



UNIVERSIDADE CATÓLICA PORTUGUESA

**Dehumanization and the Genocide Case
(South Africa v. Israel)
From “Human Animals” to “No Uninvolved Civilians”**

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Master in Law

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*“You who live safe
In your warm houses,
You who find, returning in the evening,
Hot food and friendly faces:
Consider if this is a man
Who works in the mud
Who does not know peace
Who fights for a scrap of bread
Who dies because of a yes or a no,
Consider if this is a woman,
Without hair and without name
With no more strength to remember,
Her eyes empty and her womb cold
Like a frog in winter.
Meditate that this came about:
I commend these words to you.
Carve them in your hearts
At home, in the street,
Going to bed, rising;
Repeat them to your children.
Or, may your house call apart,
May illness impede you,
May your children turn their faces from you.”*

Primo Levi, 1947

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Abstract: Shaped by complex geopolitical dynamics, the Israeli-Palestinian conflict stands as one of the most intractable crises on the global stage. The latest escalation, sparked by the October 7, 2023 attacks led by Hamas, triggered an unprecedented military campaign by Israel, causing staggering civilian deaths and widespread destruction in Gaza. In a landmark move, South Africa initiated proceedings before the International Court of Justice, accusing Israel of committing acts of genocide against the Palestinian people and through a series of provisional measures, the Court has signaled a recognition of the gravity and urgency of the situation. Of particular relevance, this case places the Court’s conservative approach to genocidal intent under renewed scrutiny. Furthermore, the causal relationship between dehumanization and the crime of genocide is evident in this conflict. The Israeli occupation policies, the distortion of International Humanitarian Law and the use of dehumanizing language by Israeli officials have been progressively excluding Palestinians from moral and legal protections, culminating in an existential threat to an entire population.

Keywords: Palestine; Israel; Genocide; International Court of Justice; International Humanitarian Law; Dehumanization; Occupation Policies; Self-Determination.

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Resumo: Marcado por dinâmicas geopolíticas complexas, o conflito Israelo-Palestino configura-se como uma das crises mais intratáveis no cenário internacional. A mais recente escalada, desencadeada pelos ataques liderados pelo Hamas em 7 de outubro de 2023, provocou uma campanha militar sem precedentes por parte de Israel, causando um número impressionante de mortes civis e uma destruição generalizada em Gaza. Numa iniciativa histórica, a África do Sul deu início a um processo no Tribunal Internacional de Justiça, com a acusação de que Israel está a cometer atos de genocídio contra o povo Palestino e, através de uma série de medidas provisórias, o Tribunal sinalizou o reconhecimento da gravidade e urgência da situação. Particularmente relevante, este caso coloca novamente sob escrutínio a abordagem conservadora do Tribunal em relação à questão da intenção de cometer genocídio. Adicionalmente, a relação causal entre desumanização e genocídio é evidente neste conflito. As políticas de ocupação israelitas, a distorção do Direito Internacional Humanitário e o uso de linguagem desumanizante por parte dos governantes israelitas têm vindo a excluir progressivamente os palestinos de proteções legais e morais, culminando numa ameaça existencial à totalidade de um povo.

Palavras-Chave: Palestina; Israel; Genocídio; Tribunal Internacional de Justiça; Direito Internacional Humanitário; Desumanização; Políticas de Ocupação; Autodeterminação.

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ACRONYMS AND ABBREVIATIONS

CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women.

CERD – Committee on the Elimination of Racial Discrimination

ECOSOC – Economic and Social Council

IAF – Israeli Air Force

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant and Economic, Social and Cultural Rights

ICJ – International Court of Justice

ICRC – International Committee of the Red Cross

ICTY – International Criminal Tribunal for the former Yugoslavia

IDF – Israel Defense Forces

IHL – International Humanitarian Law

ILC – International Law Commission

ICC – International Criminal Court

OCHA – Office for the Coordination of Humanitarian Affairs

OHCHR – Office of the High Commissioner for Human Rights

OPT – Occupied Palestinian Territory

UN – United Nations

UNGA – United Nations General Assembly

UNFPA – United Nations Population Fund

UNICED – United Nations Children’s Fund

UNSC – United Nations Security Council

U.S – United States

WHO – World Health Organization

1. Introduction

The year of 1948 marked the beginning of a new era in the Middle East. In the aftermath of one of the greatest atrocities in modern history, the Holocaust, and with the support of the most popular book of all, the Bible, Jews settled in their historical land, their “promised land”, Israel. For them this was year zero, a new history was beginning. On the other hand, for Palestinians, the history was very different. The same year remembered as the Nakba, or “catastrophe”, was a devastating event that saw the expulsion of hundred of thousands of Palestinians from their homeland and the loss of their homes, culture and identity; to this day Israel refuses to recognize the existence of Palestinians as a nation with the right to self-determination.

Driven by Israel’s relentless thirst for revenge following Hamas’s attacks on October 7, 2023, the current situation in Gaza is catastrophic. South Africa, taking a bold step as a vocal advocate for Palestinian rights, initiated a legal dispute against Israel at the International Court of Justice, accusing Israel of committing genocide. Central to South Africa’s arguments is the dehumanizing rhetoric employed by Israeli officials. However, this dehumanization is not only a rhetorical device and unlike Gregor Samsa’s transformation into “monstrous vermin” in Franz Kafka’s book “The Metamorphosis”, it did not emerge overnight. Rather, it was a gradual, systematic process, a seed planted early on in Israeli policy that has grown over decades of displacement, occupation and oppression. This ongoing process of dehumanization has brought us to the exact moment we are now: with a “real and imminent risk of irreparable prejudice”¹ for the Palestinian people.

In this study we will first provide a backdrop to the current conflict, acknowledging that, as UN Secretary-General mentioned, “the attacks by Hamas did not happen in a vacuum”. As such it is crucial to provide a detailed historical and contextual analysis of the Israeli-Palestinian conflict while also introducing the ICJ’s involvement in this matter. We will explore the legal framework surrounding the crime of genocide, demonstrating that the denial of a group’s humanity is a key step in the progression toward genocide. Given that the study of genocide requires a holistic approach, we shall explore the intersection of dehumanization and IHL in the context of the Israeli-Palestinian conflict,

¹ ICJ, *South Africa v. Israel, Provisional Measures*, order of 26 January 2024, § 74.

as the legal distortion of IHL plays a significant role in enabling acts of genocide. Furthermore, we will demonstrate how the dehumanization of the Palestinian people keeps this protracted conflict going, being deeply embedded and institutionalized in Israeli policies and practices in the OPT and how they paved the groundwork for the appalling dehumanizing narratives that followed the October 7 attacks, notably the “human animals” expression to refer to Palestinians. Finally, we will critically analyze ICJ’s position on the question of genocidal intent and investigate the disproportionate impact that the conflict has on women and girls, an essential dimension of the ongoing dehumanization that specially characterizes the conflict.

2. Background and Context

2.1. Historical Context of the Israeli-Palestinian Conflict

More than one hundred years ago, on 24th July 1922, the League of Nations adopted a legal document approving the British mandate for Palestine, with its preamble incorporating the Balfour Declaration² and emphasizing the Jewish historical connection with Palestine.

In 1947, Great Britain referred the Palestinian question to the UN, which in November of that year adopted Res. 181 (II). It was decided that Palestine would be partitioned into two independent states: Jewish state and an Arab state, while Jerusalem would remain under international control. David Ben-Gurion, on May 14, 1948, proclaimed the modern state of Israel with the support of several Western states. The violent birth of the state of Israel resulted in the expelling of 750,000 Palestinians and the capturing of 78% of Palestine,³ an event they refer to as “Nakba”, causing them to lose their lands, their properties and their way of life. The Nakba compensation came in the form of a UNGA Resolution⁴, adopted in December 1948, which enshrined the right of return for Palestinian refugees. In this regard, it is crucial not to forget that the acceptance and implementation of Res. 194 (III) was a conditional requisite enshrined in the preamble of Res. 273 (III), regarding the admission of Israel as a member state of the United Nations.⁵ The Palestinians right of return was reaffirmed by the UNGA on more than 135 occasions⁶, demonstrating the consistent and unwavering support of the international community on this issue. However, despite international recognition, the state of Israel never saw them as refugees, as doing so would mean Palestine was their country, to which they should be able to return.⁷

A turning point for the entire region, marking the start of a new phase in the conflict between Israel and Palestine, occurred in 1967. A war that lasted only six days and its effects endure to this day. Israel captured and occupied the Gaza Strip and the West Bank, including East Jerusalem. The importance of this historical juncture for Israel is

² Issued on November 2, 1917, the Balfour Declaration, named after Arthur James Balfour, was a public pledge by Britain declaring its support for the creation “a national home for the Jewish people” in Palestine.

³ Haddad, 2020.

⁴ UNGA Res. 194 (III), 1948.

⁵ Levine, 2011.

⁶ Levine, 2011.

⁷ Shehadeh, 2024.

evident in the government's resistance to strong international pressure to withdraw from all the territories occupied in 1967, as Security Council Res. 242 demands.⁸ Since then, Palestinians in the OPT live in “a system of oppression and domination”,⁹ that do not align with the basic principles of international human rights law, international humanitarian law and with the law of occupation.

In its Wall Advisory Opinion, the International Court of Justice concluded that Israel's settlement policy carried out in the West Bank, East Jerusalem and in the Gaza strip and the régime associated with them, were established in breach of international law¹⁰ and in violation of the Fourth Geneva Conventions.¹¹ Despite Israel's claims, according to the ICJ's Advisory Opinion from July 2024, the withdrawal of its military forces from Gaza in 2005 did not end its occupation since “Israel remained capable of exercising, and continued to exercise, certain key elements of authority over the Gaza Strip, including control of the land, sea and air borders, restrictions on movement of people and goods...”¹², maintaining a *de facto* control. In July 2024, the Court ruled that Israel's continued presence in the occupied Palestinian territory is unlawful¹³ and should come to an end “as rapidly as possible.”¹⁴ Additionally, the Court stated that Israel is under an obligation to provide full reparation (restitution, compensation and/or satisfaction) for the damage caused by its international wrongful acts.¹⁵ Must not be lost that in 2004, the Court determined that the separation wall built by Israel in the West Bank is illegal under international law and should be demolished. The fact that it remains standing means we should not expect Israel's presence in the OPT to end in the foreseeable future.

2.2. The impact of October 7: A turning point in the conflict

⁸ One of the few UN Security Council Resolution critical do Israel that was not vetoed by the United States.

⁹ Amnesty International, 2022.

¹⁰ Recently reaffirmed by the ICJ in its Advisory Opinion on the Legal Consequences of Israel's Policies and Practices in the OPT.

¹¹ ICJ, *Advisory Opinion on Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 2004, § 120.

¹² ICJ, *Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*, 2024, § 92.

¹³ *Ibid.*, § 285 (4).

¹⁴ *Ibid.*, § 267.

¹⁵ *Ibid.*, §269-270.

In the early morning of October 7, an unprecedented attack in Israel led by Hamas and other Palestinian armed groups resulted in the tragic death of 1,200 persons in Israel, of whom at least 809 were civilians¹⁶ and in the abduction of 252 people, taking them to Gaza as hostages.¹⁷ This devastating event inflicted a collective trauma on Israel, and a sense of fear that likely persists to this day and will persist for the years to come.

What came next was a “political and humanitarian catastrophe of epic proportions”¹⁸ marked by shocking levels of Palestinian civilian deaths and widespread destruction. In blatant disregard for International Humanitarian Law, Israel started its large-scale military assault by sea, air and land on the Gaza strip, one of the most densely populated places in the world.¹⁹ By 14 October 2023, Israel made one of the fastest mass displacements in history²⁰, ordering 1.1 million Palestinians to move to the south of Gaza in 24 hours. The right-wing prime minister, Benjamin Netanyahu, vowed to turn all places where Hamas was hiding into “rubble”, referring to Gaza as a “wicked city” and the minister of defense at the time, Yoav Gallant, declared a “complete siege”, allowing no electricity, no food, no water and no fuel to enter Gaza.

Entitled “Swords of Iron War” by Israel, “in just two months, researchers say the offensive has wreaked more destruction than the razing of Syria’s Aleppo between 2012 and 2026, Ukraine’s Mariupol or, proportionally, the Allied bombing of Germany in World War II. It has killed more civilians than the U.S-led coalition did in its three-year war campaign against the Islamic State group.”²¹ Between 7 October 2023 and April 2025, flouting the principles of distinction, proportionality and precaution Israel killed at least 51,266 Palestinians,²² an average of 100 Palestinians killed every day over the past 15 months²³ and thousands are missing, probably under the more than 42 million tons of rubble.²⁴ In Gaza, over half of the population are children and the conflict has turned the territory into their graveyard: “Gaza is the most dangerous place in the world to be a

¹⁶ UN Human Rights Office of the High Commissioner, 2024.

¹⁷ Rule 96 and Common Article 3 of the Geneva Conventions prohibit the taking of hostages and article 8 (2)(a)(viii) of the Rome Statute classifies it as a war crime.

¹⁸ UN News, 2023.

¹⁹ Rigdon & Kruk, 2023.

²⁰ Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 2024, A/HRC/56/CRP.P4, § 94.

²¹ Frankel, 2024.

²² OCHA, 2025.

²³ Duggal & Ali, 2025.

²⁴ Kyada, S., *et al.*, 2024.

child.”²⁵ Furthermore, the healthcare system in Gaza was already struggling to meet basic needs before October 2023, but, Israeli strikes targeting hospitals pushed the healthcare system “to the brink of total collapse, seriously impacting Palestinians’ access to health and medical care.”²⁶

Despite official claims, Israel’s objective appears to extend beyond the destruction of Hamas. For decades, Hamas has played a pivotal role in Israeli strategy. Prime-Minister Netanyahu deliberately pursued policies that empowered Hamas to the detriment of Palestinian Authority. Netanyahu capitalized on internal divisions within the Palestinian leadership, which played a key role in the disintegration of the Palestinian national project.²⁷ Therefore, by maintaining this division, the establishment of a Palestinian state was hindered, providing grounds to argue the absence of a unified Palestinian leadership for negotiations.²⁸

Hence, this apocalyptic scenario of collective punishment²⁹ and of reckless bombardments with completely disregard for civilian life, has led several human rights organizations³⁰, legal experts³¹ and South Africa, in its case before the International Court of Justice, to accuse Israel of committing acts that may amount to the crime of all crimes³², genocide. The fact that South Africa brought this case is no coincidence:³³ its motivation is shaped by its own painful history of *apartheid* and discrimination, struggles that closely mirror those faced by the Palestinian people.³⁴ It is important not to forget that South Africa’s image as a human rights and justice defensor has been undermined by its actions on the global stage. For example, South Africa abstained from a key UNSC Resolution condemning the Syrian government’s crackdown, refused to arrest Omar Al-Bashir, Sudanese president, despite ICC warrant and abstained from condemning Russia’s invasion.³⁵ Yet, at a time where Western double standards are in the spotlight, the world appears willing to overlook Pretoria’s past moral failings.

²⁵ UNICEF, 2023.

²⁶ OHCHR, 2024, § 30.

²⁷ Scheindlin, 2025.

²⁸ Shehadeh, 2024.

²⁹ Collective punishment is prohibited under Geneva Convention III, article 87; AP I article 75(2)(d); and article AP II article 4(2)(b).

³⁰ Amnesty International, 2024; Human Rights Watch, 2024.

³¹ Albanese, 2024; Fakhri, 2024; OHCHR, 2023.

³² Schabas, 2003.

³³ Keitner, 2024.

³⁴ Roestenburg-Morgan, 2024.

³⁵ Polakow-Suransky, 2024.

Since January, under South Africa's request, the Court has ordered provisional measures three times and although there is no global police force or another mechanism to ensure compliance with the Court's orders, they are legally binding.³⁶ In January, the Court recognized a "real and imminent risk of irreparable prejudice"³⁷, instructing Israel to prevent the commission of all acts enshrined in the Genocide Convention.³⁸ In March, the Court took notice that "the catastrophic living conditions of the Palestinians in the Gaza Strip have deteriorated further"³⁹, ordering Israel to take immediate and effective measures to enable the "provision of urgently needed basic services and humanitarian assistance".⁴⁰ Lastly, in May, Israel was ordered to "immediately halt its military offensive"⁴¹ in Rafah.

The accusation of genocide against Israel is more than just a legal case: it is imbued with profound symbolism, irrespective of what the outcome is. Israel has enjoyed a certain moral high ground, particularly in the West, where the legacy of the Holocaust played a central role in shaping diplomatic support. It is paradoxical to witness Israel and its supporters weaponize the memory of the Holocaust in favor of Israel's actions while, at the same time, Israel faces an accusation of genocide at the Hague. The Genocide Convention "arose out of the ashes of the Holocaust"⁴² and Israel, with this juxtaposition and through its appearance at the Court has undermined the moral standing it was supposed to enjoy as the nation that is the heir to the tragedy of the greatest acts of genocide.

³⁶ Keitner, 2024.

³⁷ ICJ, *South Africa v. Israel. Request for the Indication of Provisional Measures*, order of 26 January, 2024, §74.

³⁸ *Ibid.*, § 86 (1).

³⁹ ICJ, *South Africa v. Israel. Request for the Indication of Provisional Measures*, order of 28 March, 2024, §18.

⁴⁰ *Ibid.*, §5(4).

⁴¹ ICJ, *South Africa v. Israel. Request for the Indication of Provisional Measures*, order of 24 May, 2024, §57(2)(a).

⁴² Hawalesha, 2024.

3. Genocide: Legal Framework and the Role of Dehumanization

The term Genocide was coined by Raphael Lemkin, in 1944, to refer to the “destruction of a nation or of an ethnic group”⁴³. By defining this term, Lemkin sought to describe Nazi policies of systematic murder against the Jews during World War II. In 1946 the UNGA adopted Res. 96 (I) declaring that “Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings” and affirmed it as a crime under international law. Later, in 1948, was adopted by the UNGA the Convention on the Prevention and Punishment of the Crime of Genocide. Article II of the Genocide Convention codifies the principle definition of the crime of genocide:

“...genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.”

The crime of genocide comprises two key and interconnected elements: a physical and a mental one. The first, known as *actus reus* entails the commission of the specific acts above-mentioned. The second, *mens rea*, encompasses the intent behind the commission of one or more of these acts, “regarded as *dolus specialis*, that is to say a specific intent”⁴⁴ and this is the characteristic that distinguishes genocide from other serious crimes. Thus, genocide requires a “double intent”.⁴⁵

Genocide is also codified as a crime in article 6 of the Rome Statute, falling under the subject matter jurisdiction of the ICC. The prohibition of genocide is recognized as a *jus cogens* norm,⁴⁶ therefore, genocide “holds the highest hierarchical position among all

⁴³ Lemkin, 1944.

⁴⁴ ICJ, *Croatia v. Serbia*, 2015, §132.

⁴⁵ Ambos, 2009.

⁴⁶ Article 53 of the Vienna Convention on the Law of Treaties enshrines that a “jus cogens norm is a norm accepted and recognized by the international community of States as a whole as a norm from which no

other norms and principles”.⁴⁷ All states are bound, under both the Genocide Convention and Customary International Law, by *erga omnes* obligations to prevent, punish and prosecute acts of genocide. When ratifying the Genocide Convention a state is bound by the obligations incumbent upon it as a State party, regardless of the fact that there may be an ongoing conflict between armed groups and the military⁴⁸, therefore, genocide can never be justified, not even in the name of self-defense.⁴⁹

Four protected groups are identified in the Genocide Convention: national, ethnical, racial and religious groups. Hence, to commit genocide the enumerated acts in article II must be carried with the intent to destroy a protected group belonging to one of the four recognized groups. The ICTY has characterized a national group as “a collection of people who are perceived to share a legal bond based on common citizenship, coupled with reciprocity of rights and duties.”⁵⁰ Offering a different interpretation, Stefan Glaser, mentioned that “what characterizes a nation is not only a community of political destiny, but, above all, a community marked by distinct historical and cultural links or features. On the other hand, a ‘territorial’ or ‘state’ link does not appear to me to be essential.”⁵¹ On the same line, Nicodème Ruhashyanko, former Special Rapporteur on Prevention and Punishment of the Crime of Genocide observed that the term “national origin” used in the Convention on the Elimination of All forms of Racial Discrimination was meant in a sociological sense, not in a legal/political sense like “nationality” or “citizenship” and this understanding also influences how “national group” is interpreted under the Genocide Convention: a group of people who share a common identity based on culture, language and traditional way of life.⁵² Hence, Palestinians, share a strong sense of cultural, linguistic, and historical identity and are recognized as a distinct nation with the right to self-determination, being, therefore, a “national group.” Furthermore, the Court affirmed that Palestinians “appear to constitute a distinct national, ethnical, racial or religious

derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character”.

⁴⁷ Bassiouni, 1996.

⁴⁸ ICJ, *South Africa v. Israel, Application Instituting Proceedings Containing a Request for the Indication of Provisional Measure*, §139.

⁴⁹ Schabas, 2003.

⁵⁰ ICC, *Prosecutor v. Jean-Paul Akayesu*, §512.

⁵¹ Glaser, 1970.

⁵² Ruhashyankiko, 1978.

group, and hence a protected group within the meaning of article II of the Genocide Convention.”⁵³

When it comes to accountability for genocide, both individuals and states can be held responsible. Article 25 of the Rome Statute enshrines individual criminal responsibility if the person directly and publicly incites others to commit genocide or if that person commits such a crime. Turning to state responsibility – a central issue in the current case brought against Israel before the ICJ –the ILC articles on Responsibility of States for Internationally Wrongful Acts affirm that a State is responsible when an individual representing the State or an organ of the state commits genocide or any of the other acts enumerated in III of the genocide convention.⁵⁴ In this case, the individual’s actions are considered to be those of the State.

Genocides, war crimes and crimes against humanity share a common denominator.⁵⁵ Before physical acts of violence occur, the state sets the stage socially, politically and psychologically. This stage is prepared with words that create a reality because more than motivation, “genocide needs legitimization and dehumanization meets that need.”⁵⁶ Thus, efforts to commit genocide against another group of people are accompanied and justified with the idea that those being annihilated are not really people⁵⁷, as if they were subhuman, to the point of being outside the bounds of humanity. Dehumanization is a blue print for genocide. When victims are dehumanized, “the principles of morality no longer apply to them and moral restraints against killing are more readily overcome.”⁵⁸ It is this denial of human-ness that permits killing without impunity, as it renders the killing “impersonal and unemotional.”⁵⁹ Hence, denying the humanity of the other group, dehumanizing them, is not only a regular feature of genocide but, according to some scholars,⁶⁰ an essential prerequisite for such atrocity.

⁵³ ICJ, *South Africa v. Israel. Request for the Indication of Provisional Measures*, order of 26 January, 2024, §45.

⁵⁴ ILC, Responsibility of States for Internationally Wrongful acts, articles 2, 4, 8; See ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro* §179 and *Croatia v. Serbia* §128-129.

⁵⁵ Oksanen, 2024.

⁵⁶ Savage, 2013.

⁵⁷ Smith, 2011.

⁵⁸ Kelman, 1973.

⁵⁹ Lang, 2017.

⁶⁰ Dr Gregory H. Stanton, President of Genocide Watch considers “Dehumanization” as one of the ten stages of genocide.

In this scenario, language is used intentionally as a tool of harm, to assign derogatory, animalistic and non-human qualities to the targeted group.⁶¹ There are several examples of dehumanization that led to innumerable acts of violence, war crimes, and genocides throughout history: colonized peoples were commonly represented as “simian beasts”⁶² and in Nazi Germany, Jews were described as “*Untermenschen*”⁶³ and as “vermin”. During the Rwandan genocide, Hutus usually referred to Tutsis as “cockroaches”. Comparing human beings to a repulsive creature, such as cockroaches, that to completely eliminate an infestation, you have to kill every stage of the life cycle (eggs, larvae, adults), turned all Tutsis into a creature that needed to be eliminated. This concept was so deeply embedded that a secret military operation against the Tutsi had the code name “operation insecticide”.⁶⁴

Consistent with Genocide Watch model, dehumanization is the fourth stage out of ten stages of genocide. Nevertheless, dehumanization plays several roles in the genocidal process at multiple stages of that process.⁶⁵ It occurs in the three stages prior: classification, symbolization and discrimination. These are foundational elements of dehumanization, serving as early mechanisms that strip individuals of their humanity. The first process, classification, divides the world into “us vs them”, reducing individuals to group identities rather than recognizing their individuality, a crucial step in treating them as less than fully human. Then, the second process, marks that distinction through symbolization, where the group begins to be seen through given names or symbols, not as a people and in the third stage, dehumanization moves beyond perception and into concrete measures, marked by laws and customs that prevent groups of people from exercising their full rights as citizens. As such, the role that dehumanization plays in genocide cannot be confined to a single stage. It extends far beyond the deployment of vilifying animal metaphors, playing multiple roles, before, during and even after genocidal violence.

Furthermore, all genocidal situations are marked by a sharp division of society between the dominant “in-group” and a marginalized and inferior “out-group”. The perception of “otherness”, is what makes the in-group separate from the out-group, by

⁶¹ Haagensen & Croes, 2012.

⁶² Haslam, 2020.

⁶³ Subhuman.

⁶⁴ Smith, 2011.

⁶⁵ Haslam, 2020.

attaching a negative value to the differences between the groups.⁶⁶ The process of “othering” plays a central role in shaping entire identities and social realities. “Strangers can be more easily depersonalized than can acquaintances”⁶⁷ and people are more likely to ascribe more human qualities to members of their own group, while perceiving those in the out-group as lacking humanness. For example, individuals that belong to a group considered racially different, outside the in-group, are viewed as lacking intelligence and lacking morality and in contrast, the dominant group sees themselves as civilized and with moral superiority. In fact, at the heart of racism lies the refusal to recognize the shared and equal humanity of individuals belonging to a particular group.⁶⁸ The people in these groups are cast as “others”, seen profoundly unsimilar to “us”, and as such, they lack typically human characteristics.⁶⁹ Hence, dehumanization and the construction of a racial identity have in common the creation of a rigid “us vs. them” divide, where certain groups are assigned fixed, innate characteristics that lead to their perception as being of lesser value. Thus, departing from the idea that the concept of race brings together the psychological, cultural and biological aspects of dehumanization, we can argue that dehumanization is “bound up with racism.”⁷⁰

When we recognize shared characteristics with others we identify with them. Once we identify with them, we feel empathy and therefore, we have “compassionate emotional reactions”⁷¹ grounded in social and moral obligations. Dehumanization disrupts our sense of similarity, consequently, making it difficult to identify with that person or group of persons. If we don’t have that perception of identification, then, we don’t have empathy, which is the recipe for the existence of community and moral obligations. Putting a certain group of human beings “outside the bounds of humanity and of human moral obligation”⁷² is what allows genocide to occur and is the reason that “no mass atrocities in the contemporary world have occurred without some form of dehumanization.”⁷³

We have already established that dehumanization enables genocides to happen because of the process of “moral disengagement.”⁷⁴ However, dehumanization doesn’t

⁶⁶ Lingaas, 2020.

⁶⁷ Bandura, 1999.

⁶⁸ Bobo, 2017.

⁶⁹ Leyens, *et al.*, 2000.

⁷⁰ Smith, 2011.

⁷¹ Lang, 2017.

⁷² Savage, 2013.

⁷³ Kressel, 1996.

⁷⁴ Savage, 2013.

always have genocide as a result. When does dehumanization lead to genocide? As the impact of dehumanization hinges on the surrounding circumstances, when trying to understand when dehumanization transitions to genocidal dehumanization, the historical, cultural and temporal dimensions must be taken into consideration.⁷⁵ Prejudices take on different forms over time, leading to significant shifts in how targeted groups are treated. Moreover, such prejudices arise at specific historical moments, shaped by specific events, and their expression in certain contexts carries significant consequences.

⁷⁵ Ibid.

4. Turning Gaza into a Destroyable Target: Dehumanization as a Way of Contaminating and Twisting International Humanitarian Law

The UN Charter and other global legal frameworks exist prevent and reduce human suffering and are set out to avert wars. When this legal framework fails, the Geneva Conventions, at the heart of the law of armed conflicts, steps in. We, humans, members of the *Homo sapiens* species, share a common humanity, where every person holds intrinsic value, transcending differences such as nationality and ethnicity⁷⁶, nevertheless, as will be shown in the following chapter, dehumanization plays an immense role in armed conflicts. Hence, International Humanitarian Law surges to regulate the actions of parties involved in armed conflicts, applying regardless of the cause of the conflict or who initiated it. It steps in to “make the violence and horror of war less violent – to defuse the causal chains that dehumanization sets off and which can fuel it further.”⁷⁷ Although in an apparent contradiction, IHL recognizes that armed conflicts will inevitably result in death and destruction but simultaneously forbids the dehumanization of the adversary.⁷⁸ The truth is that, “parties to armed conflicts have used IHL to justify their actions when they depart from the expectations that would ordinarily apply in peacetime.”⁷⁹ IHL is not a super protective legal regime and this justification is not limitless. Existing to prevent the most violent effects of war and to protect those who are not involved in a conflict, what happens when a party to the conflict portrays civilians as a part of the conflict?

IHL’s fundamental objective is to protect both civilian individuals and the civilian population. Along these lines, Article 50 of Additional Protocol I to the Geneva Conventions and Customary Rule 5 define civilians as persons who are not members of the armed forces. Moreover, article 48 AP I to the Geneva Conventions and Rule 1 enshrine the principle of distinction, which means that the civilian population and civilian objects must, at all times, be distinguished from combatants and military objectives. Undeniably, carrying out military operations in Gaza – one of the most densely populated urban areas in the world – presents significant challenges in avoiding civilian harm, but

⁷⁶ Deffenbaugh, 2024.

⁷⁷ Ibid.

⁷⁸ Droege, 2024.

⁷⁹ Ibid.

these challenges “do not strip the civilian population in that territory of legal protection.”⁸⁰ However, since 7 October 2023 that Palestinians are not seen as human beings. If a person is seen as less than human, their dignity and their intrinsic value is stripped away and, therefore, in the perpetrators headset there is a justification to exclude those people from the legal protection they have. Palestinians are not seen as doctors, professors or bakers. They are not seen as children or as older people; from the relentless bombardments and the overwhelming number of civilian deaths, they seem to be seen as a security threat that needs to be eliminated, and therefore, are considered legitimate targets.

Ever since the conflict broke out, multiple statements have been made conflating Palestinians in Gaza with Hamas fighters. The examples are innumerable. At the beginning of the conflict, on 12 October 2023, President of Israel, Isaac Herzog, implied that militants and civilians were not being distinguished in Gaza when he made the infamous statement that “It’s an entire nation out there that is responsible. It is not true this rhetoric about civilians not aware, not involved. It is absolutely not true”. After this statement, “there are no uninvolved civilians” became a slogan widely echoed by Israeli soldiers.⁸¹ On November 2023, Ben-Gvir, Minister of National Security participated on a TV show commenting that “when they say Hamas needs to be eliminated, it also means those who sing, those who support and those who distribute sweets, all of these are terrorists. And they should be eliminated”. Furthermore, Israel Katz, currently serving as Minister of Defense, mentioned that Gaza was a “nation of murderers and butchers of children”, Smotrich, Minister of Finance declared that there are “2 million Nazis... who want to slaughter, rape and murder every Jew” and former head of the Israeli National Security Council, adviser to the defense minister and frequent commentator on local and foreign media, Giora Eiland, mentioned “who are the poor women of Gaza? They are all the mothers, sisters or wives of Hamas murderers” As seen by these examples, Israel has blurred the distinction of civilian and military targets, by rejecting the idea that there are “innocent” civilians in Gaza. Consequently, Israel is forging a completely new classification for civilians by distinguishing those who are “involved” and those who are “uninvolved.” In this way, Gazans are portrayed as legitimate targets, eroding the whole purpose of IHL, which is to protect as much lives as possible. Hence, the consistent

⁸⁰Weller, 2023.

⁸¹ Amnesty International, 2024.

dehumanizing rhetoric has turned Gaza into a “world without civilians”⁸² and the distortion of IHL has transformed its population and territory into a destroyable target.

Additionally, Israel has argued that by instructing the population of northern Gaza to evacuate, it was fulfilling its obligation to distinguish between civilians and combatants. As a result, Israel justifies its behavior as compliance with IHL, while also shifting all the responsibility and risk involved in armed combat in an urban environment from the soldiers to the civilians, discharging, this way, its duty of distinction between combatants and civilians – as if wishing the population away would absolve Israel from further responsibility.⁸³ For example, on 13 October 2023, 1.1 million of Palestinians were instructed to evacuate⁸⁴ northern Gaza to a designated safe zone in the south of Gaza. Amidst a heavy bombing campaign and within 24 hours, which made the order almost impossible to follow, Israel characterized as “human shields” and “sympathizers”⁸⁵ of terrorism those who did not evacuate.⁸⁶ This was particularly troubling because southern Gaza, the only place the population was allowed and supposed to move, was itself subject to relentless attacks.⁸⁷ Additionally, Israel’s refusal to allow sufficient humanitarian aid exacerbated and worsened the dire living conditions for those attempting to escape to the south.

In fact, the killing of civilians is not necessarily unlawful in IHL. A cornerstone principle of IHL, the principle of proportionality⁸⁸, defines that where it is impossible to isolate civilians from an attack against a lawful military objective, if the foreseeable loss of civilian life would be “excessive in relation to the concrete and direct military advantage anticipated”, the operation must not take place. However, proportionality cannot be evaluated properly unless the principle of distinction is respected first.⁸⁹ If the principle of distinction is not respected, and civilians are harmed due to failure to

⁸² Semerdjian, 2024.

⁸³ Weller, 2023.

⁸⁴ According to the ICRC the instructions issued by the Israeli authorities for the population of Gaza to immediately leave their homes, coupled with the complete siege are not compatible with international humanitarian law.

⁸⁵ Reuters, 2023.

⁸⁶ Albanese, 2024, § 78; UN Special Rapporteur on the Human Rights of Internally Displaced Persons, Gavira Betancur said “it is inconceivable that more than half of Gaza’s population could traverse an active war zone, without devastating humanitarian consequences, particularly while deprived of essential supplies and basic services”.

⁸⁷ See NY Times, 2023.

⁸⁸ Customary International Humanitarian Law Database, rule 14; Protocol I Additional to the Geneva Conventions of 1949, arts. 51(5)(b) and 57.

⁸⁹ Daniele, 2023.

distinguish between civilians and combatants, the harm can no longer be considered incidental and an unintended consequence of the attack.⁹⁰

The principle of proportionality can readily become a form of dehumanization.⁹¹ As the human faces who have been killed or injured are elided, Israel expands the extent of the principle of proportionality to its own sense of injustice or threat felt.⁹² Representatives of Israel frame the principle of proportionality according to the war's military goal: to eradicate Hamas. "Accomplishing that objective, outweighs any excessive harm to civilians."⁹³ For instance, a former IDF Director of Military Prosecution for Judea and Samaria stated that "considering the military advantage gained by eliminating these senior terrorists, it is irrelevant to ask how many children were incidentally killed."⁹⁴ Thus, the perception of Palestinian civilians, including children, as legitimate targets of proximity reveals the extent to which their dehumanization has become complete. Under these circumstances, by labeling all the population of Gaza as not innocent, Israel blurs the lines between legitimate targets and civilians and civilian infrastructures. Hence, everything becomes framed in a way to justify civilian harm or as a way to dismiss all civilian deaths as collateral damage⁹⁵, a consequence of the dehumanization of Palestinians, reducing all the avoidable deaths of children, families and entire communities to nothing more than an unfortunate but lawful⁹⁶ side effect of war, one that, in this view, they have brought upon themselves.

Furthermore, it is important to note that cities are primarily populated by civilians, who are not involved in the armed conflict, and are packed with infrastructures for civilian use. The IAF'S bombing of the Gaza Strip has been widely criticized for the extreme level of civilian casualties and the choices of the weapons used. There's a real question about being able to abide by IHL principles in such densely urban settings, when most bombs are among the largest in regular use,⁹⁷ 2,000-pound bombs, and when we are witnessing over a hundred civilians killed⁹⁸ in strike on mid-level Hamas leaders.

⁹⁰ Albanese, 2024, § 72.

⁹¹ Gordon & Perugini, 2020.

⁹² Weller, 2023.

⁹³ Rubenstein, 2023.

⁹⁴ Hirsch, 2023.

⁹⁵ Daniele, 2024; See The Guardian, 2023.

⁹⁶ Droege, 2024.

⁹⁷ Garlasco, 2024.

⁹⁸ Cloud, 2023.

It is unequivocal that there is no legal interpretation that allows a whole population of 2.3 million people to lose their civilian status, even if, as Israel claims⁹⁹, they are being used as human shields. Hamas has a vast network of underground tunnels in Gaza¹⁰⁰ that led Israel to invoke that all civilians in the surface of Gaza are potential human shields, using this term as a concept that can be expanded *ad infinitum*. For example, the Ministry of Foreign Affairs published on the official Israeli government website¹⁰¹ that Hamas is embedded in the population and for that reason it “cannot be concluded from the mere fact that seeming ‘civilians’ or ‘civilian objects’ have been targeted, that an attack was unlawful.” The reasoning here is that Palestinian civilian structures such as hospitals, homes and places of worship are not to be treated as having civilian use and that Palestinian civilians are regarded as human shields simply by being near¹⁰² potential Israeli targets. For this reason, Israel has bombed hospitals, refugee camps, mosques, schools and residential buildings.

In fact, IHL strictly prohibits the “presence or movements of the civilian population or individual civilians... to render certain points or areas immune from military operations”¹⁰³ and their use constitutes a war crime enshrined in article 8(2)(b) xiii of the Rome Statute. Notwithstanding the unlawful use of civilians as human shields, their civilian status remains intact, and they continue to be protected under the principle of distinction and proportionality. Thus, even if Hamas is using human shields, this does not make them legitimate targets¹⁰⁴ and does not justify indiscriminate or disproportionate harm to them. Given this entire narrative, Israel is, yet again, distorting its grave breaches of IHL, through a “blame shifting”¹⁰⁵ technique. This way, Israel erases the possibility of “Palestinian civilianness”¹⁰⁶ and erodes the moral and legal barriers against killing them: their suffering no longer is a restraining factor, a hallmark of dehumanization.

As mentioned before, IHL recognizes that war is violent and as such, it permits a level of violence that would normally be deemed unacceptable in times of peace. This

⁹⁹ Israel Defense Forces, 2023.

¹⁰⁰ See Arrans, et al., 2023.

¹⁰¹ See State of Israel, Ministry of Foreign Affairs, 2023.

¹⁰² Gordon & Perugini, 2021.

¹⁰³ Protocol I Additional to the Geneva Conventions of 1949, art. 51 (7); See Customary International Humanitarian Law Database, rule 97.

¹⁰⁴ Daniele, 2024.

¹⁰⁵ During ICJ hearings, Israel legal team argued that Hamas was responsible for the destruction of Gaza and noted that Gaza’s civilian infrastructure is the “most sophisticated terrorist stronghold in the history of urban warfare”

¹⁰⁶ Perugini & Gordon, 2024.

includes allowing some incidental civilian harm when weighed against legitimate military goals, “assigning an appropriate degree of importance to military necessity.”¹⁰⁷ However, if States grow indifferent to certain human life, they risk distorting the careful balance IHL seeks to uphold. In doing so, they undermine the very principles that give IHL its moral and legal authority.

The Genocide Convention and the Geneva Conventions are part of the same legal architecture,¹⁰⁸ having the common goal of protecting human life. Israel’s interpretation and application of IHL’s rules have not succeeded in making war more humane, exposing the fragility of this architecture. This distortion has facilitated the killing of civilians and accelerated the progressive erasure of Palestinians, where mass murders become permissible under the guise of legality, opening the door to genocidal outcomes. The macro characterization of an entire nation as collectively responsible,¹⁰⁹ as human shields and as not civilians – and thus targetable – is the climax of decades of invisibility of Palestinian humanity and, in this context, one must ask: if those whom humanitarian law is meant to protect have already been stripped of their humanity, what purpose does it ultimately serve?

¹⁰⁷ ICRC Report, 2024.

¹⁰⁸ Daniele & Perugini & Albanese, 2024.

¹⁰⁹ UN, Meetings Coverage and Press Releases, 2023.

5. Dehumanization of the Palestinian People

Excluding Palestinians from the realm of moral concern through dehumanization reached its peak after October 7, 2023, but it did not begin then. In the instituting proceeding containing a request for the indication of provisional measures, filed on 29 December 2023, South Africa argued that “acts of genocide inevitably form part of a continuum. For this reason, it is important to place the acts of genocide in the broader context of Israel’s conduct towards Palestinians during its 75-year-long *apartheid*, its 56-year-long belligerent occupation of Palestinian territory and its 16-year-long blockade of Gaza, including grave breaches of the Fourth Geneva Convention.”¹¹⁰ Building on this reasoning, we contend that there is an institutionalized dehumanization of the Palestinian people, through occupation policies, that treats them as a marginalized racial group who are not entitled to fundamental human rights and denies them certain defining human characteristics, setting the stage for the potential genocidal acts that have unfolded since 7 October.

In fact, the process of dehumanizing Palestinian people is the glue that keeps this protracted conflict going. Shaped by historical and cultural grievances, identities evolve within the context of the conflict, influencing how they see themselves and construct the image of the other, through narratives that legitimize the “self” and dehumanize and delegitimizes the “other”, creating a negative interdependence between identities.¹¹¹ This dynamic contributes “to the cycle of protractedness by reinforcing and normalizing violence toward the other.”¹¹² In this regard, for example, many times, Israeli policies are justified and legitimized by the idea that *Eretz Israel* is the Promised land for the Jews, the chosen people¹¹³, which foster in-group and out-group dichotomy.

Furthermore, within the framework of “colonialism”, an entire structure of violence that renders indigenous peoples an inconvenience is established.¹¹⁴ As the aim is to acquire their land and resources, indigenous people’s existence is seen as a barrier these ambitions.¹¹⁵ In this context, discourses and practices that dehumanize the “other”,

¹¹⁰ ICJ, *South Africa v. Israel, Application Instituting Proceedings Containing a Request for the Indication of Provisional Measures*, 2023, § 2.

¹¹¹ Kelman, 1999.

¹¹² Ricarte, 2023.

¹¹³ Galtung, 1990.

¹¹⁴ Moaswes, 2020.

¹¹⁵ Veracini, 2008.

function as a form of self-defense, to protect their own sense of righteousness and to delegitimize the other group's national claims.¹¹⁶ To regard a people as foreigners in their own ancestral land is, in itself, an act of dehumanization. Indeed, land is the very foundation of a people's right to self-determination, just as it lies at the center of "colonial" ambitions. "Disconnection from land and cultural roots contributes to the erosion of identity and community resilience"¹¹⁷ and the removal of their identity, their community and the denial of their past is a deliberate effort to sever their connection to the land and to deprive the Palestinian people of their humanity.

In this regard, various Zionist Movement documents "referred to the native Palestinians as aliens roaming the land that belonged to the Jewish people"¹¹⁸ revealing an initial pattern of denying identity and community to Palestine's autochthonous populations. Some even referred that the land was empty,¹¹⁹ a narrative that ignored the fact that many people already lived there with deep historical, cultural and emotional ties to the land. Such discourse also reduced indigenous populations to simply observers, denying them agency, an inherently human condition.¹²⁰

Additionally, the process of dehumanization is not a circumstantial one, it is a repeated process that becomes entrenched over time. As it solidifies, it becomes evident not only at the level of human interaction but also manifests through institutional policies and practices. The following policies and practices, have severely impacted the lives of Palestinians, deliberately preventing them to live with human dignity, destroying the "juridical person" and the "moral person" of the Palestinian people, which according to Hannah Arendt¹²¹ is the very first step of the process of dehumanization.

5.1. Israel's Longstanding Discrimination Against Palestinians: Occupation Policies

¹¹⁶ Rouhana & Bar-Tal, 1998.

¹¹⁷ Albanese, 2024.

¹¹⁸ Pappé, 2011.

¹¹⁹ For example, Ex Prime Minister Golda Meir said that "There was no such thing as Palestinians, (...) they did not exist." Another example is the famous Zionist slogan "a land without a people for a people without a land".

¹²⁰ Ricarte, 2023; See also Deffenbaugh, 2024.

¹²¹ Arendt, 1951.

Since 1967, Israel has been developing and supporting the establishment of settlements – that are flourishing – in the territories it occupies. This has been achieved through the transfer of civilian population, in breach of article 49 of the Fourth Geneva Convention, alongside incentives encouraging Israeli citizens and businesses to relocate to the West Bank. Simultaneously, Israel controls and exploits West Bank’s natural resources, diverting them for the benefit of its own population in the detriment of Palestinian population. In response, UNGA Res. 78/170 “demands that Israel, the occupying Power, cease the exploitation, damage, cause of loss or depletion and endangerment of the natural resources in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan”. However, Palestinians continue to face restrictions regarding the construction or maintenance of water installations without military permit.¹²² For this reason, the water quality and quantity that Palestinians have access does not meet the levels recommended by WHO.¹²³

In fact, Palestinians are subject to a differential treatment that is evident in Israeli’s residence permit policies, restrictions on movements and in the systemic demolition of property. For Palestinians to reside in East Jerusalem it is mandatory to have a valid residence permit, designed to make it as difficult as possible to maintain,¹²⁴ which makes them, under Israeli domestic law, foreign nationals living within the territory of Israel.¹²⁵ Amendments to Israeli legislation from 2008 and 2018 granted the government the power to revoke citizenship and East Jerusalem residency from Palestinians convicted of a “breach of loyalty” and since February 2023 citizenship or residency for Palestinians can be revoked if a Palestinian is sentenced to prison for an “act of terrorism”, enabling Israel to forcibly transfer or deport Palestinians.¹²⁶ Regarding restrictions on movements, Israel maintains full control over all entry and exit points in the West Bank, as well as all movement into an out of the Gaza strip. Additionally, Palestinians from the OPT are also not allowed to travel abroad through Israeli airports.¹²⁷ These restrictions on freedom of movement are part of a closure system on the movement of Palestinians that includes a

¹²² United Nations HCHR, 2021, A/HRC/48/43, § 26.

¹²³ The WHO recommends 100 liters of water per capita a day and in the West Bank the average is 73 liters per person.

¹²⁴ See ICJ, *Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*, 2024, §193;

¹²⁵ Ibid.

¹²⁶ Guterres, 2023, § 59.

¹²⁷ Amnesty International, 2022.

web of checkpoints and crossings¹²⁸, blocked roads for Palestinians,¹²⁹ and a separation wall, impeding not only the liberty of movement but also the exercise of the “right to work, to health, to education and to an adequate standard of living.”¹³⁰

Furthermore, over 60 per cent of the West Bank has been allocated by Israel for Israeli settlements, military zones and nature reserves.¹³¹ Israel’s policy of land appropriation for the benefit of its Jewish population is linked with the systemic demolition of Palestinian property, mainly homes, agricultural land, water and sanitation structures. Moreover, it is extremely difficult for Palestinians to have a building permit,¹³² forcing them to build homes and structures without authorization. These buildings are then subject to demolition, putting them at high risk of forced displacement. Thus, beyond the control of natural resources, Israel executes large-scale confiscations of land, carries out extensive demolitions of property, which combined with the restriction on residence and movement, leave no alternative to the Palestinians but to leave and abandon their area of residence. This systematic practice of demolitions and confiscation of lands also leads to the separation of Jewish and Palestinian communities in the OPT¹³³ and reduces Palestinian demographic presence and future growth.¹³⁴ These policies and practices led the Court, in its advisory opinion of 19 July 2024 to conclude that this system of oppression and domination that implement a separation between the Palestinian population and the Israelis is in violation of article 3 of the CERD.¹³⁵

As a consequence of Israel’s settlement policy and discriminatory legislation, the dehumanization of Palestinian people intensifies, which, combined with the climate of impunity¹³⁶, leads to the rise of settler violence against them,¹³⁷ with an increasing number

¹²⁸ See Independent International Fact-Finding Mission to Investigate the Implications of the Israeli Settlements on the Civil, Political, Economic, Social and Cultural Rights of the Palestinian People Throughout the Occupied Palestinian Territory, including East Jerusalem, A/HRC/22/63, 2013, § 72.

¹²⁹ See ECOSOC, § 58.

¹³⁰ ICJ, *Advisory Opinion on Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, 2004, § 134.

¹³¹ ICJ, *Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*, 2024, § 120 and 214.

¹³² Independent international factfinding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem, A/HRC/22/63, 2013, § 70.

¹³³ Human Rights Committee, 2022, § 42.

¹³⁴ Amnesty International, 2022.

¹³⁵ ICJ, *Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*, 2024, § 229.

¹³⁶ Human Rights Committee, § 24.

¹³⁷ See Guterres, 2023, § 45.

of cases where Israeli security forces not only turn a blind eye to these attacks but also actively support and participate in them. Settlers often carry with them firearms and are encouraged by the Minister of National Security to use them against “terrorists”, without facing restriction or accountability¹³⁸, deepening even further the cycle of violence and dehumanization.

Additionally, while no longer maintaining a consistent on-site presence in Gaza, following Hamas’s victory in 2006, Israel subjected Gaza to a tight blockade, imposing restrictions on air, land and sea, and the supply of essential resources, such as water and food, are largely at Israel’s hands. As a consequence, it furthered the fragmentation of the Palestinian people,¹³⁹ as Israel deepened the separation of Gaza from the rest of the OPT and the world, weakening political, social and familial connections between Palestinians. The blockade has devastated civilian life, has led to the de-development of the Palestinian economy, has separated families, and has restricted the access to educational opportunities and to health services.¹⁴⁰

Of greater significance is the use of dehumanizing and language from Israeli officials towards the Palestinians population, who are often denominated as “the Arabs”¹⁴¹, a terminology intended to strip their distinct national identity and historical connection to the land. In this regard, Israeli politicians persistently deny the existence of a Palestinian people. For example, in 1969 Israeli prime minister Golda Meir said “There were no such thing as Palestinians. They did not exist.”¹⁴² Echoing Golda Meir’s statement Israel’s Finance Minister Bezalel Smotrich claimed in 2023 that “There is no such thing as a Palestinians nation. There is no Palestinian history. There is no Palestinian language”¹⁴³ and Anat Berko, a Likud MP, claimed that the Palestinian people did not exist “because they can’t pronounce the letter P.”¹⁴⁴

Although taking a derogatory attitude toward Palestinian people is a fundamental part of the dehumanization process, to dehumanize a person is also, as mentioned before, to regard them as subhuman, likening them to animals or filthy creatures.¹⁴⁵ That is

¹³⁸ See Guterres, 2023, § 48.

¹³⁹ Bashi & Diamond, 2015.

¹⁴⁰ The WHO recorded 839 deaths in Gaza between 2008 and 2021 while waiting for medical permits to leave Gaza for urgent medical treatment.

¹⁴¹ See Gilad, 2015.

¹⁴² Ibid.

¹⁴³ Assi & Foster, 2023; See also Reuters, 2023.

¹⁴⁴ Lis, 2016.

¹⁴⁵ Smith, 2020.

precisely what Ayelet Shaked did in 2014, a year before becoming minister of justice, when she posted on Facebook a text wondering what was “so horrifying about understanding that the entire Palestinian people is the enemy” and advocating for the obliteration of Palestinian mothers as well as their homes: “They should go, as should the physical homes in which they raised the snakes. Otherwise, more little snakes will be raised there.”¹⁴⁶ In 2016, Benjamin Netanyahu commented, while visiting the new fence at the border between Jordan and Israel near Eilat, “in our neighborhood, we need to protect ourselves from wild beasts”.¹⁴⁷ Similarly, in 2000, Ehud Barak, former prime minister, in a Jerusalem Post interview compared Palestinians to “crocodiles” and in 1982 another former prime minister, Menachem Begin referred to Palestinians as “beasts walking on two legs.”. Hence, such rhetoric has become not only legitimized but also entrenched in the public opinion.

Furthermore, children who grow up in intractable conflicts experience the conflict from an early age, whether it be from their personal experiences or through the educational system and social environment they are in, forming their own perception of what the conflict is.¹⁴⁸ In fact, school books are powerful tools by which the state shapes perceptions, interpretations and collective memory, playing a crucial role in defining both personal and national identities.¹⁴⁹ This influence is even more significant in the context of a conflict. In particular, it is crucial the way school books depict Palestinians to Israeli youngsters, who at 18, will join the compulsory military service to potentially be required to use force against them. Israeli children grow up internalizing negative and dehumanizing discourses about Palestinians. The name “Palestinian” is not used, and instead they are called “Israel’s Arabs” or “Arabs.”¹⁵⁰ They are characterized in Israeli school books as the “ultimate other, the nemesis of every Israeli”.¹⁵¹ Palestinians are rarely depicted engaging in normal daily activities, rather they are portrayed most times as hordes of refugees or as terrorists, reinforcing their image solely as a problem or a threat and greater perceived threat, is associated with greater out-group dehumanization and stronger support for aggressive policies.¹⁵² Moreover, the education system in Israel

¹⁴⁶ See Maltz, 2015.

¹⁴⁷ Beaumont, 2016.

¹⁴⁸ Nasie, 2016.

¹⁴⁹ Elhanan, 2012.

¹⁵⁰ Ibis.

¹⁵¹ Saif, 2024.

¹⁵² Maoz & McCauley, 2008.

does not present alternative information about the conflict and thereby students are not encouraged to critically engage with or explore differing opinions about the conflict, reinforcing a one-sided narrative.¹⁵³ There is also no reference to Palestinian life in Palestine pre 1948 and the Bible is an “authoritative historical source.”¹⁵⁴ The Zionist goal is legitimized by linking the present to biblical narratives of a “Promised Land” that belongs to the Jews, which reinforces the notion of the self-moral entitlement of the in-group, justifying the conflict with Palestinians.

Throughout history, Jews have faced persistent persecution. For this reason, the Israeli collective memory carries a deep sense of a hostile approach of the world towards Jews which, in turn, influence the perception they have of the Israeli-Palestinian conflict. Additionally, the Holocaust is taught from a very young age,¹⁵⁵ as a clear policy by the Israeli Ministry of Education, ensuring that the trauma of the past is never forgotten and not to let the fire of vengeance die out. However, this vengeance is not directed towards German’s persecutors but towards Palestinians. “The historical events are constructed and reinterpreted in accordance with the events of the present”:¹⁵⁶ the in-group is a victim, by drawing parallels between the historical persecution of Jews and the current conflict with Palestinians. “Dehumanization is a gradual process that develops out of the act of victimization itself”¹⁵⁷ and, unfortunately, Israeli society often frames its actions in the OPT and towards Palestinians through the lens of its own history of victimhood, particularly the memory of the Holocaust. As this memory of victimhood grows more central to Israel’s narrative – ignoring the significant changes in this reality – the occupation becomes more brutal and oppressive.

All the abovementioned measures and actions have left the Palestinian population deeply fragmented, not only geographically and politically but also psychologically, making their self-determination unattainable, despite the Court’s Wall advisory opinion affirming the existence of the right of the Palestinian people to self-determination, and despite numerous UN resolutions¹⁵⁸ supporting the Palestinian right to self-determination.

¹⁵³ Nasie, 2016.

¹⁵⁴ Elhanan, 2012.

¹⁵⁵ Audeh, 2023.

¹⁵⁶ Nasie, 2016.

¹⁵⁷ Kelman, 1973.

¹⁵⁸ The UN has consistently reaffirmed the inalienable right of the Palestinian People to self-determination. See, for example, Res. 2672 (XXV), Res. 3236 (XXIX), Res. 66/146, Res. 67/158, Res. 75/172, Res. 76/150 and Res. 79/163. See also Albanese, 2022.

In fact, the denial of the right to self-determination of the Palestinian people was solidified in the 2018 nation state law, which enshrined that the exercise of the right to self-determination in the state of Israel is “unique to the Jewish people.”

The right to self-determination is “one of the essential principles of contemporary international law”¹⁵⁹ and it is an *erga omnes* right, enshrined in the United Nations Charter and in article 1 of ICESCR and ICCPR. It is a fundamental human right, serving as a platform right whose importance originates from the fact that “its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights.”¹⁶⁰ The Court stated that for a people to fully realize their right to self-determination, they must have territorial integrity, maintain cohesion as a people, exercise permanent sovereignty over natural resources, have the freedom to determine their political status and pursue its economic, social and cultural development without external interference. In light of these requirements, the Court found that Israel’s settlement policies do not respect the unity, contiguity and territorial integrity of the OPT, deny the integrity of Palestinian people in the OPT, do not respect the right to exercise permanent sovereignty over natural resources and do not respect their right to determine its political status and pursue its economic, social and cultural development. Thus, Israel has created a system that weakens Palestinians physical continuity, undermines their national cohesion, collective identity and their peoplehood. Accumulating with the prolonged character of Israel’s unlawful policies and practices, the Court found that Israel is violating the right to self-determination of the Palestinian people.

Thus, as has been made clear, since its creation, through different maneuverings, Israel denies and strips away the connection that Palestinian people have with their land. Denying the right to self-determination of the Palestinian people is denying their identity and community, a refusal to acknowledge their very existence. Dehumanization is not just a consequence of this system of occupation and oppression, is what sustains it. It also frames Palestinians as a problem to be managed, a threat to be contained, rather than a people with legitimate claims of freedom, who demand a recognition of their full human capacity and worth. All this resonates with Raphael’s Lemkin observation that genocide is “a composite of different acts of persecution or destruction”, which can include not

¹⁵⁹ ICJ, *Portugal v. Australia*, 1995, § 29.

¹⁶⁰ Human Rights Committee, Annex VI, § 1.

only physical elimination but also the destruction and disruption of a people's national identity, language and political and social structures.¹⁶¹

5.2. Dehumanizing Narratives: Israel's Recent War on Gaza

Decades of dehumanizing practices and discourses laid the groundwork for the unprecedented military campaign but also for the genocidal incitement¹⁶² through the use of dehumanizing language against Palestinians by members of the Israeli government, military personnel, law enforcement, journalists and influential personalities following the attack led by Hamas and Palestinian Islamic Jihad on 7 October 2023. The seeds of dehumanization were already sown and broadly accepted, making the escalation of such discourse reach a new height, close to absolute.¹⁶³

Words are the vehicles used for an idea to be communicated and through words ideas are formed, passing from the realm of semantics to the realm of actions. Words, especially in today's post-truth era, hold immense power, as demonstrated by the examples bellow, where language and action seem to be in perfect alignment.

On 9 October 2023, Yoav Gallant, who was serving as Israel's Minister of Defense at the time declared Israel was fighting "human animals"¹⁶⁴ and was going to act accordingly, "imposing a complete siege on Gaza. No electricity, no food, no water, no fuel", implying that they are subhuman and, as a result, underserving of basic necessities. On the same day, Major General Ghassan Alian, head of the Israeli Defense Ministry's Coordinator of the Government Activities in the Territories referred to the Palestinians as "human beasts" and Yoav Kisch, Minister of Education affirmed "those are animals, they have no right to exist." On October 2023, Benjamin Netanyahu, Israeli Prime Minister

¹⁶¹ Lemkin, 1944.

¹⁶² OHCHR, 2023.

¹⁶³ Rapoport, 2024; See also UN News, 2023.

¹⁶⁴ Along these lines, the United Nations Committee on the Elimination of Racial Discrimination underscored that it was "highly concerned about the sharp increase in racist hate speech and dehumanization directed at Palestinians since 7 October, particularly on the Internet and in social media, including by senior officials, politicians, members of the Parliament, and public figures, particularly the statement of 9 October made by the Israeli Minister of Defense, Yoav Gallant, in which he referred to Palestinians as "human animals", language which could incite genocidal actions". The United Nations Special Rapporteur on Violence Against Women and Girls, its Causes and Consequences also issued a statement where she "expressed alarm at the genocidal and dehumanizing rhetoric about the Palestinian people, including women and children, by top Israeli Government officials and public figures calling them "children of darkness" and mentioned statements like the one Yoav Gallant made "makes the Israeli Government's intention to destroy the Palestinian people, in whole or in part, absolutely and consistently clear"

described the situation as “a struggle between the children of light and the children of darkness, between humanity and the law of the jungle”, and in a Christmas message the prime minister mentioned the fight was being fought against “monsters.”¹⁶⁵ The president of Israel, Isaac Herzog, made a statement on 15 October saying “we will uproot evil so that here will be good for the entire region and the world”. In a post on X, the deputy mayor of Jerusalem, Aryeh Yitzhak King, invoked the biblical reference of Amalek, a reference that Israeli Prime Minister also used. On the same post, he called for the Israeli army to bury alive Palestinians captured in Gaza whom he described as not being human beings nor human animals, but being subhuman.¹⁶⁶ On 23 October, Likud MK Ariel Kallner made the following statement in a X post “The war that the Nazi Satan declared on us is a war against humanity and humaneness... Against the inhumane monster, all of humanity must stand together”. Along these lines, in an interview on Kol BaRama radio station, deputy speaker of the Knesset, Nissim Vaturi, referred to Palestinians as “scoundrels” and “subhumans”,¹⁶⁷ and used his social media to argue that “we all have one common goal – erasing the Gaza Strip from the face of the earth. Those who are unable will be replaced.” Israeli veteran, Ezra Yachin, in a motivational speech said to soldiers to “be triumphant and finish them off and don’t leave anyone behind. Erase the memory of them. Erase their families, mothers and children. These animals can no longer live.” He further said: “Every Jew with a weapon should go out and kill them. If you have an Arab neighbor, don’t wait, go to his home and shoot him.”¹⁶⁸ Naveh Dromi, a journalist, mentioned that the war “won’t end until people realize Palestinians are one big lie” and Yehuda Schelzinger, a political writer/reporter for Israel Hayom asserted “there are no ordinary citizens in Gaza. Every adult trained to kill. Every woman is a monster. Every boy aspires to be a martyr. Every baby will grow up to be a terrorist. Wipe out, kill, destroy, destroy”. In a Sky News interview, former Israeli ambassador to the Un, Dan Gillerman, mentioned that he was “puzzled” by the concern the world was showing for the Palestinian people and described Palestinians as “horrible, inhuman animals.”¹⁶⁹ Yet, it is difficult to conceive a more malicious and dehumanizing statement than the one made by a member of the Knesset, Meirav Ben-Ari, when she said that “the children of Gaza

¹⁶⁵ See Netanyahu, 2023.

¹⁶⁶ See Middle East Eye, 2023.

¹⁶⁷ See Middle East Eye, 2025.

¹⁶⁸ See Al Jazeera, 2023.

¹⁶⁹ See Middle East Eye, 2023.

have brought this upon themselves”¹⁷⁰, serving as a grotesque attempt to justify all the immense suffering inflicted upon children. With more than 15,000 children killed in Gaza¹⁷¹, such rhetoric reflects an absolute desensitization to the death toll of Palestinian children, underscoring the reality that a Palestinian child is “unchilded”¹⁷² from the moment they exit the womb. This is the most appalling effect of dehumanization: the belief that the subhuman will always be subhuman, as if subhumanity is an inherited condition, passed down from parents to their offspring, justifying the atrocities and blaming the scale of casualties and dehumanizing living conditions on Palestinians, who should assume the consequences of being “less than human”. Though of as animals, Palestinian are deemed to have no right to life.

A significant number of statements, as seen in the examples above, were made via X or Facebook. These platforms use algorithms designed to maximize user engagement with the platform, which results in the promotion of homogeneous content. Posts that evoke strong emotions such as fear or anger tend to attract more attention, creating echo chambers,¹⁷³ where animosity thrives. Hence, digital communication platforms allow dehumanization content to be amplified, to be propagated more quickly, reaching a wider audience and encountering less resistance.¹⁷⁴ This dynamic contradicts the UN Guiding Principles on Business and Human Rights, which establish that companies have a responsibility to uphold human rights and to prevent and address any potential or actual harm. In the context of armed conflict, these obligations become especially urgent and critical, as companies face increased risks of being complicit in serious human rights violations committed by other parties and, therefore, should conduct a heightened human rights due diligence¹⁷⁵ to prevent and mitigate their involvement in such abuses.

¹⁷⁰ See Ofir, 2023.

¹⁷¹ OCHA, 2025.

¹⁷² Shalhoub-Kevorkian, 2019.

¹⁷³ Amnesty International, 2022.

¹⁷⁴ Deffenbaugh, 2024.

¹⁷⁵ UNDP, 2022.

Arsen Ostrovsky 
@Ostrov_A

This!

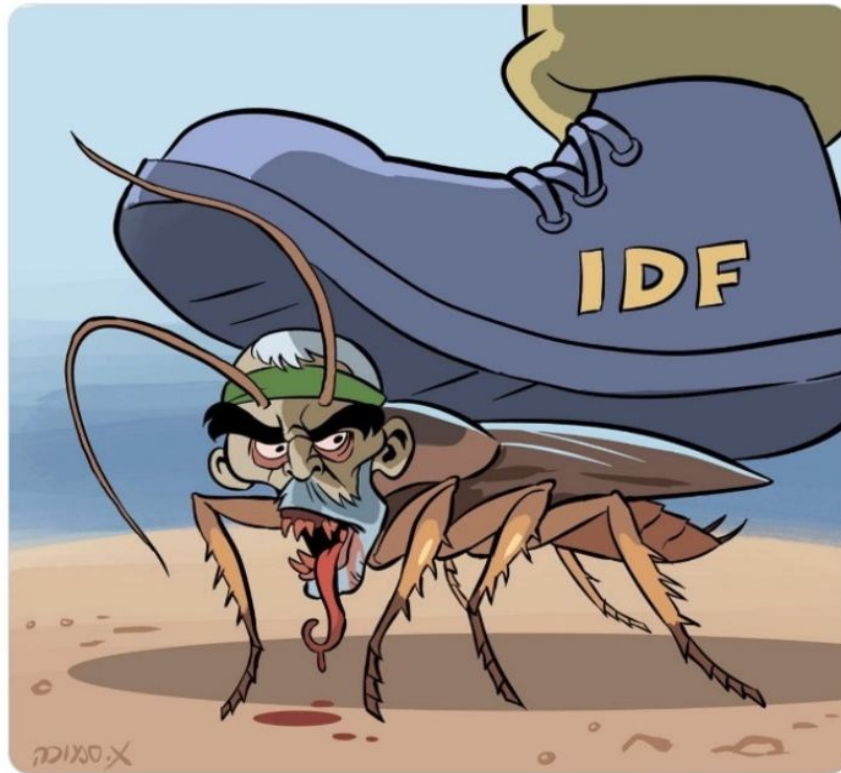


Figure 1- Dehumanizing post on X, by Arsen Ostrovsky, an Israeli human rights lawyer.

Unsurprisingly, the dehumanizing rhetoric became central to South Africa’s genocide case against Israel. Dehumanization did not only play a role in preparing the ground for genocide, it also drove the genocidal campaign forward,¹⁷⁶ because it played, as seen, an “ongoing dynamic role.”¹⁷⁷ It is South Africa’s argument that the language uttered by Israeli leaders and soldiers about Palestinians in Gaza is proof of Israel’s intent to commit genocide and Lawyer Tembeka said before the Court that “the language of systemic dehumanization is evident here” and “genocidal utterances are therefore not out in the fringes. They are embodied in state policy”.

The ICJ has drawn on the jurisprudence of international criminal tribunals, adopting much of their reasoning, when it comes to genocidal intent attributable to the State. “State responsibility and individual criminal responsibility are governed by different legal regimes and pursue different aims”¹⁷⁸ but, nonetheless the Court stated that

¹⁷⁶ Haagensen & Croes, 2012.

¹⁷⁷ Haslam, 2020.

¹⁷⁸ ICJ, *Croatia v. Serbia*, 2015, § 129.

it would “take account, where appropriate, of the decisions of international criminal courts or tribunals, in particular those of the ICTY.”¹⁷⁹

When inferring intent, international criminal court’s jurisprudence acknowledges that statements and declarations by state actors, evidence of a state plan, are in the context of specific intent highly relevant, facilitating proof of the crime.¹⁸⁰ Furthermore, as recognized by international tribunals, “the perpetrator’s specific genocidal intent may be inferred from deeds and utterances”.¹⁸¹ The intent can also be drawn from the broader context in which the acts occur, including indicators such as the use of dehumanizing language aimed at members of the targeted group. Therefore, when such derogatory rhetoric used by State representatives is accompanied by acts, it may form a framework from which genocidal intent can be inferred.

In fact, genocidal intent is the criteria the ICJ requires for a genocide to be committed. However, the truth is that the ICJ has shown little flexibility in inferring intention in the past.¹⁸² The ICJ has dealt with genocidal allegations in two cases: *Bosnia and Herzegovina v. Serbia and Montenegro* (2007) and *Croatia v. Serbia* (2015) and in both cases the Court demanded that the pattern of conduct should “have to be such that it could only point to the existence of such intent”:¹⁸³ “it is necessary and sufficient that this is the only inference that could reasonably be drawn from the acts in question.”¹⁸⁴

As mentioned by Judge Cançado Trindade in his dissenting opinion (*Croatia v. Serbia*) this threshold sets the bar unduly high.¹⁸⁵ Indeed, several States criticized this requirement arguing that it is “rendering the threshold for inferring genocidal intent so difficult to meet so as to make findings of genocide near-impossible”,¹⁸⁶ which do not appear in line with the jurisprudence of international criminal courts.¹⁸⁷ The States also called the Court to adopt a “reasonableness criterion”, to “assess the evidence available to it comprehensively and holistically.”¹⁸⁸ Although Israel insistently claims that its sole

¹⁷⁹ Ibid.

¹⁸⁰ ICC, *Prosecutor v. Goran Jelusic*, 2001 § 48.

¹⁸¹ ICC, *Trial Chamber III, The Prosecutor v. Mikaeli Muhimana*, 2005, § 496.

¹⁸² Gehani, 2024.

¹⁸³ ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, 2007, § 373.

¹⁸⁴ ICJ, *Croatia v. Serbia*, 2015, § 148.

¹⁸⁵ ICJ, *Croatia v. Serbia*, 2015. *Dissenting Opinion of Judge Cançado Trindade*, § 467.

¹⁸⁶ ICJ, *The Gambia v. Myanmar, Joint declaration of intervention of Canada, Denmark, France, Germany, the Netherlands and the United Kingdom*, § 51.

¹⁸⁷ ICJ, *Croatia v. Serbia*, 2015. *Dissenting Opinion of Judge Cançado Trindade*, § 467.

¹⁸⁸ ICJ, *The Gambia v. Myanmar, Joint declaration of intervention of Canada, Denmark, France, Germany, the Netherlands and the United Kingdom*, § 54.

objective is to destroy Hamas and bring the hostages home, “genocidal intent may exist simultaneously with other, ulterior motives”¹⁸⁹, otherwise that would be conflating the different legal concepts of motive and intent, as distinguished in international criminal jurisprudence.¹⁹⁰ Furthermore, as observed by judge Cançado Trindade “perpetrators of genocide will almost always allege that they were in an armed conflict, and their actions were taken ‘pursuant to an ongoing military conflict’; yet, ‘genocide may be a means for achieving military objectives just as readily as military conflict may be a means for instigating a genocidal plan’.”¹⁹¹

Regarding the standard of proof, the ICTY applied “beyond reasonable doubt” as a criminal standard. The ICJ followed a similar approach, requiring the evidence to be “fully conclusive”¹⁹² in proving that genocide was committed. However, applying the same standard of proof for individual criminal responsibility in cases involving state responsibility is not “wholly appropriate.”¹⁹³ The ICTY is a criminal court and has the mechanisms and legal framework needed to handle criminal trials while the ICJ handles disputes between states, where it is far more challenging to gather direct evidence that conclusively ties a state’s actions to genocide.

The ICJ’s previous position, imposing a high threshold for proof of genocide reduces “genocide to an almost impossible crime to determine, and the Genocide Convention to an almost dead letter” bringing impunity to the perpetrators of genocide.¹⁹⁴ The case brought by South Africa puts the spotlight on the conservative approach of genocidal intent adopted by the Court, offering an opportunity and a challenge for the Court to evolve its jurisprudence.

In recent years, international institutions such as the ICJ and the United Nations have come under increasing criticism for failing to uphold its rules-based international order in favor of geopolitical considerations and influences. With the ICJ set to deliver a verdict on the case brought by South Africa, the Court’s credibility is at stake. The ICJ is not only delivering a case on genocide: it also finds itself on trial as the world awaits its

¹⁸⁹ ICJ, *Croatia v. Serbia*, 2015. *Separate Opinion of Judge Bhandari*, § 50.

¹⁹⁰ See ICC, *Prosecutor v. Milorad Krnojelac*, 2003, § 102.

¹⁹¹ ICJ, *Croatia v. Serbia*, 2015. *Dissenting Opinion of Judge Cançado Trindade*, § 144.

¹⁹² ICJ, *Bosnia and Herzegovina v. Serbia and Montenegro*, 2007, § 209.

¹⁹³ Gehani, 2024.

¹⁹⁴ *Ibid.*, § 143.

decision. Any perceived failure to address the severity of what is happening in Gaza will affect the Court's reputation for years to come.

5.3. No Room for a Woman to be Human: A Gendered Impact of the War

“The women is an enemy, the baby is an enemy, and the pregnant women is an enemy”.¹⁹⁵

For decades, Israel has been denying Palestinian women and girls their collective and individual rights, persecuting them not only for being Palestinians but also for being women. As a result, Palestinian women and girls face a disproportionate and very gendered impact of the occupation policy. For example, the demolition of Palestinian family homes affects disproportionately women,¹⁹⁶ particularly those who are heads of households, leading to a significant impact on their physical and psychological well-being.¹⁹⁷ Moreover, women and girls have been especially vulnerable to settler violence, often targeted in their homes during the absence of male family members. The threat of such attacks has contributed to their confinement within the domestic sphere, thereby reinforcing negative aspects of traditional gender roles.¹⁹⁸ Women and girls are also subject to violence, abuse and use of force by the Israeli security forces at checkpoints, on their daily commute, in detention centers and during nights raids. However, as a result of the indiscriminate bombing campaign, since 7 October 2023 that we are witnessing the bloodiest and most devastating chapter in the lives of Palestinian women and girls. In Gaza, women are saying they don't feel like women anymore or that they've forgotten what it means to be women,¹⁹⁹ showing a psychological trauma of a profound loss of identity, agency and self-expression.

In Gaza, 690,000 women and girls are menstruating, and access to menstrual hygiene is integral to women's health, dignity and privacy.²⁰⁰ In addition to the consequences of water scarcity and the lack of privacy in overcrowded shelters for IDPs, which makes women avoid eating and drinking to skip using shared toilets with men, there is a lack of menstruation supplies and the scarcity of this products has led to the

¹⁹⁵ Middle East Eye, 2023.

¹⁹⁶ United Nations HCHR, 2022, A/HRC/49/83, § 17.

¹⁹⁷ CEDAW Committee, 2017, § 32 and 33.

¹⁹⁸ United Nations HCHR, 2021, A/HRC/46/63, § 11.

¹⁹⁹ See Humaid, 2024.

²⁰⁰ UN Women, 2024.

increasing of prices, forcing women and girls who menstruate to make their own alternatives for sanitary pads, putting them in risk of urinary tract infections and other health complications. The menstrual cycle has thus become a source of stress for women, carrying both psychological and physical consequences. It exemplifies yet another dimension of the escalating dehumanization faced by women and girls in Gaza.

As of 14 January 2025, more than 900,000 women and girls have been displaced from their homes in Gaza and 155,000 women are pregnant or breastfeeding.²⁰¹ The ongoing and systematic dehumanization of Palestinian women, has turned them and their wombs as something to be attacked. Notably, Rem Alsalem, the UN Special Rapporteur on violence against women and girls has warned that the reproductive violence inflicted by Israel in Palestinian women may constitute violations of the human right to life under article 6 of the ICCPR and may qualify as acts of genocide under Article 2 of the Convention on the Prevention of Genocide and article 6 of the Rome Statute, particularly by “imposing measures intended to prevent births within a group.”

The psychological impact of war on pregnant women has led to premature births, stillbirths and a 300% increase of miscarriages.²⁰² In Gaza 16,000 of pregnant and breastfeeding women are estimated to require treatment for acute malnutrition²⁰³ The use of starvation as a method of warfare²⁰⁴ has an increasingly impact on pregnant and breastfeeding women, for whom adequate nutrition and access to clean water are essential not only to for the health of the pregnant person, but also for the fetus and long-term growth of the child. These challenges are further intensified by the impact of displacement, contravening the special protections expectant mothers are entitled to by IHL.

Furthermore, with hospitals becoming battlegrounds, Gaza’s healthcare system, including maternal health services, is nearing total collapse. In December 2023, Gaza’s largest fertility clinic was shelled, and Al-Awda Hospital, the primary facility for reproductive healthcare in northern Gaza was repeatedly targeted.²⁰⁵ Since January 2025 that emergency and newborn care is only available at seven out of eighteen partially

²⁰¹ UN Women, 2025.

²⁰² Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 2025, A/HRC/58/CRP.6, § 58.

²⁰³ OCHA, 2025.

²⁰⁴ See Van Dijk, 2025.

²⁰⁵ Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 2025, A/HRC/58/CRP.6, § 43.

functioning hospitals across Gaza.²⁰⁶ Because of the blockade, there is not enough of some of the most basic supplies to give birth²⁰⁷, there is very little access to medicine and women are forced to undergo a c-section without anesthesia. Some are forced to give birth on floors of overcrowded hospitals,²⁰⁸ sometimes only with the dim light of a mobile phone.²⁰⁹ And that is only if they are fortunate enough to make it to a hospital in time.

Under these inhumane and dangerous conditions, childbirth becomes a moment of trauma, a quest for survival and not a moment of joy and life – a brutal reminder that even the act of giving birth, the most human of experiences, is being stripped of its dignity. In these inhumane conditions, Israel has turned Gaza into a place for no girl to grow, no women to give birth and no child to be born.

²⁰⁶ OCHA, 2025.

²⁰⁷ WHO, 2025.

²⁰⁸ UNFPA, 2024.

²⁰⁹ UN News, 2023.

6. Conclusion

The Israeli-Palestinian conflict stands as one of the most intractable geopolitical crises of our time, characterized by the multiple layers that are packed into it. It seems impossible to ascertain who's right and who's wrong as it depends on when we start measuring time. Nevertheless, one thing is clear: the conflict did not start with Israel's ongoing relentless bombardments of Gaza, reducing the Strip into rubble, nor did it begin with the heinous mass killing on October 7, 2023, when the Israeli society was left shattered with Hamas's attack.

Throughout this study, we have proven that dehumanization emerges as a “rich and complex concept”²¹⁰ that is essential to understand the theater of genocide, a crime that Israel is being accused of by South Africa at the world's court and “perhaps the most loaded term in all of international law and one with particular resonance for Israel.”²¹¹ Israeli Jews should have a unique understanding of the danger of dehumanization: the Holocaust is a painful reminder of the extreme consequences of dehumanization and mirrors the unimaginable cruelty and violence humans are capable when they abandon the fundamental principles that were meant to safeguard humanity.

The devotion to “never again” became a central part in Israel's state ideology framing every threat as an existential danger. Nevertheless, the world cannot ignore the appalling destruction unfolding in Gaza, in the name of an international legal order, that was precisely erected so that such destruction would never happen again. Otherwise, we will be confronted with the long-lasting consequences of such inaction for generations to come. With certain Western governments backing up Israel with arms supply and diplomatic support and with Israel brazenly ignoring ICJ's orders, the destruction of the Palestinian people is at the blink of an eye, becoming entrenched in our lives, much like the indifferent cruelty during the Holocaust, so well portrayed in the film “Zone of Interest.”

The lessons of the Holocaust should not be relegated to the past as “sealed history, but rather as a living, human reminder”²¹² that, irrespective of how hard one tries to dehumanize a people, the truth remains: they are still human beings. Yet, what is

²¹⁰ Haslam, 2020.

²¹¹ Keitner, 2024.

²¹² Odeh, 2025.

unfolding in Gaza is a failure to recognize the shared humanity we have with the other and if we cannot resist the dehumanization of the Palestinian people, we will never put an end to this atrocious human suffering.

The future might seem overwhelmingly dark and hopeless for those who believe that coexistence between Israelis and Palestinians is the only viable path forward. Yet, looking for the history of the region, it is after moments of profound crisis that opportunities for change appear.²¹³ Primo Levi once said: “an enemy who sees the error of his ways ceases to be an enemy.” That enemy is one who has come to recognize the victim’s humanity. As both sides of the conflict experience profound pain, it is with this message of hope that this study is concluded: there is a possibility for reconciliation, and ultimately, peace through the recognition of a shared humanity.

²¹³ Shehadeh, 2024.

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