Gaza: Maternal and Child Health Suffer Under a Decimated System*, MÉDECINS SANS FRONTIÈRES (July 18, 2024), <https://www.doctorswithoutborders.org/latest/gaza-maternal-and-child-health-suffer-under-decimated-system> [https://perma.cc/3CFJ-6GB6] (“Some women are delivering prematurely, often with postpartum complications exacerbated by their living conditions’ . . . Once women give birth, they must quickly return to unsanitary conditions, often in tents, where lack of food and constant stress put them and their newborns at further risk.”).

¹⁷ Belkis Wille, “Five Babies in One Incubator”: Violations of Pregnant Women’s Rights Amid Israel’s Assault on Gaza, HUM. RTS. WATCH (Jan. 28, 2025), <https://www.hrw.org/report/2025/01/28/five-babies-one-incubator/violations-pregnant-womens-rights-amid-israels-assault> [https://perma.cc/33RP-GMW7]; *Impossible Choices in Gaza: “Women Are Giving Birth Prematurely Because Of Terror”*, UNFPA (Feb. 23, 2024), <https://www.unfpa.org/news/impossible-choices-gaza-%E2%80%9Cwomen-are-giving-birth-prematurely-because-terror%E2%80%9D> [https://perma.cc/MZU5-3JZA].

¹⁸ *Facts and Figures: Women and Girls During the War in Gaza*, UNITED NATIONS: THE QUESTION OF PALESTINE (Mar. 5, 2024), <https://www.un.org/unispal/document/facts-and-figures-women-and-girls-during-the-war-in-gaza-un-women-2/> [https://perma.cc/4VHG-U57A]; *Gaza Strip: Acute Food Insecurity Situation for 1 May – 15 June and Projection for 16 June – 30 September 2024*, INTEGRATED FOOD SEC. PHASE CLASSIFICATION (June 6, 2024), <https://www.ipcinfo.org/ipc-country-analysis/details-map/en/c/1157065/> [https://perma.cc/X3R5-MD5H].

¹⁹ *How the Israeli Army Besieged Nasser Hospital*, MÉDECINS SANS FRONTIÈRES (Apr. 4, 2024), <https://www.doctorswithoutborders.org/latest/how-israeli-army-besieged-nasser-hospital> [https://perma.cc/Q8KH-U8CH]; UNFPA, *supra* note 17; Hum. Rts. Watch, *supra* note 17.

²⁰ U.N. HUM. RTS. OFF. OF THE HIGH COMM’R, *supra* note 9; Press Release: *Gaza Nine Months On, Pregnant Women Carry the Burden of Conflict*, INT’L PLANNED PARENTHOOD FED’N (July 9, 2024), <https://www.ippf.org/media-center/press-release-gaza-nine-months-pregnant-women-carry-burden-conflict> [https://perma.cc/CC6U-RNXP]; *Doctors in Gaza Report a Rise in Miscarriages as Pregnant Women Face Severe Stress and a Lack of Food*, ACTIONAID USA (June 6, 2024),

conditions, arising within the framework of a prolonged occupation, have been characterized by Amnesty International and many legal scholars, such as Raz Segal, Ugur Umit Ungor, and William Schabas, as constituting acts of genocide under Article II of the Genocide Convention.²¹

The consequences of the conflict have reverberated throughout Palestinian society. Over 3,000 women have reportedly been widowed, more than 17,000 children orphaned, and over 50,000 children have been killed or injured—most commonly those between the ages of six to ten.²² This large-scale disruption, which this Article argues may constitute acts of genocide, has placed unprecedented burdens on surviving women, who are left to sustain family and community life amid the widespread destruction of infrastructure and social support systems.²³ The mass displacement of 2.1 million Palestinians, of whom 1.6 million are reportedly experiencing conditions of forced starvation²⁴, has had particularly severe implications for women and mothers seeking to protect and care for their families.²⁵

<https://www.actionaidusa.org/news/doctors-in-gaza-report-a-rise-in-miscarriages-as-pregnant-women-face-severe-stress-and-a-lack-of-food/> [<https://perma.cc/9BVY-6D2D>] (discussing surge in miscarriages in Gaza due to stress, starvation, and destruction of infrastructure).

²¹ *Amnesty International Investigation Concludes Israel Is Committing Genocide Against Palestinians in Gaza*, AMNESTY INT'L (Dec. 5, 2024), <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/> [<https://perma.cc/DFQ9-YDHF>]; Sondas Asem, *Top Genocide Scholars Unanimous That Israel Is Committing Genocide in Gaza: Dutch Investigation*, MIDDLE E. EYE (May 17, 2025), <https://www.middleeasteye.net/news/top-genocide-scholars-unanimous-israel-committing-genocide-gaza-investigation-finds> [<https://perma.cc/GSU6-6DVE>].

²² Statement by UNICEF Regional Director for the Middle East and North Africa, Edouard Beigbeder, *'Unimaginable Horrors': More Than 50,000 Children Reportedly Killed or Injured in the Gaza Strip*, UNICEF (May 27, 2025), <https://perma.cc/J5V9-TWRT>; *One Million Traumatized Gaza Children Need Urgent Mental Health Support for Depression, Anxiety and Suicidal Thoughts*: UN, NEW ARAB (Jan. 24, 2025, 1:09 PM), <https://perma.cc/N6HY-FVK6>; Mohamed A. Hussein & Mohammed Haddad, *Gaza's Stolen Childhood: Who Were the Thousands of Children Israel Killed?*, AL JAZEERA (Mar. 26, 2025), <https://perma.cc/3R8J-MJ2Q>; *Facts & Figures*, *supra* note 18.

²³ *Israeli Attacks on Educational, Religious and Cultural Sites in the Occupied Palestinian Territory Amount to War Crimes and the Crime Against Humanity of Extermination*, UN Commission Says, U.N. HUM. RTS. OFF. OF THE HIGH COMM'R (June 10, 2025), <https://www.ohchr.org/en/press-releases/2025/06/israeli-attacks-educational-religious-and-cultural-sites-occupied> [<https://perma.cc/2QMQ-5F58>] (reporting the UN Commission's finding that Israeli attacks on civilian infrastructure in the OPT amount to war crimes and crimes against humanity, including extermination); Jumana Khamis, *What Daily Life Is Really Like For Women and Girls Surviving Under Israeli Siege in Gaza*, ARAB NEWS JAPAN (June 11, 2025), https://www.arabnews.jp/en/middle-east/article_149115/ [<https://perma.cc/SJN5-TSVF>].

²⁴ See Diyar Guldogan, *UN warns hunger deepening in Gaza as families survive on one meal a day*, AA (May 6, 2026), <https://www.aa.com.tr/en/world/un-warns-hunger-deepening-in-gaza-as-families-survive-on-one-meal-a-day/3929501> [<https://perma.cc/SUV7-VL2Q>].

²⁵ David Vine, *Mass Displacement since October 7, 2023: Flight from War, Genocide, and Expulsion in Gaza, Iran, Israel, Lebanon, and the West Bank*, BROWN UNIV. WATSON SCH. INT'L PUB. AFFS. (Oct. 7, 2025), https://costsofwar.watson.brown.edu/sites/default/files/2025-10/Displacement-Middle-East-since-October-7-2023_Vine_Costs%20of%20War_Oct%207%2C%202025.pdf [<https://perma.cc/4LRP-UPH5>]; *Gaza: Evidence Points to Israel's Continued Use of Starvation to Inflict Genocide Against Palestinians*, AMNESTY INT'L (July 3, 2025), [<https://perma.cc/7VY7-FH2P>]; Kellie Leeson, *The Hunger Crisis in Gaza: The Impact on Women and Girls*, WOMEN'S REFUGEE COMM'N (July 28, 2025), <https://www.amnesty.org/en/latest/news/2025/07/gaza-evidence-points-to-israels-continued-use-of-starvation-to-inflict-genocide-against-palestinians/> [<https://perma.cc/RMK2-3YXK>]; *Gaza Famine a Catastrophe for Mothers and Infants*, UNFPA (Aug. 22, 2025), <https://www.un.org/unispal/document/unfpa-press-release-22aug25/> [<https://perma.cc/YQR7-YK6B>] ("In Gaza today, famine is no longer a dark threat—it has set in. For pregnant and breastfeeding women and their newborns, it is a possible death sentence.")

This Article argues that the systematic targeting of Palestinian women in Gaza constitutes femi-genocide, the use of femicide as an operational tool of genocide. Israel's conduct, especially the killing of women and girls, fulfills the *actus reus* and evidences the specific intent (*dolus specialis*) required under the Genocide Convention. Femicide here operates as an instrument to destroy a group: by erasing the bodies through which life continues, it extinguishes both present and future generations. Through this lens, the Article reconceptualizes gender-based persecution as a structural means of annihilation, situating Gaza within a broader jurisprudential trajectory of reproductive and demographic destruction. It concludes by addressing the dual layers of accountability, individual criminal liability under international criminal law and state responsibility under customary international law, and by proposing a reframing of femicide within international legal doctrine as an operational mechanism of genocide rather than a parallel phenomenon.

By situating these acts at the intersection of international criminal law and human rights law, this analysis contributes to both genocide studies and international rights scholarship. As Palestinian women continue to face heightened risks amid ongoing occupation and armed conflict, recognizing the gendered dimensions of mass violence is essential to advancing legal accountability and informing effective prevention strategies.

This Article does not seek to re-establish that Israel's campaign in Gaza constitutes genocide. That claim has already been advanced by South Africa in proceedings before the International Court of Justice and supported by extensive documentation from organizations such as Human Rights Watch and Amnesty International.²⁶ These analyses have emphasized how Israel's blockade, bombardment, and starvation policies may satisfy the legal threshold for genocide and reveal an overarching intent to destroy the Palestinian people.²⁷ Yet they have largely not addressed the gendered dimensions of that intent—how the systematic targeting of women as the bearers of the group's reproductive and social continuity functions as a means of achieving the group's destruction. Addressing this dimension does not propose a distinct form of intent apart from the *dolus specialis* required for genocide. Rather, it demonstrates how femicide can operate as evidence of genocidal intent, revealing the perpetrator's understanding that destroying the reproductive capacity of a group is integral to destroying the group itself.

On September 16, 2025, the United Nation's Human Rights Council published their legal analysis of Israel's violence, coming to the conclusion that Israel's genocide has deliberately deprived civilians of food, water, and shelter in what the Council describes as "collective punishment," yet the differential impact of such deprivation on women remains underexamined.²⁸ Legal scholars have recognized that "[g]ender permeates all aspects of the crime of genocide," but this insight has been largely absent from public legal discourse on Gaza.²⁹

²⁶ Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (S. Afr. v. Isr.), Application Instituting Proceedings and Request for the Indication of Provisional Measures, 2023 I.C.J. 192, ¶ 4 (Dec. 29); Amnesty Int'l, *supra* note 21; Hum. Rts. Watch, *supra* note 17.

²⁷ *Id.*

²⁸ Human Rights Council, Legal Analysis of the Conduct of Israel in Gaza Pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide, U.N. Doc. A/HRC/60/CRP.3 (Sep. 16, 2025).

²⁹ Ruby Mae Axelson & Prachiti Venkatraman, *Reproductive Violence in Palestine: The Need for a Feminist Approach to Justice*, OPINIOJURIS (Feb. 1, 2024), <https://opiniojuris.org/2024/02/01/reproductive-violence-in-palestine-the-need-for-a-feminist-approach-to-justice/> [<https://perma.cc/8QHT-TTEL>].

This Article fills that gap by examining how attacks on Palestinian women’s survival, reproductive health, and capacity for sustaining family life, may function both as evidence and as instruments of group destruction.

Part I establishes the legal framework for understanding femicide as genocide under international criminal law, defining the crime of genocide and examining how the systematic targeting of Palestinian women fulfills each of the five prohibited acts enumerated in the Genocide Convention and Rome Statute, with particular emphasis on Article II(d) prohibiting measures intended to prevent births. Part II examines Israel’s specific legal obligations as an occupying power under international humanitarian law, demonstrating how systematic violations of protections for women evidence genocidal intent. Part III analyzes state responsibility, third-party obligations to prevent genocide, and accountability mechanisms under international law. Part IV considers counterarguments, including claims of military necessity and denials of systematic femicide. Part V proposes immediate remedies and long-term legal reforms to ensure gender-specific tactics of genocide are adequately recognized and prosecuted under international legal frameworks.

The case of Gaza is more than a humanitarian crisis; it is a moral catastrophe that challenges our shared humanity.³⁰ Immediate action is needed desperately, both for the good of the Gazans, as well as to curb the horrific precedent their treatment creates. The dignity of the Palestinian people must be restored and upheld.³¹ Their protection from violence remains a necessary step toward restoring the credibility of international legal and humanitarian norms.

I. LEGAL FOUNDATIONS: GENOCIDE UNDER INTERNATIONAL CRIMINAL LAW

This section establishes the legal foundations for understanding femicide as both an instrument and evidence of genocide under international criminal law (ICL), which governs individual criminal responsibility with the International Criminal Court, and explains how femicide fulfills each of the five prohibited acts enumerated in the Genocide Convention and the Rome Statute.

A. *The Crime of Genocide Under International Criminal Law*

The 1948 Convention on the Prevention and Punishment of the Crime of Genocide defines genocide as specific acts “committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group.”³² Palestinians constitute a protected group under both national and ethnic classifications recognized in international law. The term “Palestinian people” refers to the diverse population of approximately fourteen million individuals who trace their roots to the region encompassing Gaza, the West Bank, historic Palestine, and the broader Palestinian diaspora.³³ This

³⁰ *Famine in Gaza: ‘A Failure of Humanity Itself’, Says UN Chief*, U.N. NEWS (Aug. 22, 2025), <https://news.un.org/en/story/2025/08/1165702> [<https://perma.cc/NP2A-QBBS>] (quoting Secretary-General António Guterres describing the famine in Gaza as “a man-made disaster, a moral indictment—and a failure of humanity itself”).

³¹ Ahmad Ibsais, *Navigating Humanitarian and Human Dignity During Ongoing Violence in Gaza*, 22 UCLA J. ISLAMIC & NEAR E. L. 55, 92, 95 (2025).

³² Genocide Convention, *supra* note 12, at art. 2.

³³ *Palestinian Central Bureau of Statistics (PCBS) Presents the Conditions of Palestinian Populations on the Occasion of the International Population Day, 11/07/2022*, PALESTINIAN CENT. BUREAU STAT. (July 11, 2022), https://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_InterPopDay2022E.pdf [<https://perma.cc/AE8P-KYCJ>]; Maher Charif, *Who*

community is bound by shared cultural, linguistic, historical, and ancestral ties to the territory, and is recognized in international legal discourse as possessing the characteristics of a protected group under the Genocide Convention.³⁴ Establishing genocide requires proof of two core elements: the mental element, or *dolus specialis* to destroy the group as such, and the physical element, which consists of one or more of the five prohibited acts set out in Article II of the Convention.³⁵ This Article focuses on how the systematic targeting of Palestinian women in Gaza satisfies these elements, with particular emphasis on gender-specific violence.

The International Criminal Court's (ICC) jurisdiction over Palestine rests on a treaty-based foundation distinct from the broader question of statehood under general international law. On January 1, 2015, Palestine submitted a declaration under Article 12(3) of the Rome Statute, accepting the Court's jurisdiction over crimes committed in the occupied Palestinian territory. Palestine then deposited its instrument of accession to the Rome Statute, which entered into force on April 1, 2015, making Palestine the 123rd State Party.³⁶ Article 12(2)(a) confers territorial jurisdiction on the ICC over crimes committed on the territory of any State Party, regardless of the accused's nationality.³⁷ Israel is not a party to the Rome Statute, but that is irrelevant. Because Palestine is, the ICC may investigate and prosecute individual perpetrators for crimes committed on Palestinian territory.

The scope of that territorial jurisdiction was confirmed and defined by Pre-Trial Chamber I on February 5, 2021 (ICC-01/18-143).³⁸ The Chamber held that the Court's territorial jurisdiction extends to Gaza, the West Bank, and East Jerusalem. The majority rejected arguments that the Oslo Accords limited this jurisdiction, holding that treaty arrangements between Israel and the Palestinian Authority were not pertinent to the Court's statutory analysis.

That jurisdictional foundation was then applied directly in the current arrest warrant proceedings. On November 21, 2024, Pre-Trial Chamber I unanimously issued warrants of arrest for Prime Minister Benjamin Netanyahu and Defense Minister Yoav Gallant, citing the Court's territorial jurisdiction over Palestine as established in 2021 and explicitly rejecting Israel's challenge to that basis; Israel's consent to jurisdiction is not necessary.³⁹ Although the current warrants charge crimes against

Are the Palestinians?, INST. PAL. STUD. (Dec. 9, 2024), <https://www.palestine-studies.org/sites/default/files/attachments/policypapers/Maher%20Charif%20ENG%20125.pdf> [https://perma.cc/5NXY-TCY4]; U.N. SPECIAL UNIT ON PALESTINIAN RIGHTS, THE RIGHT OF RETURN OF THE PALESTINIAN PEOPLE (1978), <https://www.un.org/unispal/document/auto-insert-210170/> [https://perma.cc/HN5N-853Y]; G.A. Res. 3236 (XXIX) (Nov. 22, 1974) (A resolution on the "Question of Palestine").

³⁴ UNITED NATIONS COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE, THE PALESTINE QUESTION: A BRIEF HISTORY 23-25 (1980), <https://www.un.org/unispal/document/auto-insert-206581/> [https://perma.cc/CZ5N-8RMV]; Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (S. Afr. v. Isr.), Order, 2024 I.C.J. 3, ¶ 45 (Jan. 26).

³⁵ Genocide Convention, *supra* note 12, at art. 2.

³⁶ Press Release, Coal. for the Int'l Crim. Ct., *ICC Rome Statute Enters into Force for Palestine* (Mar. 31, 2015), <https://www.coalitionfortheicc.org/news/20150331/icc-rome-statute-enters-force-palestine> [https://perma.cc/NUB7-ULN].

³⁷ Jordan J. Paust, *The Reach of ICC Jurisdiction Over Non-Signatory Nationals*, 33 VAND. L. REV. 1 (2021).

³⁸ Press Release, Int'l Crim. Ct., ICC Pre-Trial Chamber I Issues Its Decision on the Prosecutor's Request Related to Territorial Jurisdiction over Palestine (Feb. 5, 2021), <https://www.icc-cpi.int/news/icc-pre-trial-chamber-i-issues-its-decision-prosecutors-request-related-territorial> [https://perma.cc/S3GE-W4T6].

³⁹ Press Release, Int'l Crim. Ct., Situation in the State of Palestine: ICC Pre-Trial Chamber I Rejects the State of Israel's Challenges to Jurisdiction and Issues Warrants of Arrest for Benjamin Netanyahu and Yoav Gallant (Nov. 21, 2024), <https://www.icc-cpi.int/news/situation-state-palestine-icc-pre-trial-chamber-i-rejects-state-israels-challenges>

humanity and war crimes rather than genocide, this does not diminish the jurisdictional framework; it reflects a charging decision, not a jurisdictional limitation.

The International Court of Justice (ICJ) operates on an entirely different jurisdictional basis. Where the ICC reaches individuals, for example those committing Article 6(c)'s prohibition on "[d]eliberately inflicting . . . conditions of life calculated to bring about . . . physical destruction"⁴⁰, the ICJ reaches states. Its jurisdiction is consent-based, but the Genocide Convention's Article IX functions as a standing form of consent, embedded in the treaty itself. Article IX provides that disputes between contracting parties relating to the interpretation, application, or fulfilment of the Convention, including those relating to the responsibility of a state for genocide, shall be submitted to the ICJ at the request of a party.⁴¹

Article 7(1)(h) establishes jurisdiction over actions that constitute "[p]ersecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law."⁴² The destruction of Gaza's largest fertility clinic and systematic bombing of maternity wards, where mothers and children often sheltered, falls squarely within the Court's subject matter jurisdiction under Article 7(1)(h) as persecution targeting gender. Denying the tens of thousands of pregnant women access to essential care, while blocking baby formula for newborns, after months of starvation have left lactating mothers without the ability to breastfeed, is further evidence of persecution against women.⁴³ This form of physical violence against women also takes a psychological toll on mothers forced to watch their children starve. One mother told the Women's Refugee Commission that she starves so her children can eat, and this is the reality for many.⁴⁴

While the International Criminal Court's enforcement capacity depends on state cooperation, this limitation on practical authority does not diminish the legal basis for examining gender-based violence as evidence of genocidal intent. The Rome Statute of the International Criminal Court codifies genocide in Article 6, deriving jurisdiction over genocide in Article 5 alongside jurisdiction over war crimes and crimes against humanity.⁴⁵ Article 6 establishes five distinct acts that constitute genocide when committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the

[<https://perma.cc/5PAD-QKLE>].

⁴⁰ Rome Statute of the International Criminal Court, art. 6, July 17, 1998, 2187 U.N.T.S. 90.

⁴¹ Genocide Convention, *supra* note 12, at art. IX.

⁴² *Id.* at art. 7(1)(h).

⁴³ Save the Children, *Gaza: Over 40% of Pregnant and Breastfeeding Women in Save the Children Clinics Malnourished*, RELIEFWEB (Aug. 4, 2025), <https://reliefweb.int/report/occupied-palestinian-territory/gaza-over-40-pregnant-and-breastfeeding-women-save-children-clinics-malnourished> [<https://perma.cc/4XSQ-85BK>]; Astha Rajvanshi, *No Formula, No Food: Mothers and Babies Starve Together in Gaza*, NBC NEWS (July 25, 2025), <https://www.nbcnews.com/world/middle-east/no-formula-no-food-mothers-babies-starve-together-gaza-rcna220758> [<https://perma.cc/657B-4KG2>].

⁴⁴ WOMEN'S REFUGEE COMMISSION, "I STARVE MYSELF SO MY CHILDREN CAN EAT": THE GENDERED IMPACTS OF FOOD INSECURITY AND FAMINE IN GAZA (2025), https://www.womensrefugeecommission.org/wp-content/uploads/2025/09/I_Starve_Myself_So_My_Children_Can_Eat_Gendered_Impacts_of_Food_Insecurity_And_Famine_In_Gaza.pdf [<https://perma.cc/YHP8-Q8A3>].

⁴⁵ Rome Statute of the International Criminal Court, arts. 6-7, July 17, 1998, 2187 U.N.T.S. 90 (including in the definition of crimes against humanity: acts of murder, extermination, enslavement, apartheid, and torture.) Genocide is not required to be "widespread or systematic," as crimes against humanity are, but genocide requires the specific intent to destroy a protected group.

group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; and (e) forcibly transferring children of the group to another group.⁴⁶

1. Establishing Mens Rea and Actus Reus: Proving Genocidal Intent and Conduct in Gaza

Under international criminal law, genocide requires a special intent, or mens rea, to destroy the protected group.⁴⁷ In criminal prosecutions before international tribunals, a finding of genocide requires proof beyond a reasonable doubt.⁴⁸

In *Prosecutor v. Akayesu*, the court stated that genocide “embodies a special intent . . . which demands that the perpetrator clearly seeks to produce the act charged.”⁴⁹ This intent can be inferred from systematic patterns of violence, as will be mentioned in Section I(A)(2), and explicit statements.⁵⁰

In the case of Gaza, multiple converging factors support an inference of genocidal intent. The shift in the demographics of those killed is stark: whereas less than 14% of Palestinians killed in prior bombardments between 2008 and 2023 were women and girls, from October 2023 to January 2024, 70% of deaths in Gaza were women and children, 1,000,000 women and girls have been displaced, and there exists no safe spaces for women survivors of gender-based violence.⁵¹ This dramatic change reflects a transformation in the nature and aims of the military campaign. Intent can also be inferred from words.⁵²

Public statements from senior Israeli officials reflect a rhetorical framework that dehumanizes Palestinians and normalizes large-scale violence. Israeli President Isaac Herzog commented “It’s an entire nation out there that is responsible . . . this rhetoric about civilians not being aware, not involved. . . . It’s absolutely not true”; Heritage Minister Amichai Eliyahu suggested nuclear weapons could be “one of the possibilities” for Gaza; Agriculture Minister Avi Dichter announced, “We are now rolling out the Gaza Nakba”; National Security Minister Itamar Ben-Gvir stated that “[m]y right for life comes before [Palestinians’] right to movement”; and IDF spokesperson Daniel Hagar admitted that “the emphasis is on damage and not on accuracy.”⁵³

⁴⁶ *Id.* at art. 6.

⁴⁷ *Prosecutor v. Bagilishema*, Case No. ICTR-95-1A-T, Judgment, ¶ 60, 61 (June 7, 2001).

⁴⁸ *Application of the Convention on Prevention and Punishment of Crime of Genocide (Bosn. & Herz. v. Serb. & Montenegro)*, 2007 I.C.J. 43, ¶ 208 (Feb. 26).

⁴⁹ *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Judgment, ¶ 498 (Sep. 2, 1998).

⁵⁰ *Id.* at ¶ 478, 523.

⁵¹ UNITED NATIONS WOMEN, GENDER ALERT: THE GENDERED IMPACT OF THE CRISIS IN GAZA 4 (2024) (noting also that with the Palestinian Central Bureau of Statistics (PCBS) estimating 49.3% of the population in Gaza to be female and with the UNRWA reporting displacement of 1,900,000 as of January 15, 2024, the approximate number of female individuals in the population would be close to 1 million).

⁵² *See* *Prosecutor v. Kayishema*, Case No. ICTR-95-1, Judgment, ¶ 93 (May 21, 1999) (“The Chamber finds that the intent can be inferred either from words or deeds and may be demonstrated by a pattern of purposeful action. In particular, the Chamber considers evidence such as the physical targeting of the group or their property; the use of derogatory language toward members of the targeted group; the weapons employed and the extent of bodily injury; the methodical way of planning, the systematic manner of killing. Furthermore, the number of the victims from the group is also important”).

⁵³ *Application of the Convention*, *supra* note 26, at 142 (quoting Isaac Herzog, President of Israel); Chantal Da Silva, *Nakba 2023: Israel Right-Wing Ministers’ Comments Add Fuel to Palestinian Fears*, NBC NEWS (Nov. 13, 2023),

One frequently cited example is Prime Minister Benjamin Netanyahu's invocation of "Amalek" in late 2023, a biblical reference historically associated with the total destruction of an enemy population.⁵⁴ This statement, among others, has been interpreted by some legal scholars and international observers as evidence of genocidal rhetoric, potentially indicative of intent under Article II of the Genocide Convention.⁵⁵

The physical element (*actus reus*) encompasses both direct acts and creation of destructive conditions, as described in Section I(A)(2).

2. The Elements of Genocide Under Criminal International Law

With jurisdiction established, the inquiry turns to whether Israel's actions in Gaza satisfy the legal definition of genocide, particularly through femicide. As previously stated, it is not the aim of this paper to prove that Israel has committed genocide in Gaza. Thus, this section's focus will be on how femicide in Gaza has been used to bring about the genocide.

The following analysis examines each of the five acts of genocide under Article II of the Convention and Article 6 of the Rome Statute, with attention to how Israel's femicide of Palestinian women fulfills these criteria. Both statutes establish five distinct acts that constitute genocide when committed with "intent to destroy, in whole or in part, a national, ethnical, racial or religious group."⁵⁶ Genocide means that "any," not necessarily all, of these acts are committed.⁵⁷

i. Element One: "Killing members of a group"

Estimates of Palestinian fatalities in Gaza vary significantly. Conservative figures place the number of Palestinians killed at around 66,000.⁵⁸ However, a study published in *The Lancet* suggests the actual death toll may exceed 200,000, accounting for unreported deaths resulting from the collapse of civil infrastructure, widespread starvation, and disease.⁵⁹ Women and children reportedly comprise around 70% of those killed.⁶⁰ In the first week of 2025 alone, UNICEF documented the deaths of

<https://www.nbcnews.com/news/world/gaza-nakba-israels-far-right-palestinian-fears-amas-war-rcna123909> [https://perma.cc/S78D-BXCW]; Tom Bateman, *US Condemns Israeli Minister Ben Gvir's 'Inflammatory' Palestinian Comments*, BBC NEWS (Aug. 25, 2023), <https://www.bbc.com/news/world-middle-east-66614459> [https://perma.cc/XNX5-WU6J]; *Israeli Army: 'Emphasis is on Damage and Not on Accuracy'*, MIDDLE E. EYE (Oct. 10, 2023), <https://www.middleeasteye.net/live-update/israeli-army-emphasis-damage-and-not-accuracy> [https://perma.cc/8L3M-SJD8].

⁵⁴ Leila Fadel, *Netanyahu's References to Violent Biblical Passages Raise Alarm Among Critics*, NPR (Nov. 7, 2023), <https://www.npr.org/2023/11/07/1211133201/netanyahus-references-to-violent-biblical-passages-raise-alarm-among-critics> [https://perma.cc/NX3P-CB86].

⁵⁵ Application of the Convention, *supra* note 26, at 140–143.

⁵⁶ Genocide Convention, *supra* note 12; Rome Statute of the International Criminal Court, art. 6, July 17, 1998, 2187 U.N.T.S. 90.

⁵⁷ Genocide Convention, *supra* note 12.

⁵⁸ *Two Years of Gaza-Israel War Bring 'Indescribable' Pain, Warn Aid Agencies*, U.N. NEWS (Oct. 7, 2025), <https://news.un.org/en/story/2025/10/1166045> [https://perma.cc/9HTD-6AQS].

⁵⁹ *See* Khatib, McKee & Yusuf, *supra* note 9.

⁶⁰ OFFICE OF THE U.N. HIGH COMM'R FOR HUM. RTS., UPDATE REPORT: SIX-MONTH UPDATE REPORT ON THE HUMAN RIGHTS SITUATION IN GAZA: 1 NOVEMBER 2023 TO 30 APRIL 2024 5 (2024), <https://www.ohchr.org/s>

seventy-four children.⁶¹ According to the *Euro-Med Human Rights Monitor*, between October 2023 and August 2024, approximately 2,100 children under the age of two were killed—averaging seven infant deaths per day.⁶² There is no minimum number of victims for an act to constitute genocide, and the method of killing is not relevant.⁶³ Israel has killed Palestinians at home, in shelters, in hospitals, and along evacuation routes. Palestinians have been directly targeted and killed.⁶⁴ Aid workers, journalists, and healthcare professionals have also been targeted and killed.⁶⁵ Doctors informed the United Nations Inquiry Commission that many victims entered the hospital with bullet holes to the head and or heart.⁶⁶

Taken together, Israel has employed wide-impact munitions and precise attacks to intentionally kill Palestinians, with knowledge that they would cause death to Palestinians.⁶⁷ In fact, women and children were specifically targeted and killed as a primary method of Palestinian group destruction.⁶⁸ Victims were not targeted for any other reason than their identity, and Israel's goal of genocide.⁶⁹

ii. Element Two: "Causing serious bodily or mental harm to members of a group:"

In *Attorney General v. Adolf Eichmann*, the District Court of Jerusalem convicted Eichmann of crimes against the Jewish people and genocide as defined under Israeli law.⁷⁰ In its judgement, the court recognized that serious bodily or mental harm could constitute genocidal conduct when inflicted upon members of a protected group "by the enslavement, starvation, deportation, and persecution . . . and by their detention in ghettos, transit camps and concentration camps in conditions which were designed to cause their degradation, deprivation of their rights as human beings, and to suppress them and cause them inhumane suffering and torture."⁷¹ International courts have also recognized similar

ites/default/files/documents/countries/opt/20241106-Gaza-Update-Report-OPT.pdf [https://perma.cc/7SYJ-7ZYW].

⁶¹ *New Year Brings Little New Hope for Children in Gaza, With At Least 74 Children Reportedly Killed in First Week of 2025*, UNICEF (Jan. 8, 2025), <https://www.unicef.org/press-releases/new-year-brings-little-new-hope-children-gaza-least-74-children-reportedly-killed> [https://perma.cc/BGW3-MR3P].

⁶² *The Bloodiest Face of Its Genocide: Israel Has Killed 2,100 Palestinian Infants and Toddlers in Gaza*, EURO-MEDITERRANEAN HUM. RTS. MONITOR (Aug. 14, 2024), <https://reliefweb.int/report/occupied-palestinian-territory/bloodiest-face-its-genocide-israel-has-killed-2100-palestinian-infants-and-toddlers-gaza-enar> [https://perma.cc/BSP4-N379].

⁶³ *Prosecutor v. Muhimana*, Case No. ICTR-95-1B-T, Judgement, ¶ 498 (Apr. 28, 2005); Application of Convention on Prevention and Punishment of Crime of Genocide (Gambia v. Myanmar), Joint Declaration of Intervention of Canada, Denmark, France, Germany, the Netherlands and the United Kingdom, ¶ 60 (Nov. 15, 2023).

⁶⁴ Hum. Rts. Council, *Detailed Findings on the Military Operations and Attacks Carried Out in the Occupied Palestinian Territory from 7 October to 31 December 2023*, ¶ 427, U.N. Doc. A/HRC/56/CRP.4 (June 10, 2024).

⁶⁵ *Reported Impact Snapshot Gaza Strip*, U.N. OFF. FOR THE COORDINATION OF HUMANITARIAN AFFS. (May 7, 2025), <https://perma.cc/EKY2-ZGYZ>.

⁶⁶ Hum. Rts. Council, Legal Analysis of the Conduct of Israel in Gaza Pursuant to the Convention on the Prevention and Punishment of the Crime of Genocide, *supra* note 28, at ¶ 40.

⁶⁷ Hum. Rts. Council, *Detailed Findings on the Military Operations and Attacks Carried Out in the Occupied Palestinian Territory from 7 October to 31 December 2023*, *supra* note 64, at ¶¶ 462–463.

⁶⁸ *Id.* at ¶ 427.

⁶⁹ *Id.* at ¶ 463.

⁷⁰ *Attorney General v. Eichmann*, No. 40/61, 36 I.L.R. 5 (Dist. Ct. Jerusalem 1961).

⁷¹ *Id.* (The importance of *Eichmann* is that it is one of the earliest convictions of genocide and shows a domestic

interpretations of this element. Specifically, two types of harm arise: bodily harm from serious physical injury, and a mental harm that inflicts “strong fear or terror.”⁷² The nature of the harm must be to a degree that threatens the destruction of the group, in whole or part.⁷³

As in the *Eichmann* case, where the imposition of serious bodily and mental harm was recognized as constituting genocidal conduct, many of the conditions described in Gaza reflect similar concerns. For example, Mohammed, who fled with his family from Gaza City to Rafah in March 2024, described the situation in Deir Al-Balah: “Here . . . it’s like an apocalypse . . . You have to protect your children from insects, from the heat, and there is no clean water, no toilets, all while the bombing never stops. You feel like you are subhuman here.”⁷⁴

The International Criminal Tribunal for the former Yugoslavia (ICTY), in the case of *Prosecutor v. Karadžić*, also recognized specific acts that would constitute genocide. It recognized that those acts need not immediately kill but must be likely to lead to physical destruction:⁷⁵

Examples of serious bodily or mental harm as an act of genocide include torture, inhumane or degrading treatment, sexual violence including rape, interrogations combined with beatings, threats of death, and harm that damages health or causes disfigurement or serious injury to the external or internal organs of members of the group.⁷⁶

In *Prosecutor v. Krstić*, the ICTY articulated that serious bodily and mental harm results in a “long-term disadvantage to a person’s ability to lead a normal and constructive life.”⁷⁷ Other tribunals similarly recognized that the acts need not be permanent.⁷⁸ The ICTY also recognized that forced displacement constitutes fulfillment of serious mental harm.⁷⁹

Israel’s military and administrative actions in Gaza have reportedly resulted in widespread conditions of starvation, malnutrition, disease, torture, targeted killings, and indiscriminate bombing campaigns.⁸⁰ These conditions support a finding that life in Gaza has been rendered unlivable for large

understanding of the Convention’s language in practice.)

⁷² Int’l Law Comm’n, *Draft Code of Crimes against the Peace and Security of Mankind*, art. 17, ¶ 14 (1996); *Prosecutor v. Seromba*, Case No. ICTR-2001-66-A, Judgement, ¶ 46 (Mar. 12, 2008).

⁷³ *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, Judgement, ¶ 862 (Int’l Crim. Trib. for the Former Yugoslavia Sep. 27, 2006); *Prosecutor v. Kajelijeli*, Case. No. ICTR-98-44A-T, Judgment and Sentence, ¶ 814 (Dec. 1, 2003).

⁷⁴ AMNESTY INT’L, *supra* note 21.

⁷⁵ *Prosecutor v. Karadžić*, Case No. IT-95-5/18-T, Judgment, ¶ 546 (Int’l Crim. Trib. for the Former Yugoslavia Mar. 24, 2016).

⁷⁶ *Id.* at ¶ 545; *accord* *Seromba* Appeal Judgement, Case No. ICTR-2001-66-A, ¶¶ 47–48 (Mar. 12, 2008).

⁷⁷ *Prosecutor v. Krstić*, Case No. ICTY-98-33, Judgement, ¶ 513 (Aug. 2, 2001).

⁷⁸ *Prosecutor v. Muhimana*, Case No. ICTR-95-1B-T, Judgement, ¶ 502 (Apr. 28, 2005); *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Judgement, ¶ 502 (Sep. 2, 1998).

⁷⁹ *Prosecutor v. Tolimir*, Case. No. IT-05-88/2-A, Judgement, ¶¶ 208–209 (Int’l Crim. Trib. for the Former Yugoslavia Apr. 8, 2015).

⁸⁰ See Press Release, Office of the U.N. High Comm’r for Hum. Rts., Pattern of Israeli Attacks on Gaza Hospitals Raises Grave Concerns (Dec. 31, 2024), <https://www.ohchr.org/en/press-releases/2024/12/pattern-israeli-attacks-gaza-hospitals-raises-grave-concerns-report> [https://perma.cc/GYQ5-UMSD]; UN Report: Israeli Use of Heavy Bombs in Gaza Raises Serious Concerns Under the Laws of War, OFFICE OF THE U.N. HIGH COMM’R FOR HUM. RTS. (June 19, 2024),

segments of the population, with particular implications under Article II(b) and II(c) of the Genocide Convention. Within Gaza, conditions have deteriorated to the extent that access to basic human needs—such as food, water, and medical care—have been severely restricted, raising concerns about Israel’s use of starvation as an instrument for collective punishment.⁸¹ Longstanding prohibitions on the import of certain civilian goods, such as chocolate, have been criticized for lacking a clear security justification and contributing to the broader deprivation of civilian life.⁸²

Economic self-sufficiency in Gaza has become virtually non-existent following the widespread destruction of infrastructure during the 2023–2024 military operations. As of early 2025, approximately 80% of Gaza’s infrastructure has been destroyed, likely resulting in substantial job loss and the collapse of essential services.⁸³ The healthcare system, already weakened by years of limited access to medical supplies, has been rendered nearly inoperable.⁸⁴ In January 2024, the World Health Organization reported that only fifteen of Gaza’s thirty-six hospitals remained partially functional—due either to physical destruction or lack of essential resources.⁸⁵

The consequences of this systemic collapse are particularly severe for vulnerable populations. According to UNICEF, as of January 8, 2025, at least eight infants and newborns died from hypothermia since December 26, 2024, following prolonged exposure to winter temperatures and the continued absence of adequate shelter.⁸⁶

<https://www.ohchr.org/en/press-releases/2024/06/un-report-israeli-use-heavy-bombs-gaza-raises-serious-concerns-under-laws> [<https://perma.cc/A3YT-QMN5>]; *Devastation, Bombing and Starvation: Israel Is Destroying Life in Gaza*, B’TSELEM (May 5, 2025), https://www.btselem.org/press_releases/20250505_devastation_bombing_and_starvation_israel_is_destroying_life_in_gaza [<https://perma.cc/AN2N-5L98>].

⁸¹ *Israel: Starvation Used as Weapon of War in Gaza*, HUM. RTS. WATCH (Dec. 18, 2023), <https://www.hrw.org/news/2023/12/18/israel-starvation-used-weapon-war-gaza> [<https://perma.cc/QY4G-BGHR>].

⁸² Nessma Albhdary, *No Chocolate, No Laptops, No Clothes for Gaza*, POLITICS TODAY (Oct. 21, 2021), <https://politicstoday.org/no-chocolate-no-laptops-no-clothes-for-gaza/> [<https://perma.cc/HQ62-R8X5>]. While some legitimate security concerns may exist, they exist because of Israel’s ongoing assault and history of siege and violence. See Craig Mokhiber, *Every Accusation a Confession: Israel and the Double Lie of Human Shields*, MONDOWEISS (Sep. 21, 2024), <https://mondoweiss.net/2024/09/every-accusation-a-confession-israel-and-the-double-lie-of-human-shields/> [<https://perma.cc/8QHG-3C9F>]; see also *Fact Sheet: Israel’s History of Spreading Disinformation*, INST. FOR MIDDLE E. UNDERSTANDING (Oct. 5, 2024), <https://imeu.org/resources/resources/fact-sheet-israels-history-of-spreading-disinformation/125> [<https://perma.cc/QVT8-4F3G>]; Andrew Mitrovica, *Shireen Abu Akleh’s Killing: Lies, Investigations and Videotape*, AL JAZEERA (May 22, 2022), <https://www.aljazeera.com/opinions/2022/5/22/lies-investigations-and-videotape> [<https://perma.cc/D68M-Q6LK>] (exemplifying numerous instances in which ‘security’ was used and then ultimately proven to be fabricated).

⁸³ *Gaza Strip Comprehensive Damage Assessment*, UNITED NATIONS SATELLITE CENTRE (UNOSAT) (Oct. 31, 2025), https://www.un.org/unisipal/document/unosat-gaza-strip-damage-assessment-31oct25/?utm_source=chatgpt.com [<https://perma.cc/3WS6-7MYW>].

⁸⁴ *Health System at Breaking Point as Hostilities Further Intensify in Gaza, WHO Warns*, WHO (May 22, 2025), https://www.who.int/news/item/22-05-2025-health-system-at-breaking-point-as-hostilities-further-intensify--who-warns?utm_source=chatgpt.com [<https://perma.cc/E6T6-AMR3>].

⁸⁵ *Health Situation in the Gaza Strip*, WHO (Jan. 11, 2024), https://www.emro.who.int/images/stories/Sitrep_-_issue_22.pdf [<https://perma.cc/FNZ9-N5ED>].

⁸⁶ *New Year Brings Little New Hope for Children in Gaza*, *supra* note 61.

The forms of harm and femicide against Palestinian women in Gaza fall within the framework of serious bodily and mental harm as articulated in *Karadžić*. The ICTY held that torture, rape, inhumane treatment, and injuries to internal organs are all genocidal acts under Article II(b) when they gravely impair a person's ability to live a normal life.⁸⁷ The International Criminal Tribunal for Rwanda (ICTR) recognized the same standard.⁸⁸ *Karadžić* was based on the earlier ruling of *Akayesu*, where the ICTR held for the first time that rape could constitute an act of genocide when committed with intent to destroy a protected group.⁸⁹ The Trial Chamber concluded that the suffering experienced by women was “one of the worst ways of inflicting harm.”⁹⁰

The scale and methods of Israel's bombardment, combined with the destruction of medical infrastructure, ensure that the injuries are not only common—but have long-term effects. Alongside bombardment, the United Nations Commission also found instances of sexual violence against Palestinian female hostages, used as a means of punishment and interrogation.⁹¹ Israeli forces sexually harassed and shamed Palestinian women, some forced to strip and remove their veils in front of their communities.⁹² According to a United Nations Women's Report in September 2024, the current genocide has taken a severe toll on women's mental health, with 75% of the women surveyed saying they feel depressed.⁹³

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) and the WHO report that more than 70% of Gaza's hospitals and primary clinics are non-functional, leaving injured women with no access to trauma surgery, pain management, or obstetric emergency care.⁹⁴ Daily water consumption has plummeted from eighty-three liters per person to between two and nine liters, far below the fifty to one hundred liter minimum required for health, leading to dehydration, disease outbreaks, and infant deaths.⁹⁵ In October 2024, ninety-nine American healthcare workers, who had volunteered in Gaza, submitted a letter to the Biden administration stating that they had “watched malnourished new mothers feed their underweight newborns infant formula made with poisonous

⁸⁷ Prosecutor v. Karadžić, Case No. IT-95-5/18-T, Judgment, ¶ 545 (Int'l Crim. Trib. for the Former Yugoslavia Mar. 24, 2016).

⁸⁸ Prosecutor v. Akayesu, Case No. ICTR-96-4-T, Judgement, ¶¶ 504, 731 (Sep. 2, 1998).

⁸⁹ *Id.*; see generally Podcast: *The Power of Bearing Witness – How Rape Became an ‘Act of Genocide’*, U.N. NEWS (Feb. 17, 2017), <https://africarenewal.un.org/en/magazine/podcast-power-bearing-witness-how-rape-became-act-genocide> [https://perma.cc/79GE-86YF] (describing how the prosecution of Jean-Paul Akayesu was the first time rape had been prosecuted as a war crime).

⁹⁰ *Akayesu*, ICTR-96-4-T at ¶¶ 504, 731.

⁹¹ Indep. Int'l Comm'n of Inquiry on the Occupied Palestinian Territory, *supra* note 10, at ¶¶ 124–126; U.N. Doc A/79/232, ¶ 62 et seq.

⁹² Indep. Int'l Comm'n of Inquiry on the Occupied Palestinian Territory, *supra* note 10, at ¶ 182.

⁹³ *Gender Alert: Gaza: A War on Women's Health*, U.N. WOMEN (Sep. 9 2024), <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2024/09/gender-alert-gaza-a-war-on-womens-health/gender-alert-gaza-a-war-on-womens-health-en.pdf> [https://perma.cc/W4YA-MXYE].

⁹⁴ *Hostilities In The Gaza Strip And Israel - Reported Humanitarian Impact*, U.N. OFF. FOR COORDINATION HUMANITARIAN AFF. (May 20, 2024), <https://www.unocha.org/publications/report/occupied-palestinian-territory/hostilities-gaza-strip-and-israel-reported-humanitarian-impact-20-may-2024-1500> [https://perma.cc/E6V6-8FYS].

⁹⁵ Ahlam Abuawad et al., *The Ongoing Environmental Destruction and Degradation of Gaza: The Resulting Public Health Crisis*, 115 AM. J. PUB. HEALTH 1053, 1054 (2025).

water.”⁹⁶ One of those workers, pediatric nurse Asma Taha, described seeing healthy babies starve to death because their mothers were too malnourished to breastfeed, and because clean formula and safe water were entirely unavailable.⁹⁷ Médecins Sans Frontières (Doctors Without Borders) similarly warned that formula, safe drinking water, and the ability to clean bottles, were virtually nonexistent by early 2024.⁹⁸

The ICTR in *Prosecutor v. Seromba* stated that serious bodily or mental harm “must be of such a serious nature as to threaten [a group’s] destruction in whole or in part.”⁹⁹ However, subsequent case-law has not consistently required a demonstration that the harm, in isolation, imperils the physical survival of the group.¹⁰⁰ Instead, courts have emphasized the gravity of the acts inflicted on individuals, focusing on whether the harm rises to the requisite threshold of severity, regardless of its independent capacity to cause group-wide destruction.¹⁰¹

In the context of Gaza, sustained bombardment of hospitals, homes, and schools, amounts to such harm. The ICTR in *Prosecutor v. Édouard Karemera et al.*, stated that “causing serious bodily harm” is such harm that falls short of killing.¹⁰² Destroying medical infrastructure prevents those injured from immediate death and, without adequate treatment, those injured are left with severe deficits and the inability to heal. Beyond the physical destruction, reports of psychological trauma, starvation, unmedicated childbirth, and the mental deterioration of bereaved mothers, are forms of harm and suffering that international tribunals have previously found to satisfy the serious harm prong of genocidal intent.

In Gaza, Israel dropped at least 85,000 tons of bombs, which has reduced 80% of Gaza to rubble and has left behind toxic waste that UN agencies report will take at least fifteen years to clear.¹⁰³ Bombs kill in several ways: 1) damaging buildings that would cause one to be crushed under rubble, and 2) blast injuries known as “overpressure,” which is when the pressure is strong enough to injure internal organs like lungs and abdomen severely.¹⁰⁴ The sheer volumes of bombs causing blast injuries, shrapnel injuries, and enduring impacts of environmental smog and chemical irritants are harms that either have caused, or will cause, death alongside lifelong psychological and physiological pain.

⁹⁶ Open Letter from American Medical Professionals Who Served in Gaza, GAZA HEALTHCARE LETTERS (Oct. 2, 2024), <https://www.gazahealthcareletters.org/usa-letter-oct-2-2024> [<https://perma.cc/J753-B7LV>].

⁹⁷ Hum. Rts. Watch, *supra* note 17.

⁹⁸ GAZA’S SILENT KILLINGS: THE DESTRUCTION OF THE HEALTHCARE SYSTEM AND THE STRUGGLE FOR SURVIVAL IN RAFAH, MÉDECINS SANS FRONTIÈRES (Apr. 2024), https://msf.org/pt/wp-content/uploads/sites/4/2024/04/MSF-GazaSilentKillings-Full-Report_ENG_April-2023-1.pdf [<https://perma.cc/5W48-5D6L>].

⁹⁹ *Prosecutor v. Seromba*, Case No. ICTR-2001-66-A, Judgement, ¶ 46 (Mar. 12, 2008); *Prosecutor v. Kajelijeli*, Case No. ICTR-98-44A-T, Judgment and Sentence, ¶ 814 (Dec. 1, 2003).

¹⁰⁰ *Prosecutor v. Karadžić*, Case No. IT-95-5/18-T, Judgment ¶ 544 (Int’l Crim. Trib. for the Former Yugoslavia Mar. 24, 2016); *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, Judgment, ¶ 862 (Int’l Crim. Trib. for the Former Yugoslavia Sept. 27, 2006).

¹⁰¹ *Karadžić*, IT-95-5/18-T at ¶ 544.

¹⁰² *Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-T, Judgment and Sentence, ¶ 1609 (Feb. 2, 2012).

¹⁰³ AJLabs, *The Human Toll of Israel’s War on Gaza – by the Numbers*, AL JAZEERA (Jan. 15, 2025), <https://www.aljazeera.com/news/2025/1/15/the-human-toll-of-israels-war-on-gaza-by-the-numbers> [<https://perma.cc/NQU4-YJK7>].

¹⁰⁴ Michael R. Jorolemon & Parth J. Patel, *Blast Injuries*, in STATPEARLS (2026), <https://www.ncbi.nlm.nih.gov/books/NBK430914/> [<https://perma.cc/Y32B-27KJ>].

These harms are neither temporary nor incidental. In *Prosecutor v. Karadžić*, and others previously discussed, the ICTY found that severe physical injury and psychological trauma could constitute genocidal acts under Article II(b). The conditions facing Palestinian women in Gaza—many of them widowed, displaced, and housed in overcrowded shelters lacking clean water or food—have produced long-term impairments to physical and mental health. The cumulative psychological toll, driven by starvation, forced bereavement, and the constant threat of violence, reflects the type of targeted degradation international courts have recognized as indicative of genocidal harm.¹⁰⁵ In April 2024, UNICEF estimated that 100% of children in Gaza would require long-term psychological support; when such conditions are inflicted systematically and disproportionately on the basis of gender, they warrant recognition as potential evidence of genocidal conduct, rather than being dismissed as collateral consequences of conflict.¹⁰⁶

iii. Element Three: “Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”;

In *Prosecutor v. Karadžić*, the court stated examples that would constitute the acts punishable under Article 4(2)(c):

such acts include, but are not limited to, subjecting the group to a subsistence diet; failing to provide adequate medical care; systematically expelling members of the group from their homes; and generally creating circumstances that would lead to a slow death such as the lack of proper food, water, shelter, clothing, sanitation, or subjecting members of the group to excessive work or physical exertion.¹⁰⁷

The ICTY recognized that such acts fall within the scope of conduct that would constitute genocide under international law.¹⁰⁸ In their conclusion on conditions of detention and treatment of detainees, the ICTY found that victims detained at the Batković camp were subjected to such a diet that some detainees died as a result of starvation.¹⁰⁹ In Gaza, a growing body of evidence underscores a parallel pattern. One report noted that by October 13, 2024, the Jabila refugee camps in North Gaza, home to 400,000 civilians who had survived a year-long continuous bombardment, had not had access to food or medical services since September 2024.¹¹⁰ Their camp was besieged entirely in opposition to international law.¹¹¹ No form of aid had reached the population, reflecting, what human rights experts

¹⁰⁵ See, e.g., Dunia, as told to Johanna Mitscherlich, *An Internally Displaced Mother’s Daily Struggle in Gaza*, CARE (Sep. 18, 2024), <https://www.care.org/news-and-stories/internally-displaced-mother-daily-struggle-gaza/> [https://perma.cc/7LLR-SXPF] (describing the immense challenges faced by women and children in Gaza).

¹⁰⁶ Sarah Ferguson & Tong Su, *Helping Gaza’s Children Cope With Trauma*, UNICEF USA (Apr. 17, 2024), <https://www.unicefusa.org/stories/helping-gazas-children-cope-trauma> [https://perma.cc/SKN4-HFWD].

¹⁰⁷ See *Prosecutor v. Karadžić*, Case No. IT-95-5/18-T, Judgment ¶ 547 (Int’l Crim Trib. for the Former Yugoslavia Mar. 24, 2016).

¹⁰⁸ *Id.* at ¶ 546.

¹⁰⁹ *Id.* at ¶ 657.

¹¹⁰ Daniel Estrin & Aya Batrawy, *Israel Threatens to Starve Out Northern Gaza, U.N. Aid Agencies Say*, NPR (Oct. 15, 2024), <https://www.npr.org/2024/10/15/nx-s1-5154065/israel-north-gaza-food-aid-block/> [https://perma.cc/9PGD-R9V8].

¹¹¹ *Id.*; See also Geneva Convention Relative to the Protection of Civilians in Time of War art. 33, Aug 12, 1949, 6 U.S.T.

dub, a deliberate strategy to kill civilians through starvation, untreated injuries, and disease.¹¹² Between October 6 and November 25, 2024, the United Nations made ninety-one attempts to deliver aid to besieged northern Gaza: eighty-two were outright denied, and the remaining nine were impeded.¹¹³ International officials have repeatedly condemned the use of forced starvation, disease exposure, and even the resurgence of illnesses like polio as forms of collective punishment and violations of international law.¹¹⁴ The United Nations Special Rapporteur on the Right to Food found that the spread of disease and Israel's aid restriction in Gaza may constitute starvation as a method of war.¹¹⁵ This finding is compounded by reports of Israel actively targeting and killing aid workers to prevent aid operations.¹¹⁶

On July 3, 2025, Amnesty International reported that Israel and its U.S.-backed aid initiative, the Gaza Humanitarian Foundation (GHF), are using “starvation of civilians as a weapon of war.”¹¹⁷ The Amnesty report also indicated that due to their forced starvation, mothers are unable to breastfeed, which puts newborn babies at immediate risk; Israel's siege has only made the issue worse, as it is preventing baby formula from entering Gaza.¹¹⁸ In May of 2025, the World Health Organization

3516, 75 U.N.T.S. 287 [hereinafter Fourth Geneva Convention] (prohibiting collective punishment and stating that “[n]o protected person may be punished for an offense he or she has not personally committed”); *see also* Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) art. 4, June 8, 1977, 1125 U.N.T.S. 609; *See also* Press Release, Off. of the U.N. High Comm’r for Hum. Rts., How Can Israel’s Blockade of Gaza Be Legal? – UN Independent Experts on the “Palmer Report” (Sep. 13, 2011), <https://www.ohchr.org/en/press-releases/2011/09/how-can-israels-blockade-gaza-be-legal-un-independent-experts-palmer-report> [https://perma.cc/N3QU-DDNC] (concluding that the Gaza blockade constitutes collective punishment in “flagrant contravention of international human rights and humanitarian law”).

¹¹² *Gaza: ‘People Losing Hope’ as Aid Access Is Refused to North, Warns UNRWA*, U.N. NEWS (Nov. 12, 2024), <https://perma.cc/A2M6-MJNR>.

¹¹³ Maroosha Muzaffar, *UN Agency Suspends Aid Deliveries Through Main Crossing into Gaza*, INDEPENDENT (Dec. 2, 2024), <https://www.the-independent.com/news/world/middle-east/unrwa-gaza-aid-israel-food-b2657093.html>. [https://perma.cc/353R-WGRC].

¹¹⁴ *Id.*

¹¹⁵ U.N. Secretary-General, *Economic and Social Repercussions of the Israeli Occupation on the Living Conditions of the Palestinian People in the Occupied Palestinian Territory, Including East Jerusalem, and of the Arab Population in the Occupied Syrian Golan*, ¶¶ 75,79, U.N. Doc. A/79/187-E/2024/68 (July 18, 2024) (transmitting the report of Michael Fakhri, Special Rapporteur on the Right to Food).

¹¹⁶ Ahmed Aziz, *War on Gaza: Israeli Bombing Kills World Central Kitchen workers and Aid-seekers*, MIDDLE E. EYE (Nov. 30, 2024), <https://www.middleeasteye.net/news/war-gaza-israeli-bombing-kills-world-central-kitchen-workers-and-aid-seekers> [https://perma.cc/BAY5-7BFX]; *Gaza: Israelis Attacking Known Aid Worker Locations*, HUM. RTS. WATCH (May 14, 2024), <https://www.hrw.org/news/2024/05/14/gaza-israelis-attacking-known-aid-worker-locations> [https://perma.cc/R4PJ-9P9L]; *Scorecard: Israel Fails to Comply with U.S. Humanitarian Access Demands in Gaza*, Refugees Int’l (Nov. 12, 2024), <https://www.refugeesinternational.org/reports-briefs/scorecard-israel-fails-to-comply-with-u-s-humanitarian-access-demands-in-gaza/> [https://perma.cc/3JDC-33WQ]; Kareem El Damanhoury, Kareem Khadder & Dana Karni, *Aid Workers Reported Killed and Missing in Gaza as Israeli Blockade Nears One Month*, CNN (Mar. 29, 2025), <https://www.cnn.com/2025/03/27/middleeast/aid-workers-killed-missing-gaza-israel-intl-latam> [https://perma.cc/733Y-MWFQ].

¹¹⁷ AMNESTY INT’L, *supra* note 21.

¹¹⁸ *Id.* at 3; *CAIR Demands Israel Allow Baby Formula Delivery to Gaza’s Starving Children, Protection for Medical Personnel*, COUNCIL ON AMERICAN–ISLAMIC RELATIONS (July 5, 2025), https://www.cair.com/press_releases/cair-demands-israel-allow-baby-formula-delivery-to-gazas-starving-children-protection-for-medical-personnel/ [http://perma.cc/UT2S-ZBV5] (quoting Marwan al-Hams, Director of Field Hospitals in Gaza: “The situation in Gaza’s hospitals is catastrophic due to fuel shortages. The occupation still prevents the entry of baby milk into the Gaza Strip.”); Fergal Keane, *‘No Food When I Gave Birth’: Malnutrition*

reported that fifty-seven children had already died of malnutrition,¹¹⁹ and reports since May 2025 indicate that hundreds of civilians have been murdered at GHF aid distribution sites.¹²⁰ And, as of May 2026, Doctors without Borders reports that Israel's "manufactured malnutrition" in Gaza is leading to increased miscarriages, premature births, and infant mortality.¹²¹ Not only does Israel target women physically, but it has now targeted their ability to conceive and care for children. If Palestinian women are unable to carry children to term due to malnutrition and starvation, or if they are unable to feed and foster healthy newborns, then the targeting of women in this way is an act calculated to bring about the group destruction. In the first half of 2025 alone, there was a 41% decline in Gaza's birth rate when compared to the last three years.¹²²

Those in Gaza, and in occupied Palestine more broadly, are subject to physical restrictions on movement imposed through border closures, checkpoints, and separation barriers.¹²³ In November 2011, the Russell Tribunal on Palestine found that "Israel subjects the Palestinian people to an institutionalized regime of domination amounting to apartheid as defined under international law."¹²⁴ They go on to say that Palestinians living in the OPT (Occupied Palestinian Territories) are "subject to a particularly aggravated form of apartheid."

Denoting Israel as an apartheid state has implications for humanitarian aid as it underscores systemic discrimination and unequal access to resources, which affects Palestinians' basic needs, mobility, healthcare, and economic opportunities. Under international law, apartheid is a crime against humanity, creating pressure on the international community to respond and support aid efforts, as well

Rises in Gaza as Israeli Blockade Enters Third Month, BBC NEWS (May 6, 2025), <https://www.bbc.com/news/articles/czrv5d73zdo> [<https://perma.cc/94KE-47WJ>]; Laure Stephan, *Israel Limits Entry of Baby Formula in Gaza as Infants Die of Hunger*, LE MONDE (July 1, 2025), https://www.lemonde.fr/en/international/article/2025/07/01/israel-limits-entry-of-baby-formula-in-gaza-as-infants-die-of-hunger_6742899_4.html [<https://perma.cc/R8GT-HU5S>].

¹¹⁹ *Gaza: 57 Children Reported Dead from Malnutrition, Says WHO*, U.N. NEWS (May 13, 2025), <https://news.un.org/en/story/2025/05/1163166> [<https://perma.cc/N5JW-QTV7>].

¹²⁰ Olivia Le Poidevin, *613 Killed at Gaza Aid Distribution Sites, Near Humanitarian Convoys, Says UN*, REUTERS (July 4, 2025), <https://www.reuters.com/world/europe/613-killed-gaza-aid-distribution-sites-near-humanitarian-covoys-says-un-2025-07-04/> [<https://perma.cc/CF74-3UNH>].

¹²¹ *The Devastating Impact of Israel's Manufactured Malnutrition Crisis in Gaza*, MÉDECINS SANS FRONTIÈRES (May 6, 2026), <https://www.doctorswithoutborders.org/latest/devastating-impact-israels-manufactured-malnutrition-crisis-gaza> [<https://perma.cc/X9FJ-KB3Y>].

¹²² U.N. News, *'Catastrophic Birth Outcomes' in Gaza Threaten a Whole Generation, Warns UN Agency* (July 23, 2025), <https://news.un.org/en/story/2025/07/1165471> [<https://perma.cc/UM4N-T4DG>] (reporting that "[i]n the first half of 2025, only 17,000 births were recorded, according to Gazan health authorities, representing a 41 percent decline in Gaza's birth rate over the past three years").

¹²³ *Israel's Apartheid Against Palestinians*, AMNESTY INT'L (Feb. 1, 2022), <https://www.amnesty.org/en/latest/campaigns/2022/02/israels-system-of-apartheid/> [<https://perma.cc/ETM8-ZD6N>]. Like 'Genocide' and 'Occupation', 'Apartheid' is used to lay the context of the violence taking place in Gaza. Both 'Occupation' and 'Apartheid' carry legal significance, as the ICJ has clearly defined them as they relate to Palestine). See *The Separation Barrier*, B'TSELEM (Nov. 11, 2017), https://www.btselem.org/separation_barrier [<https://perma.cc/SVB2-FMU7>].

¹²⁴ Russell Tribunal on Palestine, *Findings of the South Africa Session* ¶¶ 5.44–45 (Nov. 2011), <https://www.russelltribunalonpalestine.com/en/sessions/south-africa/south-africa-session-%E2%80%9494-full-findings.html> [<https://perma.cc/V2B4-P8PK>]; see also Richard Falk, *Is Israel Guilty of the Crime of Apartheid?*, AL JAZEERA (Dec. 5, 2011), <https://www.aljazeera.com/opinions/2011/12/5/is-israel-guilty-of-the-crime-of-apartheid/> [<https://perma.cc/9KQS-L48J>] (arguing that the Russell Tribunal's findings should be taken seriously).

as placing criminal responsibility upon states that “directly abet, encourage, or co-operate” in apartheid.¹²⁵

iv. Element Four: “Imposing measures intended to prevent births within the group”

Reem al-Salem, United Nations Special Rapporteur on violence against women and girls, explicitly warned that “the reproductive violence inflicted by Israel on Palestinian women, newborn babies, infants, and children could be qualified . . . as acts of genocide under Article 2 of the Convention on the Prevention of Genocide.”¹²⁶ The importance of this warning lies in how reproductive violence intersects with other genocidal acts. When women are subjected to targeted killings, starvation, or the denial of maternal healthcare, their ability to carry and deliver children is deliberately curtailed. In this way, systematic attacks on women destroy both individual lives, and they also erode the biological continuity of the group as a whole, reducing the number of potential mothers, obstructing births, and directly striking at the generational survival of the Palestinian people. This method should be understood as limiting the group’s capacity to reproduce and sustain itself.

In *Prosecutor v. Goran Jelišić*, the court examined systematic violence, in large part because Bosniaks were systematically killed.¹²⁷ Although Jelišić was convicted of crimes against humanity rather than genocide, the judgment is instructive in its recognition that sexual violence and abuse of women formed part of the broader pattern of persecution. The case demonstrates that even when tribunals stop short of a genocide conviction, they still treat attacks on women as evidence of a group-targeted campaign, reinforcing the principle that such conduct can be legally relevant to establishing the *actus reus* of genocide.¹²⁸ The ICTY acquitted the defendant of genocide despite clear evidence of widespread killings, finding that while he committed crimes against humanity, the prosecution failed to prove he acted with the specific intent to destroy the protected group in whole or in part.¹²⁹ Though some accounts from the broader Bosnian conflict referenced intentions to sterilize Bosnian women, the *Jelišić* judgment itself does not document or substantiate such acts as evidence of genocidal conduct.¹³⁰ Whereas *Jelišić* highlights how international courts want concrete proof of intent beyond large-scale violence, the violence in Gaza presents more direct and sustained evidence of Femicide and reproductive violence, providing the substation lacking in *Jelišić*. At the start of the genocide, 50,000

¹²⁵ International Convention on the Suppression and Punishment of the Crime of Apartheid, G.A. Res. 3068 (XXVIII). This Article does not set out to separately prove Israel has instituted an Apartheid state; rather, multiple human rights organizations, including Israeli human rights groups, have asserted Israel’s constitution, laws, and active enforcement of said laws constitutes Apartheid. *See, e.g.*, HUM. RTS. WATCH, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution* (Apr. 27, 2021), <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution> [https://perma.cc/A8HF-Z88Z] (arguing that some Israeli policies towards Palestinians “are so severe that they amount to the crimes against humanity of apartheid and persecution”).

¹²⁶ *Women Bearing the Brunt of Israel-Gaza Conflict: UN Expert*, OHCHR (Nov. 20, 2023), <https://www.ohchr.org/en/press-releases/2023/11/women-bearing-brunt-israel-gaza-conflict-un-expert> [https://perma.cc/8CSY-HB3N].

¹²⁷ *Prosecutor v. Jelišić*, Case No. IT-95-10-T, Judgment, ¶ 109 (Int’l Crim. Trib. for the Former Yugoslavia Dec. 14, 1999) (acquitting the defendant of genocide but convicting him of crimes against humanity; the Trial Chamber noted in ¶ 82 that mass killings could in certain contexts reflect intent to destroy a protected group).

¹²⁸ *Id.* at ¶ 102.

¹²⁹ *Prosecutor v. Jelišić*, Case No. IT-95-10-A, Judgment, ¶ 69 (July 5, 2001).

¹³⁰ *Prosecutor v. Jelišić*, Case No. IT-95-10-T, Judgment, ¶ 102 (Int’l Crim. Trib. for the Former Yugoslavia Dec. 14, 1999).

pregnant women in shelters were lacking access to adequate healthcare, with around 5,000 women due to give birth monthly—averaging 180 births daily.¹³¹ Of these women, 15% were likely to experience pregnancy or birth-related complications requiring specialized medical care that was unavailable due to the systematic destruction of Gaza’s healthcare infrastructure.¹³² By November 10, 2023, eighteen out of thirty-six hospitals and forty-six out of seventy-two primary care clinics in Gaza were forced to shut down.¹³³ When pregnant women had access to a functioning hospital, they had to undergo cesarean sections without access to anesthetics.¹³⁴

v. — Element Five: “Forcibly transferring children of the group to another group”

While Israel has not forcibly transferred Palestinian children to other groups, Israel has internally displaced over 1.9 million Palestinians, with some individuals displaced 10 times or more.¹³⁵ This displacement may constitute persecution, forcible transfer, or even deportation under other bodies of international law (e.g., crimes against humanity), but it does not fall within the definition of genocide under Article II(e), which requires the removal of children to *another group*.¹³⁶ Still, the broader practice of forced displacement is relevant contextually to genocide, particularly when linked to openly stated plans for ethnic cleansing.¹³⁷

Furthermore, President Trump has stated his support of Israel ethnically cleansing all of Gaza for real estate development; this forced transfer, in violation of international law, would remove remaining Gazans from their indigenous lands.¹³⁸ Ethnic cleansing, as UN experts stated in their interim

¹³¹ Press Release, World Health Org. (WHO), Women and Newborns Bearing the Brunt of the Conflict in Gaza, UN Agencies Warn (Nov. 3, 2023), <https://www.who.int/news/item/03-11-2023-women-and-newborns-bearing-the-brunt-of-the-conflict-in-gaza-un-agencies-warn> [https://perma.cc/DCB3-CEFK].

¹³² Rondi Anderson, *A Nightmare for Pregnant Women in Gaza*, THINK GLOB. HEALTH (Aug. 7, 2024), <https://www.thinkglobalhealth.org/article/nightmare-pregnant-women-gaza> [https://perma.cc/SZ9A-J5UR].

¹³³ *Gaza: Unlawful Israeli Hospital Strikes Worsen Health Crisis*, HUMAN RTS. WATCH (Nov. 14, 2023), <https://www.hrw.org/news/2023/11/14/gaza-unlawful-israeli-hospital-strikes-worsen-health-crisis> [https://perma.cc/X8DM-DH4S].

¹³⁴ *Interview: 5,500 women in Gaza set to give birth ‘in race against death’*, UN NEWS (Nov. 7, 2023), <https://news.un.org/en/interview/2023/11/1143327> [https://perma.cc/Y99M-GECK].

¹³⁵ U.N. RELIEF & WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR E., UNRWA, *Situation Report #168 on the Situation in the Gaza Strip and the West Bank, Including East Jerusalem* (Apr. 24, 2025), <https://perma.cc/KM57-CY69>.

¹³⁶ Genocide Convention, *supra* note 12, art. 2(e); 1 Int’l Comm. of the Red Cross, Customary International Humanitarian Law r. 129, § Non-international armed conflicts (2005), https://ihl-databases.icrc.org/en/customary-ihl/v1/rule129#Fn_39A00E49_00015 [https://perma.cc/N58R-C8M5].

¹³⁷ Estrella Galán & Jaume Asens Llodrà, *Israel Steps Up Its Ethnic Cleansing of the Occupied Territories: Agency Established to Deport the Palestinian Population to Third Countries*, EUR. PARL. DOC (E-001305/2025) (Mar. 26, 2025), https://www.europarl.europa.eu/doceo/document/E-10-2025-001305_EN.html [https://perma.cc/Y7G2-9HXR]; Andre Damon, *For First Time, Netanyahu Names Ethnic Cleansing of Gaza as Official War Aim*; Gideon Levy, *It’s Clear – Israel Now Has a Plan for the Ethnic Cleansing of Palestinians from Gaza*, HAARETZ (July 20, 2025), <https://www.haaretz.com/opinion/2025-07-20/ty-article/.premium/its-clear-israel-now-has-a-plan-for-the-ethnic-cleansing-of-palestinians-from-gaza/00000198-2456-d55c-a1be-7efe76860000> [https://perma.cc/VJ8D-VCGY].

¹³⁸ *Trump Indicates Intent to Escalate Ethnic Cleansing in Gaza*, HUM. RTS. WATCH (Feb. 5, 2025), <https://www.hrw.org/news/2025/02/05/trump-indicates-intent-escalate-ethnic-cleansing-gaza> [https://perma.cc/G4AH-T3ZD].

report of the former Yugoslavia, is “rendering an area ethnically homogeneous by using force or intimidation to remove person of given groups from the area.”¹³⁹

This paper further asserts that the indiscriminate bombing that has destroyed upwards of 80% of all infrastructure was, in part, done to facilitate the mass displacement of Palestinians from Gazans, seeing that there are little places to find refuge. The problem is exacerbated because humanitarian aid is not flowing in Gaza amid the March 2025 ceasefire fallout, Israel has turned 70% of Gaza into ‘no-go zones’—and too few tents are entering Gaza.¹⁴⁰

II. INTERNATIONAL HUMANITARIAN LAW AND ISRAEL’S OBLIGATIONS AS AN OCCUPYING POWER

Having shown how Israel’s conduct satisfies the ICL definition of genocide, this section turns to the specific state obligations that have been violated through International Humanitarian Law (IHL). This part examines Israel’s obligations as an occupying power under IHL, which imposes state duties, through the International Court of Justice, toward protected populations, and shows how systematic violations of these obligations, particularly those affecting the survival and reproductive capacity of women, serve as powerful indicators of genocidal intent.

In contrast to ICL, when determining a State’s responsibility, the International Court of Justice has emphasized a different threshold: the evidence presented must be “fully conclusive,” such that the Court is itself fully convinced that the underlying genocidal acts and the requisite intent have been clearly established.¹⁴¹

South Africa’s genocide claims against Israel before the ICJ, supported by states including Mexico, Colombia, Ireland, and Spain, place specific intent to destroy the Palestinian group at the heart of its legal argument.¹⁴² The ICJ in *Bosnia v. Serbia* discussed that genocide includes measures that do not immediately kill—but lead to—the group’s physical destruction, such as prolonged withholding of food and water.¹⁴³ So, in the case of Gaza, there are 1) direct forms of killing that would be classified as a pursuit of genocide (e.g. the murder of thirty-seven mothers a day), and 2) the creation of destructive conditions, such as the destruction of medical infrastructure, specifically maternal healthcare, denial of medical care to pregnant women, and creation of starvation conditions.¹⁴⁴ These destructive conditions, though lacking the immediate lethality of bullets or bombs, result in the long-term harm and systematically undermine the reproductive capacity of the Palestinian people.

¹³⁹ INTERIM REPORT OF THE COMMISSION OF EXPERTS ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 780 (1992), <https://docs.un.org/en/S/25274> [<https://perma.cc/5P2N-H5P9>].

¹⁴⁰ Julia Frankel & Samy Magdy, *Too Few Tents Entering Gaza Threatens the Truce. Here’s What’s Happening*, ASSOCIATED PRESS (Feb. 12, 2025), <https://apnews.com/article/hamas-israel-aid-cease-fire-200Be-gaza-trump-netanyahu-27ea783e1d2037580f12f3f2a19c47df> [<https://perma.cc/Z5QB-MQTZ>]; *Israel Has Turned 70% of Gaza into No-Go Zones, in Maps*, AL JAZEERA (May 6, 2025), <https://www.aljazeera.com/news/2025/5/6/israel-has-turned-70-of-gaza-into-no-go-zones-in-maps> [<https://perma.cc/RZ3J-XD77>].

¹⁴¹ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosn. & Herz. v. Serb. & Montenegro), Judgment, 2007 I.C.J. 43, ¶ 209 (Feb. 26).

¹⁴² S. Afr. v. Isr., Application Instituting Proceedings, *supra* note 26, at ¶¶ 2, 12.

¹⁴³ Application of the Convention on the Prevention and Punishment of the Crime of Genocide, *supra* note 141 at ¶ 320-355 (however, in this case, the ICJ did not find that the inhumane and violent treatment rose to the level of special intent); *see* Prosecutor v. Karadžić, Case No. IT-95-5/18-T, Judgment, ¶ 546 (Int’l Crim. Trib. for the Former Yugoslavia Mar. 24, 2016).

¹⁴⁴ U.N. Hum. Rts. Off. of the High Comm’r, *supra* note 9.

While the Genocide Convention provides the core framework for understanding Israel's actions in Gaza, it does not operate in isolation. A web of international obligations, rooted in treaties protecting civilians, women, and occupied populations, places clear legal limits on state conduct in war and occupation. Israel's assault on Palestinian women, especially through the dismantling of reproductive health systems and the destruction of family structures, violates those obligations and deepens the evidentiary basis for recognizing genocide through gendered means.

The current crisis must be situated within the broader context of Israel's ongoing occupation of Palestinian territory. As an occupying power, Israel is obligated under international law to protect civilians under its control.¹⁴⁵ However, the available evidence indicates that Israel's actions have created conditions that significantly jeopardize the survival of Palestinians, with a disproportionate impact on women.¹⁴⁶ Rather than fulfilling its duties, the occupation has functioned as a framework for implementing policies that disproportionately affect Palestinian women's ability to maintain family and community life, raising serious concerns under applicable legal norms.¹⁴⁷

Beyond the criminal liability for individuals through the Rome Statute, Israel, as a state, is bound by several international treaties it has ratified since its founding, yet, it can be argued, each of these treaties has been violated. Notably, Israel is party to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Rights of the Child, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (ratified 1991)—all of which impose obligations relevant to the protection of Palestinian women under its control.¹⁴⁸ The context of Israel's control over Palestinian territories (since the 1948 Nakba, which displaced 750,000 Palestinians, and the 1967 occupation) further underscores that these legal duties apply in Gaza.¹⁴⁹

The UDHR establishes fundamental protections relevant to women and families in Gaza, protections that have been consistently violated during the almost two-year bombardment of Gaza.

¹⁴⁵ Vibhu Mishra, *UN General Assembly Demands Israel End 'Unlawful Presence' in Occupied Palestinian Territory*, UN NEWS (Sep. 18, 2024), <https://news.un.org/en/story/2024/09/1154496> [<https://perma.cc/B785-FXBUI>] (demonstrating that Palestinian occupation has persisted since 1967); Fourth Geneva Convention, *supra* note 111, at arts. 24, 27, 28, 33, 49, 55, 56, 59; Hague Regulations, *supra* note 3, at art. 43.

¹⁴⁶ Indep. Int'l Comm'n of Inquiry on the Occupied Palestinian Territory, *supra* note 10, at 37–38, 45.

¹⁴⁷ Reports indicate that women and children comprise ~70 % of casualties in the Gazan genocide, Save the Children, *supra* note 42. In contrast, in Bosnia (1992–95), approximately 9,901 women were killed, representing ~10.3 % of total victims. Demographic studies suggest that during the Rwandan genocide, Tutsi men were the principal victims of mass killing, while women were more often targeted for sexual violence. See Azem Kurtic, *Bosnians Mark Day of Remembrance for Women Killed in War*, BALKAN INSIGHT (Dec. 8, 2022), <https://balkaninsight.com/2022/12/08/bosnians-mark-day-of-remembrance-for-women-killed-in-war/btj/> [<https://perma.cc/78MZ-T9XE>]; *The 1994 Rwandan Genocide*, GENDERCIDE, [<https://perma.cc/E355-W8HV>] (last accessed May 22, 2026).

¹⁴⁸ See International Covenant on Civil and Political Rights, arts. 2(1), 2(2), 13, 26, Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [<https://perma.cc/VGQ3-Q2RG>]; HUM. RTS. WATCH, SECOND CLASS: DISCRIMINATION AGAINST PALESTINIAN ARAB CHILDREN IN ISRAEL'S SCHOOLS (2001); Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13, <https://www.ohchr.org/sites/default/files/cedaw.pdf> [<https://perma.cc/4UX5-X7GK>].

¹⁴⁹ See Press Release, U.N. Secretariat, 2024 Nakba Commemoration (AM), U.N. Press Release GA/PAL/1467 (May 17, 2024), <https://www.un.org/unispal/document/2024-nakba-commemoration/> [<https://perma.cc/U4UM-TJ8G>]; see also Human Rights Council Res. 55/30, Right of the Palestinian People to Self-Determination, U.N. Doc. A/HRC/RES/55/30 (Apr. 4, 2024), <https://docs.un.org/en/A/HRC/RES/55/30> [<https://perma.cc/N7CS-TFC2>].

Article 1 opens with that “all human beings are born free and equal in dignity and rights,” with Article 3 guaranteeing everyone’s right to “life, liberty, and security of person.”¹⁵⁰ The killing of Palestinian women in Gaza is a direct attack on their rights to life and dignity. At the same time, the threat of continuous bombardment, along with displacement to tent cities, is an evident degradation of one’s right to security.

The right to a family is also enshrined in the UDHR. Article 16 states that the “family is the natural and fundamental group unit of society and is entitled to protection.”¹⁵¹ It further states that “women of full age, without any limitation . . . have the right to marry and to found a family.”¹⁵² The destruction of family units through targeted killings forced displacement, and separation violates this protection. To state again, over 17,000 children have been orphaned, over 3,000 widows created, and the destruction of civil and religious infrastructures shows a systematic attack on families.

Lastly, Article 25(2) states explicitly that “motherhood and childhood are entitled to special care and assistance.”¹⁵³ Special care and assistance include medical care, adequate nutrition, and safe conditions for pregnancy and childbirth, all of which have been minimally existent, contributing both as femicide and evidence of genocide. Women in Gaza are three times more likely to die during childbirth compared to pre-2023 levels.¹⁵⁴ The death is not caused by bombs or bullets, but Israel is still responsible due to its continuing restriction of aid, releasing of toxic chemicals through bombardment, and creation of stress from violence and the severing of social networks.¹⁵⁵

Although the UDHR is not a legally binding document, it has been adopted by the United Nations General Assembly in 1998 as a resolution, meaning it holds weight as customary international law.¹⁵⁶ Furthermore, it has served as the foundational text for the ICCPR and ICESCR, both binding on Israel as a signatory. The ICCPR also reaffirms the right to life, security, and to marry and start a family.¹⁵⁷ The ICESCR further provides the right of mothers to special protection before and after birth, seeing that the family is the natural and fundamental group unit of society.¹⁵⁸

A. *Violations of Humanitarian Law and Specific Protections for Women under the Geneva Conventions*

International humanitarian law (IHL) provides general protection to women, like all civilians in times of conflict, including the right to humane treatment and the right to protection from hostilities. IHL also takes into account the fact that women are mothers and may be particularly vulnerable to certain forms of violence, so they are in need of special protection as codified in Article 16 of the Fourth Geneva Convention: “The wounded and sick, as well as the infirm, and expectant mothers, shall

¹⁵⁰ G.A. Res. 217 (III) A, Universal Declaration of Human Rights, U.N. Doc. A/810 (Dec. 10, 1948), art. 1.

¹⁵¹ *Id.* at art. 16.

¹⁵² *Id.*

¹⁵³ *Id.* at art. 25.

¹⁵⁴ U.N. News, *Gaza’s Maternal and Newborn Health System ‘Decimated’, UN Warns*, U.N. NEWS (Dec. 11, 2025), <https://news.un.org/en/story/2025/12/1166569> [<https://perma.cc/G3XB-NLGH>].

¹⁵⁵ Belal Aldabbour et al., *Exploring Maternal and Neonatal Health in a Conflict-Affected Setting: Cross-Sectional Findings from Gaza*, 19 CONFLICT & HEALTH (2025).

¹⁵⁶ G.A. Res. 53/144 (Mar. 8, 1999).

¹⁵⁷ ICCPR arts. 9, 23.

¹⁵⁸ ICESCR art. 10(1)-(2).

be the object of particular protection and respect.”¹⁵⁹ Pregnant women and mothers are also protected under Article 17, which requires parties to facilitate the evacuation of pregnant women from besieged areas, and Article 23, which obliges the “free passage” of food and medication intended for children and expectant mothers, and maternity cases.¹⁶⁰

These special protections have been systematically eroded in Gaza, in part due to the widespread degradation of protections codified in Articles 18, 55, and 56 of the Fourth Geneva Convention. Article 18 prohibits attacks on civilian hospitals, with special mention of maternity cases.¹⁶¹ In April 2024, the United Nations Sexual and Reproductive Health Agency reported the destruction of maternity wards and maternal health supplies.¹⁶² Doctors Without Borders documented the destruction of Nasser Hospital in Khan Younis—the last functioning maternity hospital in the area. MSF emergency unit health advisor Mercè Rocaspana warned that, “In contexts like Gaza, where the health system has been decimated and has collapsed, late access to care is posing a health risk to pregnant women and their children, with tragic—even lethal—[consequences].”¹⁶³

Articles 55 and 56 obligate occupying powers to ensure the provision of medical supplies and maintain public health infrastructure.¹⁶⁴ Yet in Gaza, starvation has impacted over 95% of pregnant and nursing women. Women are reportedly giving birth without anesthesia, and the destruction or dysfunction of medical facilities has rendered maternal and neonatal care largely unavailable.¹⁶⁵

As the recognized occupying power both the West Bank and Gaza, Israel is bound by these obligations under the Fourth Geneva Convention, which it ratified in 1951.¹⁶⁶ Although Israel has not ratified the 1907 Hague Regulations annexed to the Convention (IV) on the Laws and Customs of War on Land, the Israeli High Court has affirmed that the Hague Regulations form part of binding customary international law.¹⁶⁷ The legal duty to protect pregnant women, mothers and children under

¹⁵⁹ Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 U.S.T. 3316, 75 U.N.T.S. 135, art. 16.

¹⁶⁰ *Id.* at arts. 17, 23 (art. 17 stating that “[p]arties to the conflict shall endeavor to conclude local agreements for the removal from besieged or encircled areas, of wounded, sick, infirm, and aged persons, children and maternity cases, and for the passage of ministers of all religions, medical personnel and medical equipment on their way to such areas.”).

¹⁶¹ *Id.* art. 18. (stating that “Civilian hospitals organized to give care to the wounded and sick, the infirm and maternity cases, may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict.”).

¹⁶² *Maternity Hospital Burns in Gaza Amid Ongoing War*, U.N. POPULATION FUND [UNFPA] (Apr. 12, 2024), <https://www.unfpa.org/video/maternity-hospital-burns-gaza-amid-ongoing-war> [https://perma.cc/D9AT-CJ2E].

¹⁶³ *Gaza: Maternal and Child Health Suffer Under a Decimated System*, MÉDECINS SANS FRONTIÈRES (July 18, 2024), <https://www.doctorswithoutborders.org/latest/gaza-maternal-and-child-health-suffer-under-decimated-system> [https://perma.cc/HS95-KJKU].

¹⁶⁴ Fourth Geneva Convention, *supra* note 111, at arts. 55-56.

¹⁶⁵ See Wahono, *supra* note 9; see also *Onslaught of Violence*, *supra* note 9 (discussing the risks to pregnant Palestinian women and babies created by Israeli destruction of health care facilities).

¹⁶⁶ *What Does the Law Say About the Responsibilities of the Occupying Power in the Occupied Palestinian Territory?*, INT’L COMM. OF THE RED CROSS (July 26, 2024), <https://www.icrc.org/en/document/ihl-occupying-power-responsibilities-occupied-palestinian-territories> [https://perma.cc/P457-6MNU].

¹⁶⁷ U.N. Comm. on the Exercise of the Inalienable Rts. of the Palestinian People, *The Question of the Observance of the Fourth Geneva Convention of 1949 in Gaza and the West Bank Including Jerusalem Occupied by Israel in June 1967*, U.N. Doc. DPI/613 (1979), <https://www.un.org/unispal/document/auto-insert-200116/> [https://perma.cc/YFL8-K9AF].

occupation, codified in frameworks that have been ratified by Israel—such as the 1907 Hague Regulations, appear to have been systematically undermined by the current conditions in Gaza.¹⁶⁸

Considering this legal framework, the documented violations of international humanitarian and human rights law, particularly those impacting Palestinian women’s survival, raise serious questions of legal accountability. Responsibility attaches not only to the state perpetrating such acts but also to third-party states under their international obligations to prevent and respond to genocide. The following section examines the mechanisms through which such accountability may be pursued, with a focus on gender-specific forms of group destruction under international criminal law.

III. LEGAL IMPLICATIONS AND ACCOUNTABILITY: STATE RESPONSIBILITY, THIRD-PARTY OBLIGATIONS, AND GENDERED ASPECTS OF GENOCIDE

This section addresses the legal responsibility that Israel bears for acts of gendered violence in Gaza, including those specifically targeting women. It also considers the obligations of other states to prevent genocide, enforce accountability, and address gender-specific tactics of group destruction through legal and diplomatic mechanisms.

A. *Israel’s State Responsibility for Femicide and Genocidal Acts*

As the occupying power in Gaza, Israel is primarily responsible for violations of international humanitarian law regarding the protection of civilians, particularly women. This responsibility stems from multiple sources: Geneva Conventions, CEDAW, ICCPR, ICESCR, and Customary International law that prohibits genocide and gender-based violence and imposes affirmative duties, including the specific protections for women, mothers, and family units. Israel’s actions over the past two years breach these fundamental obligations as they encompass the broader pattern of femicide, which has served as an element of what this article argues is genocide.

B. *The International Community’s Duty to Prevent and Respond to Genocide*

While Israel bears primary responsibility for its conduct, the Genocide Convention imposes obligations on all parties to not only to refrain from committing genocide, but to also to prevent and punish it.¹⁶⁹ When credible evidence of systematic group destruction emerges, third-party states have both a legal and moral duty to act. Under Articles I through VIII of the Convention, states must take all measures within their power to prevent genocide and ensure accountability for its commission.¹⁷⁰ Compliance includes refraining from providing military assistance or diplomatic protection where a state’s own assessment of the facts indicate such support would contribute to genocidal acts, in addition to taking steps to prosecute or extradite individuals within their jurisdiction accused of committing genocide.¹⁷¹

¹⁶⁸ HCJ 606/78 Suleiman Tawfiq Ayub et al. v. Minister of Defense et al., 33(2) PD (1978) (Isr.), <https://perma.cc/MB26-6CN4>.

¹⁶⁹ Genocide Convention, *supra* note 12, at arts. 1–10.

¹⁷⁰ *Id.*

¹⁷¹ Irene Pietropaoli, *Obligations of Third States and Corporations to Prevent and Punish Genocide in Gaza* (SOMO Working Paper, June 5, 2024), <https://www.somo.nl/wp-content/uploads/2024/06/Obligations-of-Third-States-and-Corporations-to-Prevent->

The ongoing femicide in Gaza triggers third-state obligations under the Genocide Convention, particularly for nations providing military or diplomatic support to Israel. In *Bosnia and Herzegovina v. Serbia and Montenegro*, the International Court of Justice made clear that the obligation to prevent genocide is one of conduct, not of result. As the Court explained:

a State cannot be under an obligation to succeed, whatever the circumstances, in preventing the commission of genocide: the obligation . . . is rather to employ all means reasonably available to them, to prevent genocide so far as possible. . . . In this area, the notion of “due diligence”, which calls for an assessment in *concreto*, is of critical importance.¹⁷²

This standard requires states to take all reasonable steps within their capacity to prevent genocide once they are aware, or should be aware, of a serious risk that genocide may occur. In the context of Gaza, where there is mounting documentation of gender-specific group destruction, continued provision of material or political support may place third-party states in breach of their obligations under Article I of the Convention and could give rise to derivative responsibility under international law.

In *Bosnia v. Serbia*, the ICJ found that Serbia had violated its obligations under the Genocide Convention by failing to prevent the Srebrenica genocide, even though it did not directly participate in the killings.¹⁷³ Specifically, Serbia had violated the obligations because it had influence over the perpetrators, knowledge of the risk, and failed to act.¹⁷⁴ The ICJ noted that a state could be held responsible for failing to prevent genocide only if genocide had occurred and took care to distinguish between complicity in genocide and failure to prevent genocide: the former violation was one of commission, while the latter was one of omission.¹⁷⁵ Judge Ranjeva did not dissent from the judgment but filed a separate opinion in which he emphasized that the obligations in the Genocide Convention were obligations *erga omnes*, which gave rise to an obligation of permanent vigilance and cooperation against genocide for all states.¹⁷⁶

The United States, Germany, and Italy, which have continued to supply arms to Israel amid repeated warnings of genocidal conduct, may bear even greater culpability than Serbia.¹⁷⁷ For instance, President Donald Trump, speaking alongside Prime Minister Netanyahu on February, 4 2025, stated that the United States would “take over” the Gaza Strip and reposition its two million Palestinian

and-Punish-Genocide-in-Gaza-3.pdf [https://perma.cc/5M7Z-RXD8].

¹⁷² Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosn. & Herz. v. Serb. & Montenegro), Judgment, 2007 I.C.J. 43, 221 (Feb. 26), <https://icj-cij.org/sites/default/files/case-related/91/091-20070226-JUD-01-00-EN.pdf> [https://perma.cc/39CT-HJ2J].

¹⁷³ *Id.* at 223–226.

¹⁷⁴ *Id.* at 225.

¹⁷⁵ *Id.* at 221–222.

¹⁷⁶ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosn. & Herz. v. Serb. & Montenegro), Separate Opinion of Judge Ranjeva, 2007 I.C.J. 43, 277–78 (Feb. 26), <https://icj-cij.org/sites/default/files/case-related/91/091-20070226-JUD-01-03-EN.pdf> [https://perma.cc/PKY4-E9JD].

¹⁷⁷ Matthew Ward Agius, *Amid Calls for Arms Embargo, Who Supplies Israel's Weapons?*, DEUTSCHE WELLE (May 26, 2025), <https://www.dw.com/en/amid-calls-for-arms-embargo-who-supplies-israels-weapons/a-72675978> [https://perma.cc/C6Q8-9HL2].

residents, relocating them to neighboring countries and redeveloping the area into what he called the “Riviera of the Middle East.”¹⁷⁸ This declaration, which included proposals to permanently resettle Palestinians outside Gaza, prompted urgent comparisons, by UN officials and regional actors, to ethnic cleansing.¹⁷⁹ Furthermore, the United States has remained the largest supplier of bombs and munitions to Israel, exporting over 10,000 bombs and thousands of Hellfire missiles since October 2023, while also advancing a new \$8 billion arms package approved in early 2025.¹⁸⁰ Taken together, the public endorsement of forced removal, substantial military support, and reconstruction schemes premised on depopulation, could meet the legal threshold for complicity in forcible transfer under Article 49 of the Fourth Geneva Convention and Article 7(1)(d) of the Rome Statute.¹⁸¹

C. *The Responsibility to Protect (R2P) and its Application in Gaza*

The Responsibility to Protect (R2P) is a normative framework developed in response to the international community’s failure to prevent atrocities in Rwanda and the former Yugoslavia. The R2P was endorsed at the 2005 World Summit and reaffirmed in UN Security Council Resolution 1674 to protect civilians in cases of mass atrocities.¹⁸² While not binding law, the R2P has emerged as a crucial norm.¹⁸³

There are three pillars to the R2P: primary state responsibility; the international community’s responsibility to assist states in fulfilling their protective duties through aid and preventative support; and the international community’s final responsibility to serve as a backstop when states are unwilling or unable to carry out their protective duties.¹⁸⁴ When a state manifestly fails to protect its citizens, as in the case of Gaza,¹⁸⁵ the international community *must* take collective action through the United

¹⁷⁸ Fritz Farrow & Kelsey Walsh, Trump Says US Will “Take Over” Gaza: “We’ll Own It”, ABC NEWS (Feb. 4, 2025), <https://abcnews.go.com/Politics/trump-palestinians-leave-gaza-us-rebuild/story?id=118463249> [https://perma.cc/YG4E-LMU5]

¹⁷⁹ See Emma Graham-Harrison, UN Chief Warns Against ‘Ethnic Cleansing’ After Trump Proposal, THE GUARDIAN (Feb. 5, 2025), <https://www.theguardian.com/world/2025/feb/05/un-chief-warns-against-ethnic-cleansing-after-donald-trump-gaza-proposal> [https://perma.cc/2RWY-QRGA].

¹⁸⁰ Humeyra Pamuk & Mike Stone, *Exclusive: U.S. Has Sent Israel Thousands of 2,000-Pound Bombs Since Oct. 7*, REUTERS (June 29, 2024), <https://www.reuters.com/world/us-has-sent-israel-thousands-2000-pound-bombs-since-oct-7-2024-06-28/> [https://perma.cc/RWB7-KG6X]; Edward Wong & Robert Jimison, *Trump Administration Moves to Send \$8 Billion in Arms to Israel, Bypassing Some Lawmakers*, N.Y. TIMES (Feb. 8, 2025), <https://www.nytimes.com/2025/02/08/us/politics/trump-israel-arms-weapons.html> [https://perma.cc/26NR-4HA8].

¹⁸¹ See Convention (IV) Relative to the Protection of Civilian Persons in Time of War art. 49, Aug. 12, 1949, 75 U.N.T.S. 287; see also Rome Statute of the International Criminal Court art. 7(1)(d), Jul. 17, 1998, 2187 U.N.T.S. 90 (listing deportation or forcible transfer of population as a crime against humanity when committed as part of a widespread or systematic attack directed against any civilian population with knowledge of the attack).

¹⁸² G.A. Res. 60/1, 2005 World Summit Outcome, ¶ 139 (Sept. 16, 2005); S.C. Res. 1674, ¶ 4 (Apr. 28, 2006).

¹⁸³ Alex J. Bellamy & Ruben Reike, *The Responsibility to Protect and International Law*, 2 GLOB. RESP. TO PROTECT 267, 268 (2010).

¹⁸⁴ *What Is R2P?*, GLOB. CTR. FOR THE RESP. TO PROTECT, <https://www.globalr2p.org/what-is-r2p/> [https://perma.cc/6F8B-HCYX] (last visited Feb. 15, 2025).

¹⁸⁵ Josie Hornung, *R2P as an Emerging Norm*, E-INT’L RELS. (Jan. 24, 2015), <https://www.e-ir.info/2015/01/24/r2p-as-an-emerging-norm/> [https://perma.cc/R7SJ-SPX3].

Nations Security Council.¹⁸⁶ The United States prevented the Security Council from taking any substantive steps to stop the bloodshed.¹⁸⁷

The R2P has been invoked several times, from Libya (UNSC Resolution 1973) to Côte d'Ivoire to South Sudan.¹⁸⁸ In the context of Gaza, the systematic targeting of women triggers all three R2P pillars, and response measures warranted may include establishing protected humanitarian corridors for women seeking medical care, deploying UN peacekeepers to protect medical facilities, imposing targeted sanctions on officials responsible for attacks on women, creating safe zones for pregnant women and mothers, ensuring emergency obstetric care access, and taking every effort to reunite families.

Although international humanitarian law clearly prohibits the acts documented throughout this analysis, some continue to frame the killing of Palestinian women as collateral or argue that the evidence fails to establish specific genocidal intent. These positions ignore both the scale and pattern of violence, as well as the gendered logic that underlies it. A group cannot survive the systematic elimination of those who carry and bear its next generation; killing women, especially those of reproductive age, does reduce a population, yes, but more importantly, it forecloses the future. By targeting women, children will never be born, families will never be formed, and the social threads of the group are severed at its source. Femicide accomplishes what the killing of men cannot: a permanent elimination of biological continuity. So, what happens when destruction is made to look incidental, but in fact reflects a systematic design to extinguish a group's capacity to reproduce and endure?

IV. "MILITARY NECESSITY" AND THE DENIAL OF FEMICIDE

While the evidence for systematic femicide as a tool of genocide in Gaza is substantial, those opposing this characterization might advance two primary counterarguments: first, that femicide is not being perpetrated as a deliberate strategy; and second, that even if disproportionate female casualties exist, such outcomes may be justified under the rubric of legitimate military objectives.

A. *The Denial of Systematic Femicide as a Deliberate Strategy*

Opponents of the femicide characterization often argue that the disproportionate killing of Palestinian women represents merely incidental casualties of warfare rather than evidence of genocidal intent. This argument typically rests on three assertions: that civilian casualties are an inevitable consequence of urban warfare, that Israel takes precautions to minimize civilian harm, and that statistical disparities in female casualties result from demographic factors rather than targeting.

This idea fundamentally misapprehends both the empirical evidence, discussed in the Introduction and Section I of this piece, and the legal standards for establishing genocidal intent. The jurisprudence developed through the ICTY and ICTR has established that genocidal intent can be inferred from the factual circumstances, including the perpetration of other culpable acts systematically

¹⁸⁶ GLOB. CTR. FOR THE RESP. TO PROTECT, *supra* note 184.

¹⁸⁷ *Security Council Urged to 'End the Bloodshed' in Gaza*, UN NEWS (Apr. 8, 2024), <https://perma.cc/WH9S-ZDDQ>.

¹⁸⁸ See S.C. Res. 1973, ¶ 3-4 (Mar. 17, 2011); see also *Côte d'Ivoire*, GLOB. CTR. FOR THE RESP. TO PROTECT, (Apr. 2, 2022), <https://perma.cc/5UGP-MJKR>; see also Christopher R. Rossi, *The International Community, South Sudan, and the Responsibility to Protect*, 42 N.Y.U. J. INT'L L. & POL. 129, 130 (2016).

directed against the same group.¹⁸⁹ The pattern of destruction in Gaza demonstrates precisely such systematic targeting.

The deliberate destruction of Gaza's maternal healthcare infrastructure cannot be reconciled with claims of incidental damage. As documented by Médecins Sans Frontières and the United Nations Population Fund, Israel has systematically bombed hospitals with functioning maternity wards, including Al-Shifa Hospital, Nasser Hospital, and Al-Awda Hospital.¹⁹⁰ The targeting of Gaza's most significant fertility clinic, resulting in the destruction of approximately 4,000 embryos, similarly cannot be justified as an incidental consequence of urban warfare.¹⁹¹

Israeli officials also consistently claim that Gazans are being used as "human shields."¹⁹² Since international agencies and media have not been allowed into Gaza, no recent reports have been conducted on the topic of "human shields." However, both Amnesty International and Human Rights Watch investigated similar claims after Israel's assaults on Gaza in 2009 and 2014; in both instances, there was no evidence of "human shields."¹⁹³ In fact, Israeli soldiers came forward to the *Associated Press* to admit that they themselves used Palestinians as human shields, and that human shields have been a "systematic" part of their operations since 2023.¹⁹⁴

Statistical analysis further refutes claims of mere incidental harm. Prior to October 2023, female and child casualties constituted fewer than 14% of Palestinian conflict deaths.¹⁹⁵ The dramatic

¹⁸⁹ Prosecutor v. Jelisić, Case No. IT-95-10-T, Judgment, ¶ 73, 82, 85 (Int'l Crim. Trib. for the Former Yugoslavia Dec. 14, 1999).

¹⁹⁰ See *Gaza: No Safe Pregnancies During Israeli Assault*, HUM. RTS. WATCH (Jan. 28, 2025), <https://www.hrw.org/news/2025/01/28/gaza-no-safe-pregnancies-during-israeli-assault> [https://perma.cc/7RZR-JRQE] (documenting severe maternal malnutrition, unsafe childbirth conditions, and lack of prenatal care during Israel's assault on Gaza); see also *Six Months of War Leave Al-Shifa Hospital in Ruins*, WHO Mission Reports, WHO (Apr. 6, 2024), <https://www.who.int/news/item/06-04-2024-six-months-of-war-leave-al-shifa-hospital-in-ruins--who-mission-reports> [https://perma.cc/M4S6-ZMSH] ("[Al-Shifa Hospital's] emergency department, surgical, and maternity ward buildings are extensively damaged due to explosives and fire"); *How the Israeli Army Besieged Nasser Hospital*, MÉDECINS SANS FRONTIÈRES (Apr. 15, 2024), <https://www.doctorswithoutborders.org/latest/how-israeli-army-besieged-nasser-hospital> [https://perma.cc/TH2D-KPFZ] ("MSF logbook: [Nasser Hospital] Maternity ward targeted. A 13-year-old girl killed, many casualties.").

¹⁹¹ See Shubailat & Alcini, *supra* note 14.

¹⁹² Federica Marsi, *What Is a 'Human Shield' and Why Is Israel Using the Term in Gaza?*, AL JAZEERA (Nov. 13, 2023), <https://www.aljazeera.com/news/2023/11/13/what-is-a-human-shield-and-why-is-israel-using-the-term-in-gaza> [https://perma.cc/AGS9-G7VT]; Neve Gordon & Nicola Perugini, *The Fallacy of Israel's Human Shields Claims in Gaza*, AL JAZEERA (June 18, 2018), <https://www.aljazeera.com/opinions/2018/6/18/the-fallacy-of-israels-human-shields-claims-in-gaza> [https://perma.cc/S5NT-LVDW].

¹⁹³ Fred Abrahams, Bill van Esveld & Fares Akram, *White Flag Deaths: Killings of Palestinian Civilians During Operation Cast Lead*, HUM. RTS. WATCH (Aug. 13, 2009), <https://www.hrw.org/report/2009/08/13/white-flag-deaths/killings-palestinian-civilians-during-operation-cast-lead> [https://perma.cc/6WLX-D2CS]; *Israel/Gaza Conflict: Questions and Answers*, AMNESTY INT'L (Jul. 25, 2014), <https://www.amnesty.org/en/latest/news/2014/07/israelgaza-conflict-questions-and-answers/> [https://perma.cc/647D-U7L6].

¹⁹⁴ Sam Mednick & Samy Magdy, *Israeli Use of Human Shields in Gaza Was Systematic, Soldiers and Former Detainees Tell the AP*, AP NEWS (May 24, 2025), <https://apnews.com/article/israel-palestinians-hamas-war-army-human-shields-80f358dd2c87a1123f26ffada159701c> [https://perma.cc/NQ4S-S3QB].

¹⁹⁵ *There Must Be "Due Reckoning" for Horrific Violations, Possible Atrocity Crimes in Gaza – UN Human Rights Chief*, OFFICE OF THE U.N. HIGH COMM'R FOR HUM. RTS. (Nov. 8, 2024), <https://www.ohchr.org/en/press-releases/2024/11/there-must-be-due-reckoning-horrific-violations-possible-atrocity-crimes> [https://perma.cc/N333-K4SL]; U.N. Office for the Coordination of

shift to 70% female and child casualties during the current assault represents a statistically significant deviation that cannot be explained by demographic variables or combat conditions alone.¹⁹⁶ This pattern, combined with official statements from Israeli officials regarding the Palestinian population as a whole, establishes the requisite nexus between conduct and genocidal intent discussed in *Akayesu*.¹⁹⁷

B. *The Claim of a Legitimate Military Objective*

The second counterargument contends that even if disproportionate female casualties exist, such outcomes are justified under Israel's right to self-defense and pursuit of legitimate military objectives. This argument fundamentally misapplies the principle of proportionality under international humanitarian law and erroneously construes the absolute prohibition against genocide as subject to military necessity exceptions.¹⁹⁸

Article 51(5)(b) of Additional Protocol I to the Geneva Conventions prohibits attacks “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”¹⁹⁹ The systematic targeting of maternity wards, family homes, and civilian shelters—resulting in the documented killing of thirty-seven mothers daily manifestly violates this proportionality requirement.²⁰⁰ Israel's own military spokesperson acknowledged that “the emphasis is on damage and not on accuracy,” which constitutes an admission of indiscriminate targeting prohibited under customary international law.²⁰¹

Most critically, the argument of military necessity fundamentally misunderstands the absolute nature of the prohibition against genocide in international law. Unlike certain provisions of humanitarian law that permit military necessity exceptions, the prohibition against genocide is a peremptory norm (*jus cogens*) from which no derogation is permitted under any circumstances.²⁰² As the ICJ affirmed in its Advisory Opinion on Nuclear Weapons, even in extremes, the threat or use of force must conform to the requirements of the law applicable in armed conflict which comprise, in particular,

Humanitarian Affairs—Occupied Palestinian Territory, *Data on Casualties*, OCHA, <https://www.ochaopt.org/data/casualties> [<https://perma.cc/94ZC-T533>] (last accessed May 20, 2026).

¹⁹⁶ OFFICE OF THE U.N. HIGH COMM'R FOR HUM. RTS., *supra* note 195.

¹⁹⁷ See generally *Law for Palestine Releases Database with 500+ Instances of Israeli Incitement to Genocide – Continuously Updated*, LAW FOR PAL. (Jan. 4, 2024), <https://law4palestine.org/law-for-palestine-releases-database-with-500-instances-of-israeli-incitement-to-genocide-continuously-updated/> [<https://perma.cc/MK3A-PW6W>] (compiling evidence of incitement to violence and genocidal intent perpetrated by Israeli officials and public figures against Palestinians).

¹⁹⁸ See Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) art. 51(5)(b), June 8, 1977, 1125 U.N.T.S. 3 (defining disproportionate attacks as those causing civilian harm excessive to the anticipated military advantage); see also CUSTOMARY INTERNATIONAL HUMANITARIAN LAW, VOLUME I: RULES 46–50 (Jean-Marie Henckaerts & Louise Doswald-Beck eds., 2005) (identifying the codification of the principle of proportionality as a rule that does not bend to military necessity beyond a specific balancing test already embedded in the rule).

¹⁹⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, *supra* note 198.

²⁰⁰ See OFF. OF THE U.N. HIGH COMM'R FOR HUM. RTS., *supra* note 9.

²⁰¹ Israeli army: ‘Emphasis is on damage and not on accuracy’, *supra* note 52.

²⁰² See Vienna Convention on the Law of Treaties art. 53, May 23, 1969, 1155 U.N.T.S. 331 (defining peremptory norms of general international law, or *jus cogens*, as norms from which no derogation is permitted).

the principles and rules of humanitarian law.²⁰³ Furthermore, Israel's status as an occupying power imposes affirmative obligations under Articles 55 and 56 of the Fourth Geneva Convention to ensure medical supplies and maintain medical services for the occupied population.²⁰⁴

The principle of distinction further undermines claims of legitimate military necessity. Article 48 of Additional Protocol I requires parties to “distinguish between the civilian population and combatants and between civilian objects and military objectives.”²⁰⁵ The systematic nature of attacks against Palestinian women's reproductive capability, combined with the scale of female casualties and explicit statements regarding the Palestinian population, establishes a *prima facie* case of femicide as a tool of genocide that cannot be justified by reference to legitimate military objectives or dismissed as incidental damage.

V. IMMEDIATE AND LONG-TERM REMEDIES

The gender-specific dimensions of genocide require immediate and long-term responses from the international community. This section proposes urgent measures to protect Palestinian women, along with structural reforms to strengthen the recognition of reproductive violence and femicide as tools of genocide under international law.

A. Immediate Protections for Women, Mothers, and Civilians in Gaza

In light of the ongoing violence against Palestinian women and girls, urgent measures are required to address the gendered genocidal acts and the distinct vulnerabilities they face under Israeli military operations. First, Israel must immediately comply with international law and cease all acts that constitute genocide, including imposing measures intended to prevent births within Gaza. Israel must comply with the legally binding provisional measures order issued by the International Court of Justice in January 2024 by “taking all measures within its power to prevent all acts of genocide” and “enable the provision of urgently needed basic services and humanitarian assistance.”²⁰⁶ Since the provision was issued, Israel has killed at least 30,000 more Palestinians.²⁰⁷ Second, attacks on medical units, ambulances, hospitals, and health personnel must cease in accordance with both the ICJ order and Israel's obligations under international humanitarian law.²⁰⁸ Third, Israel must comply with its

²⁰³ See *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, 1996 I.C.J. 226, 245, ¶ 42 (July 8) (discussing the principle of proportionality in the context of humanitarian law).

²⁰⁴ Fourth Geneva Convention, *supra* note 111, arts. 55–56.

²⁰⁵ Protocol I, *supra* note 198, at art. 48.

²⁰⁶ Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (S. Afr. v. Isr.), Order of 26 January 2024, ¶¶ 79–80, <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf> [<https://perma.cc/7YQA-DMT2>].

²⁰⁷ By February 19, 2024, the Gaza Health Ministry recorded 29,092 deaths. The official estimates put the death toll around 57,000 Palestinians at the end of June 2025. Zeina Jamaluddine, Hanan Abukmail, Sarah Aly, Oona M. R. Campbell, & Francesco Checci, *Traumatic Injury Mortality in the Gaza Strip from Oct. 7, 2023, to June 30, 2024: A Capture–Recapture Analysis*, 405 THE LANCET 469 (2025) (describing how death tolls are underreported at about 40%).

²⁰⁸ *1,400 Healthcare Workers Killed in Israel's Systematic Attacks on Gaza's Health System*, MED. AID FOR PALESTINIANS (May 9, 2025), <https://www.map.org.uk/latest/news/1736-1400-healthcare-workers-killed-in-israelas-systematic-attacks-on-gazaas-health-system/> [<https://perma.cc/DV7L-D8R2>].

obligation not to use aid and food as weapons of war; they must stop their “starvation campaign.”²⁰⁹ The targeting of healthcare infrastructure has dramatically increased risks for pregnant and postpartum women, contributing directly to increased birth-related mortality and irreversible reproductive harm.²¹⁰ Furthermore, Israel must fulfill its obligations as an occupying power and designate specific zones as protected areas for pregnant women, mothers, and children in accordance with Articles 14 and 15 of the Fourth Geneva Convention, which provide for the establishment of “safety zones and localities” to shelter wounded, sick, children, and pregnant women.²¹¹

The United Nations Office of the High Commissioner found evidence that Palestinian women and girls have reportedly been arbitrarily executed in Gaza, often alongside family members, including their children.²¹² Experts have raised grave concerns over the arbitrary detention of hundreds of Palestinian women and girls—among them human rights defenders, journalists, and humanitarian workers—in Gaza and the West Bank since October 7. Many detainees have endured inhumane and degrading treatment, including severe beatings and denial of menstrual pads, food, and medicine.²¹³ Amnesty International stated in its report that it is “particularly distressed by reports that Palestinian women and girls in detention have been subjected to various forms of sexual assault, including being stripped naked and searched by male Israeli army officers.”²¹⁴

Israel must fulfill its obligations and immediately supply humanitarian assistance to women and girls, ensuring their compliance with international law governing gender commitments in the coordination of a humanitarian response. Israel must allow the immediate deployment of specialized obstetric emergency teams through humanitarian corridors, as guaranteed under Article 23 of the Fourth Geneva Convention, in order to address the critical shortage of maternal healthcare providers. Israel must establish these units as functioning emergency obstetric care units with necessary resources and protection from military operations as required by Articles 18, 20, and 56 of the Fourth Geneva Convention. Lastly, Israel must guarantee essential medications, nutritional supplements, and medical equipment specifically for prenatal and postnatal care as obligated under Article 23 of the Fourth Geneva Convention. Emergency food assistance to the 42,000 women-headed households, and all Gazans, must happen in partnership with the World Food Programme; non-food items such as baby formula and dignity kits must be distributed (as they have currently been blocked); and there must be

²⁰⁹ Michael Fakhri (Special Rapporteur on the Right to Food), “*This Is Not a Ceasefire—It’s a Slowing of Israel’s Genocide and Starvation Campaign*” Says UN Special Rapporteur on the Right to Food, U.N. PALESTINIAN RIGHTS COMM. (Feb. 5, 2025), <https://www.un.org/unispal/document/special-rapporteur-on-the-right-to-food-briefing-5feb2025/> [https://perma.cc/DKT8-YX85].

²¹⁰ See e.g., Christina Zampas, Rebecca Brown & Oneya Afulukwe, *Interpreting International Humanitarian Law to Guarantee Abortion and Reproductive Health Services in Armed Conflict*, 26 HEALTH & HUM. RTS. J. 37, 38–40 (2024) (arguing that the collapse of essential healthcare infrastructure during armed conflict disproportionately impacts pregnant people, driving preventable maternal mortality in violation of customary international humanitarian law).

²¹¹ See OFF. U.N. HIGH COMM’N ON HUM. RTS., *supra* note 111.

²¹² Press Release, Off. U.N. High Comm’r for Hum. Rts., Israel/oPt: UN Experts Appalled by Reported Human Rights Violations Against Palestinian Women and Girls (Feb. 19, 2024), <https://www.ohchr.org/en/press-releases/2024/02/israelopt-un-experts-appalled-reported-human-rights-violations-against> [https://perma.cc/SH2Q-7CGV].

²¹³ *Israel/OPT: Horrifying Cases of Torture and Degrading Treatment of Palestinian Detainees Amid Spike in Arbitrary Arrests*, AMNESTY INT’L (Nov. 8, 2023), <https://www.amnesty.org/en/latest/news/2023/11/israel-opt-horrifying-cases-of-torture-and-degrading-treatment-of-palestinian-detainees-amid-spike-in-arbitrary-arrests/> [https://perma.cc/23ET-BVDC].

²¹⁴ OFF. U.N. HIGH COMM’R FOR HUM. RTS., *supra* note 196.

unimpeded delivery of medical equipment and personnel.²¹⁵ Approximately 10.36 million menstrual pads are needed monthly—equivalent to twenty truckloads—to meet the needs of 690,000 women and adolescent girls of reproductive age in Gaza.²¹⁶ Currently, the Israeli government has blocked eleven American doctors and nurses from leaving Gaza and prevented a team from organization Rahma from entering Gaza.²¹⁷ Israel has also blocked UNRWA, the largest supplier of Palestinian relief and UN Agency, from operating in Gaza.²¹⁸

The collapse of Gaza's legal infrastructure has left women, especially widows and displaced girls, at heightened risk of Gender-Based Violence (GBV). The UN Population Fund reported that many GBV shelters have been destroyed, and few remain partially functioning.²¹⁹ An urgent intervention is needed to establish temporary safe spaces, psychosocial services, and emergency referral systems following *General Recommendation No. 30* of the Committee on the Elimination of All Forms of Discrimination Against Women.²²⁰

In the short term, international bodies, particularly the United Nations Human Rights Council, should dispatch independent investigative teams with gender-specialized units to collect evidence of femicide, sexual and reproductive violence, and acts intended to prevent births within the Palestinian population. These investigations should prioritize testimony from survivors, maternity healthcare providers, and displaced women in shelters, ensuring alignment with best practices as articulated by the *United Nations Commission of Inquiry on Syria* and the *Independent International Fact-Finding Mission on Myanmar*.²²¹

²¹⁵ U.N. WOMEN, GENDER ALERT: NEEDS OF WOMEN, GIRLS, BOYS AND MEN IN HUMANITARIAN ACTION IN PALESTINE (Sep. 2019), <https://palestine.unwomen.org/sites/default/files/Field%20Office%20Palestine/Attachments/Publications/2019/9/UNWPALCOGenderAlert2019.pdf> [<https://perma.cc/2TZR-EJP4>]; *Israel's Blocking of Cleaning, Hygiene Supplies Is Another Way It Perpetuates Its Genocide in Gaza* (July 31, 2024), EURO-MEDITERRANEAN HUM. RTS. MONITOR <https://euromedmonitor.org/en/article/6423/Israel%E2%80%99s-blocking-of-cleaning-hygiene-supplies-is-another-way-it-perpetuates-its-genocide-in-gaza>. [<https://perma.cc/9ZZW-A2YV>].

²¹⁶ UNFPA *Situation Report Crisis in Palestine*, UNFPA (Nov. 1, 2024), <https://www.unfpa.org/resources/palestine-situation-report-11-october-2024> [<https://perma.cc/6MFJ-LHBL>].

²¹⁷ Prem Thakker, *Israel Is Blocking 11 American Doctors and Nurses from Leaving Gaza*, ZETEO (Jan. 25, 2025), <https://zeteo.com/p/israel-blocking-american-doctors-gaza> [<https://perma.cc/5MYU-Z6A7>].

²¹⁸ Catarina Demony & James Mackenzie, *Britain, France and Germany Reiterate Concern over Israel Blocking Contact with UNRWA*, REUTERS (Jan. 31, 2025), <https://www.reuters.com/world/middle-east/uk-france-germany-reiterate-concern-over-israel-blocking-contact-with-unrwa-2025-01-31/> [<https://perma.cc/2A8F-SH93>].

²¹⁹ UNFPA, GAZA CITY: COLLAPSE OF GBV REFERRAL PATHWAYS (Oct. 2025), <https://palestine.unfpa.org/sites/default/files/pub-pdf/2025-10/2025.10%20Gaza%20City%20Collapse%20of%20GBV%20Referral%20Pathways.pdf> [<https://perma.cc/AJ6G-F27V>].

²²⁰ Comm. on the Elimination of Discrimination Against Women, Gen. Recommendation No. 30, U.N. Doc. CEDAW/C/GC/30 (Nov. 18, 2013).

²²¹ *Independent International Commission of Inquiry on the Syrian Arab Republic*, OFF. U.N. HIGH COMM'R FOR HUM. RTS., <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/independent-international-commission> (on file with the University of Pennsylvania Journal of Law and Social Change); OFF. U.N. HIGH COMM'R FOR HUM. RTS., INDEPENDENT INTERNATIONAL FACT-FINDING MISSION ON MYANMAR (2017), <https://www.ohchr.org/en/hr-bodies/hrc/myanmar-iffm/index> (on file with the University of Pennsylvania Journal of Law and Social Change) ("In March 2017, the United Nations Human Rights Council established the Independent International Fact-Finding Mission on Myanmar (IIFMM) to establish the facts and circumstances of the alleged human rights violations by military and security forces, and abuses, in Myanmar.").

B. Structural Reforms to Strengthen Legal Recognition of Femicide as Mechanism for Genocide

The systematic targeting of Palestinian women in Gaza necessitates comprehensive reforms at multiple levels to prevent future atrocities and ensure accountability.

First, the international legal framework must be strengthened to better address gender-specific dimensions of genocide. Specifically, specialized legal provisions within international humanitarian law must be created that explicitly address gender-specific dimensions of armed conflict, particularly regarding reproductive violence as a genocidal act under Article 2(d) of the Genocide Convention.²²² The Rome Statute's definition of genocide should be expanded to explicitly recognize gender-based violence and femicide as potential tools of genocide.²²³ This expansion should be accompanied by the development of specific protocols for investigating and prosecuting gender-based aspects of genocide. Drawing on precedents from *Prosecutor v. Akayesu* and *Bosnia v. Serbia*, the international legal community must adopt interpretive guidance affirming that acts intended to prevent births or destroy maternal health systems may satisfy the "intent to destroy" element when patterned and systematic. A *General Comment* by the Committee on the Elimination of Discrimination against Women or a joint declaration by the ICC and OHCHR could catalyze this normative shift.

Given Israel's documented violations, state parties to the Genocide Convention must act under Article I, which imposes obligations to both prevent and punish genocide.²²⁴ Where ICC action is hindered, states should exercise *universal jurisdiction* to investigate and prosecute Israeli officials implicated in genocidal femicide.²²⁵ Domestic courts in third-party countries—particularly those with established war crimes units—must be mobilized to close the impunity gap, as seen in precedents from Spain (Pinochet), Germany (Syrian war crimes), and Belgium (Rwandan genocide).²²⁶

As enshrined in *UN Basic Principles and Guidelines on the Right to a Remedy and Reparation* (2005), victims of gross violations of international law are entitled to reparations.²²⁷ A Gaza Survivors' Justice Fund should be created under international trusteeship to provide reparative assistance to survivors of reproductive violence, widows, orphaned children, and those denied medical care. Reparations must be

²²² See e.g., Convention on the Prevention and Punishment of the Crime of Genocide art. 2(d), Dec. 9, 1948, S. Exec. Doc. O, 81-1 (1949), 78 U.N.T.S. 277. (stating in part "Imposing measures intended to prevent births within the group . . .").

²²³ See e.g., Shayna Rogers, *Sexual Violence or Rape as a Constituent Act of Genocide: Lessons from the Ad Hoc Tribunals and a Prescription for the International Criminal Court*, 48 GEO. WASH. INT'L L. REV. 267, 269-70 (2016) (arguing that the Rome Statute must be amended to explicitly enumerate sexual violence as a constituent act of genocide).

²²⁴ Genocide Convention, *supra* note 12.

²²⁵ *Universal Jurisdiction, Strengthening this Essential Tool of International Justice*, AMNESTY INT'L (Oct. 9, 2012), <https://www.amnesty.org/en/documents/IOR53/020/2012/en/> [<https://perma.cc/4JRC-RAJC>].

²²⁶ See e.g., Nick Wiley, *Impact Jurisdiction & Structural Investigations: The Key to the United States Prosecuting Human Rights Violators*, 74 HASTINGS L. J. 1533, 1536-38 (2023) (arguing that domestic authorities must establish specialized war crimes units to successfully close the impunity gap); Máximo Langer, *Universal Jurisdiction Is Not Disappearing: The Shift from "Global Enforcer" to "No Safe Haven" Universal Jurisdiction*, 13 J. INT'L CRIM. JUST. 245, 247-49 (2015) (tracing the historical mobilization of domestic courts against extraterritorial atrocities, including Spain's Pinochet proceedings and Belgium's prosecutions of Rwandan génocidaires); see also Patrick Kroker & Andreas Schüller, *Extraterritorial Cases in Germany: The Syrian Cases*, 15 J. INT'L CRIM. JUST. 335, 337-39 (2017) (detailing the critical role of Germany's specialized war crimes unit in initiating structural investigations into Syrian state torture under universal jurisdiction).

²²⁷ G.A. Res. 60/147, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, U.N. Doc. A/RES/60/147 (Mar. 21, 2006).

survivor-centered, encompassing medical treatment, psychosocial support, education grants, and community rebuilding—particularly for displaced women-led households.

The reconstruction of institutional capacity, especially healthcare infrastructure, is crucial. Long-term recovery requires rebuilding Gaza's healthcare system with a specific focus on women's needs, including the reconstruction of maternity wards and women's health facilities. This effort must incorporate the establishment of mobile clinics and community-based maternal health workers to ensure widespread access to care. Additionally, developing telemedicine capabilities can provide continuous access to specialized care in areas where physical infrastructure remains compromised.

Support systems for survivors require sustained investment and development. Mental health support programs must be established for women survivors, accompanied by economic empowerment programs for widows and female heads of household. These programs should be integrated with community support networks for mothers and children, ensuring comprehensive support for those most affected by the genocide.

Beyond these elements, long-term accountability must be coupled with structural change. Palestinians must be afforded the space to exercise their right to self-determination, including the ability to shape their political and social future, live in peace, free of occupation, and reclaim the conditions necessary for life on their land.²²⁸

VI. CONCLUSION

The intersection of femicide and genocide in Gaza reveals a critical gap in international law's ability to recognize and respond to gender-specific dimensions of mass atrocity. While the Genocide Convention provides a framework for understanding genocidal intent, it has proven inadequate in addressing how gender-based killings and violence serve as a calculated tool of collective destruction. The systematic elimination of women in Gaza, mainly through attacks on maternal health and reproductive capacity, demonstrates how traditional legal frameworks must evolve to recognize gender-specific patterns of killings and violence as evidence of genocidal intent.

This evolution in legal understanding carries profound implications for vulnerable populations in future conflicts. Just as the tribunals for Rwanda and Yugoslavia expanded the legal field's understanding of sexual violence as a weapon of war, the case of Gaza must transform how the international community conceptualizes and prosecutes gender-based aspects of genocide. The deliberate targeting of women's reproductive capacity and maternal health represents not just a violation of individual rights, but an assault on a community's fundamental ability to exist. The international community's hesitation to recognize these gender-specific patterns of violence as evidence of genocide reflects a broader failure to understand how modern genocide manifests. Traditional frameworks focused on mass killings and direct violence fail to capture how the systematic destruction of women's health infrastructure, combined with policies of enforced deprivation, can achieve the same genocidal ends through more insidious means.

The case of Gaza is thus an indictment of the current system's inadequacies and a mandate for transformation. Future frameworks must explicitly recognize gender-specific violence as potential evidence of genocidal intent and create mechanisms for rapid intervention when such patterns emerge. The international community's response to this challenge will determine, not just the fate of women in Gaza, but our collective capacity to prevent and punish genocide in all its modern manifestations.

²²⁸ G.A. Res. 25/265 pmbl. at 122 (1970); Ibsais, *supra* note 31.