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Policy Brief

ورقة سياسات

The Gendered Dimensions of Israel's Genocide in Gaza

Within the project "Emancipatory Human Rights"

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***Note:** this policy brief is based on ongoing research surrounding gender and genocide in the context of Israel's settler-colonial genocidal aggression on Gaza.*

Abbreviations

Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem (Advisory Opinion 2024)

Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (*South Africa v. Israel*)

Application of the Convention on the Prevention and Punishment of the Crime of Genocide (*The Gambia v. Myanmar*)

Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention)

Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel (UN Commission of Inquiry)

International Committee of the Red Cross (ICRC)

International Court of Justice (ICJ)

International Criminal Court (ICC)

International Criminal Tribunal for Rwanda (ICTR)

International Criminal Tribunal for the Former Yugoslavia (ICTY)

The Committee on the Elimination of Racial Discrimination (CERD)

The Gaza Strip (Gaza)

The United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA)

United Nations (UN)

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)

World Health Organization (WHO)

Executive Summary

This policy brief is developed as part of a collaborative project, titled ‘Emancipatory Human Rights’, between the Muwatin Institute for Democracy and Human Rights at Birzeit University and the Law and Development Research Group at the Faculty of Law, University of Antwerp.

The brief explores the gendered dimensions of Israel’s settler-colonial and genocidal violence in Palestine, particularly in the Gaza Strip since October 2023. It does so within the framework of the Genocide Convention, while also engaging with broader dynamics of patriarchy, racial supremacy, and colonial domination and elimination. It emphasises that gender, distinct from biological sex, is central to the continuity and preservation of the group’s life.

In settler-colonial-genocidal settings, violence targeting gender roles and reproductive functions is not incidental but rather a strategic modality and tactic of war to achieve the group’s destruction. Israel’s actions in Gaza, particularly the targeting of both women and men based on their societal and reproductive roles, exemplify how gendered strategies of violence contribute to the broader intent of genocide.

Israel’s use of gendered violence in Gaza reflects a deliberate and systematic strategy of population destruction, rooted in settler-colonialism and patriarchal domination. It forms part of the nearly century-long Palestinian Nakba; an ongoing process aimed at removing and eliminating the native population through various barbaric means, in order to replace it with a settler population and fundamentally alter the identity, landscape, and demographic composition of Palestine.

The analysis identifies key patterns of gendered genocidal acts, including killing members of the group; inflicting serious bodily and mental harm, including mass maiming and trauma; torture and sexual violence, including rape, forced nudity, and genital mutilation of detainees; deliberately inflicting life-threatening conditions, such as famine, forced displacement, and health infrastructure collapse; and, preventing births, through attacks on reproductive health, IVF clinics, and the fertility of both men and women.

The brief draws on international jurisprudence, including *Akayesu* (ICTR), *Krstić* (ICTY), and *South Africa v. Israel* (ICJ), to underline the legal validity of recognizing gendered acts as genocide. It argues that ignoring these dimensions obscures the perpetrator’s intent and undermines prevention, accountability, and reparation efforts.

The brief concludes by presenting a set of recommendations to Belgium, in light of its declared intention to intervene in *South Africa v. Israel*, to advance a comprehensive legal approach that fully incorporates gendered strategies and harms into genocide accountability frameworks.

Introduction

This policy brief explores the gendered dimensions of Israel’s settler-colonial violence in Palestine, particularly in the Gaza Strip (Gaza) since October 2023, through the prism of the Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide

Convention). In doing so, it calls for a holistic, gender-sensitive legal approach in analysing acts of genocide in Gaza, including in the pursuit of justice and accountability before international forums such as in the *South Africa v. Israel* case before the International Court of Justice (ICJ), and offers specific recommendations to Belgium in light of its commitment to join the proceedings.¹

The policy brief situates Israel's ongoing genocide within a broader structure of settler-colonialism that is fundamentally patriarchal, ethnoreligious, and racially supremacist. It recognises that gendered hierarchies are instrumental to the mechanisms of domination, dehumanisation, and elimination. For nearly a century, this regime has systematically sought to displace, fragment, and erase the Palestinian people and their identity—at home and in exile.

The genocide in Gaza serves as a microcosm that condenses Israel's key gendered modalities of violence, manifested in *inter alia* mass killings, sexual and reproductive oppression, and the targeting of both women and men according to their societal roles. This provides further evidence to Israel's intent toward the destruction of the Palestinian population at large. In this regard, it is crucial to consider Israel's barbaric pattern of conduct prior to 2023, in the context of its 18-year blockade and closure of Gaza, and its repeated major military offensives, as part of its wider settler-colonial apartheid regime.²

Genocide, gender, and the continuity of life

Genocide, under Article II of the Genocide Convention, encompasses acts aimed at the destruction of a national, ethnical, racial, or religious group. Crucially, the law recognizes that such destruction may be physical or biological. This legal standard requires that gender, distinct from biological sex, be factored into analyses of genocidal acts.

Sex refers to biological characteristics relevant to reproduction, while gender encompasses the social roles, expectations, and responsibilities assigned based on those characteristics. In genocidal contexts, the targeting of individuals based on gender roles (such as caregivers, leaders, or cultural transmitters) directly threatens the continuity of the group and their ability to preserve life, both biologically and socially. As such, in instances of colonisation and war, the perpetrator's gendered targeting of the group becomes a "modality of genocide".³

Manifestations of the gendered dimension of Israel's genocide in Gaza

Since 1948, Israel has subjected the Palestinian people to systematic dehumanization, fragmentation, dispossession, institutionalised racism and discrimination, and persecution, stripping them of fundamental rights and control over their land and natural resources. This has

¹ In May 2024, the Belgian Council of Ministers agreed that Belgium should intervene in *The Gambia v. Myanmar* and *South Africa v. Israel* cases before the ICJ, with a focus on the interpretation and application of the Genocide Convention, particularly in relation to the *dolus specialis* of the crime; the special intent to destroy the group, in whole or in part. <https://news.belgium.be/nl/internationaal-gerechtshof-tussenkomst-inzake-interpretatie-van-genocide>

² See Al Mezan Centre for Human Rights, the Palestinian Centre for Human Rights, and Al-Haq.

³ R Charli Carpenter, *Beyond 'Gendercide': Incorporating Gender into Comparative Genocide Studies* (2002) 93.

denied Palestinians the freedom to determine their political, economic, social, and cultural life; i.e., their inherent right to self-determination and mere existence as a people. This has escalated to a critical point in 2023, with Israel perpetrating acts of genocide against the besieged 2.3 million people in Gaza, predominantly a refugee population, with children and youth comprising more than half.

In *South Africa v. Israel*, the ICJ has confirmed the plausibility of Israel's breaches of the rights of Palestinians in Gaza under the Genocide Convention. With evidence mounting, there has been an increasing consensus among some states,⁴ international organisations,⁵ United Nations (UN) mechanisms,⁶ academics and experts,⁷ that Israel is indeed committing the crime of genocide in Gaza. Within this context, an understanding of the gendered dimensions that shape and drive Israel's settler-colonial brutality and acts of genocide in Gaza remains lacking.

In the context of political violence, colonisation and genocide, gender is either sidelined or under analysed. This is despite international recognition that sexual and gender-based violence during armed conflict is used "as a tactic of war" leading to the destruction of the group.⁸ In such contexts, the perpetrator instrumentalises gender, a social system, for the purpose of destroying the group's continuity and generative power,⁹ through physical, biological and other non-visible ways, while targeting the group's members based on their gendered roles in society.¹⁰

Despite the lacking and reductive analysis of the interlinks between gender, sex and genocide, reaffirmation of gendered acts of genocide has featured in legal jurisprudence albeit insufficiently capitalised on. Rape and sexual violence were first recognised to constitute acts of genocide, namely by causing serious bodily and mental harm to the targeted group, in the *Prosecutor vs. Jean-Paul Akayesu* at the International Criminal Tribunal for Rwanda (ICTR).

The International Criminal Tribunal for the Former Yugoslavia (ICTY) ruled in 2004 the Srebrenica massacre a genocide, reasoning that the targeted group of Bosnian Muslim men and

⁴ UNRIC, 'South Africa vs Israel: 14 Other Countries Intend to Join the ICJ Case' <https://unric.org/en/south-africa-vs-israel-14-other-countries-intend-to-join-the-icj-case/> accessed 16 January 2025.

⁵ See for example, Amnesty International, 'Israel is Committing Genocide Against Palestinians in Gaza' (12 December 2024) <https://www.amnesty.org/en/latest/news/2024/12/amnesty-international-concludes-israel-is-committing-genocide-against-palestinians-in-gaza/> accessed January 2025.

⁶ UN OHCHR, 'UN Special Committee Finds Israel's Warfare Methods in Gaza Consistent with Genocide' (November 2024) <https://www.ohchr.org/en/press-releases/2024/11/un-special-committee-finds-israels-warfare-methods-gaza-consistent-genocide> and UN Press, 'Fourth Committee Continues Discussion on Special Political Questions' (November 2024) <https://press.un.org/en/2024/gapal1473.doc.htm>

⁷ TWAIL Review, 'Public Statement: Scholars Warn of Potential Genocide in Gaza' <https://twailr.com/public-statement-scholars-warn-of-potential-genocide-in-gaza/> accessed 13 January 2025.

⁸ Joint Declaration of Intervention, *The Gambia v Myanmar* (ICJ, 2020), para 65; UNSC Res 1820 (2008) https://www.un.org/shestandsforspeace/sites/www.un.org/shestandsforspeace/files/unsr_1820_2008_on_wps_english.pdf accessed 10 January 2025.

⁹ In *Croatia v. Serbia*, the ICJ confirmed that the perpetrator's intent to destroy the group, in whole or in part, could be inferred from acts or measures that "have consequences for the group's capacity to renew itself, and hence ensure its long-term survival". <https://www.icj-cij.org/sites/default/files/case-related/118/118-20150203-JUD-01-00-EN.pdf>, p. 63, para. 136.

¹⁰ R. Charli Carpenter, *Beyond 'Gendercide': Incorporating Gender into Comparative Genocide Studies* (n 5) 92; Elisa von Joeden-Forgey, *Gender and Genocide* (2010) 78.

boys constituted a prominent part of the overall targeted population that is essential to the survival of the group, where if it were unable to procreate, then it could lead to the destruction of the group, in part or in whole.¹¹

Furthermore, in the joint Declaration of Intervention in the case of *The Gambia v. Myanmar* before the ICJ, the Declarants argue that sexual and gender-based violence “can directly affect the physical ability to procreate and can create other barriers to procreation, including through the impacts of social stigma”.¹² Gendered violence plays an important role in determining the perpetrator’s specific intent to destroy the targeted group physically and/or biologically.¹³

Since October 2023, evidence of Israel’s specific intent to destroy the Palestinian population, a protected group within the meaning of the Genocide Convention, in the form of statements issued by State officials, including the Prime Minister and Minister of Defence, as well as senior military officials and soldiers, persisted unabashedly, further entrenching beliefs spanning decades dehumanising the Palestinian and their elimination.¹⁴

In addition, evidence of intent has been inferred from the pattern of conduct of the Israeli military across the Gaza Strip. This has been accompanied by widespread incitement to genocide against Palestinians across the different categories of Israeli society, including journalists, influencers, artists, and former parliamentarians, military and intelligence personnel. The statements of incitement to genocide have been both gender-neutral and gender-specific, targeting both men and women the group.¹⁵

1- Killing members of the group¹⁶

By the end of 2024 and since October 2023, the population in Gaza has fallen by 6 percent.¹⁷ Estimates of the actual number of those killed stands at an astounding 300,000; nearly 12 percent of Gaza’s population.¹⁸ The means and methods through which Israel has killed Palestinian men and women, ranging between execution, bombing to rubble, burning alive,

¹¹ ICTY, ‘Address by President Theodor Meron at the Potočari Memorial Cemetery’ <https://www.icty.org/en/press/address-icty-president-theodor-meron-potocari-memorial-cemetery#:~:text=Many%20victims%20of%20this%20crime,perpetrators%20will%20unfailingly%20face%20justice> accessed 10 January 2025.

¹² Joint Declaration (n x), para. 27.

¹³ Joint Declaration (n x), paras 44-65.

¹⁴ Republic of South Africa, *Public Dossier of Evidence relating to the State of Israel’s Intent and Incitement to Commit Genocide against the Palestinians in Gaza*, submitted to the UN Security Council, 29 May 2024 (SA UNSC May 2024 Dossier).

¹⁵ For example, Prime Minister of Israel, Benjamin Netanyahu, invoked the Old Testament tale of the total destruction of the Amalek by the Israelites, comparing the fight against Gaza to the war against Amalek to justify the obliteration of “any memory of that nation, women and children included”. SA UNSC May 2024 Dossier (n xvi), p. 19-20.

¹⁶ Due to space limitations, this section does not provide an exhaustive account of the gravity and scale of Israel’s cruel and inhumane acts in Gaza since October 2023. Nor does it fully capture the far-reaching consequences of these actions on Palestinian women, men, and the broader population.

¹⁷ Palestinian Central Bureau of Statistics, ‘Estimated Population in Palestine Mid-Year by Governorate, 2024’ (31 December 2024) <https://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=5901> accessed 26 January 2025.

¹⁸ Democracy Now, ‘Gaza Hospitals Bombed Amid Crisis’ (30 December 2024) https://www.democracynow.org/2024/12/30/gaza_hospitals accessed 19 January 2025.

raping to death, among other gruesome and inhumane acts, further evidence Israel's depraved, militarised dominance, power and masculinity, grounded in supremacist dehumanisation, settler-colonial and ethnoreligious entitlement.

Within this context, Israel assumes the Arab-Palestinian man as inherently evil, guilty and a threat. This deeply engrained belief has justified any and all forms of violence and demeaning treatment against them, most notably killing, torture and ill-treatment and sexual violence. Palestinian men and boys are targeted for their normative gendered role in society: as heads and carers of the household, community leaders, political figures, religious authority, fighters and patriarchs. Meanwhile, Israel targets women and girls through similar inhumane acts for their gendered role within a patriarchal society: life givers, caregivers, housekeepers, and as seen "custodians of family and societal honour" (although deeply problematic and harmful), in order to assert control and achieve the intended objectives of total or partial destruction of the group.

The killing of Palestinian women in Gaza amounting to nearly 37 percent of the recorded fatalities is not gender blind. As indispensable sources of life, care, and continuity, the systematic targeting and killing of women at such scale reveals the perpetrator's intent to disrupt, reformulate, and ultimately liquidate familial and societal structures. This strategy forms part of a broader, calculated effort to instil fear, assert domination, forcibly displace the population, and undermine the group's capacity for survival and regeneration; i.e., destroy them.

At the same time, while the high rates of women and children killed reflect clearly the gendered dimensions of violence, these figures should not be oversimplified as indicators of civilian versus combatant status. Such assumptions reinforce the entrenched and dangerous narrative that Palestinian men—by virtue of their gender—are presumed combatants or legitimate military targets. This framing fuels their dehumanisation and criminalisation,¹⁹ and obscures the reality that Palestinian men and boys are also targeted based on gendered roles that make them vital to the group's continuity.

2- Causing serious bodily or mental harm

Over 137,400 Palestinian men, women and children have been injured since October 2023, with more than 22,000 sustaining life-altering injuries, including amputations, spinal cord damage, traumatic brain injuries, and severe burns.²⁰ More than 10 children per day have lost one or both legs.²¹ These injuries have occurred amid Israel's ongoing decimation of Gaza's health infrastructure and its siege, which has systematically denied the wounded and sick access to essential medical care.

¹⁹ Airwars, 'Gaza Patterns of Harm' <https://gaza-patterns-harm.airwars.org/> accessed 23 January 2025.

²⁰ UN News, 'UN Warns of Escalating Crisis in Gaza' (September 2024) <https://news.un.org/en/story/2024/09/1154241> accessed 23 January 2025.

²¹ Save the Children, 'More Than 10 Children a Day Lose a Limb in Gaza' (2024) <https://www.savethechildren.net/news/gaza-more-10-children-day-lose-limb-three-months-brutal-conflict> accessed 23 January 2025.

Israel's actions demonstrate a deliberate strategy to maim and debilitate a large portion of the population, together with the foundational infrastructure and basic services, to cease all aspects of human, dignified life and prevent its continuity. Those not killed or physically maimed are left starving, dehydrated, disease-stricken, and severely traumatised.

In the context of Israel's settler-colonial genocide, debilitation serves as a mechanism of domination, aiming to weaken the population's capacity to survive and resist, which goes hand in hand with the 'logic of elimination' of native populations.²²

3- Torture, rape, and sexual violence

Torture and other cruel, inhuman or degrading treatment or punishment, including sexual violence and rape, are recognised as acts that can cause serious bodily and mental harm and may constitute genocide.²³ Jurisprudence from international tribunals has affirmed that such acts, when committed with the intent to destroy a protected group, contribute to what has been described as the "destruction of the spirit, of the will to live, and of life itself" of the group.²⁴ When employed as a genocidal tactic, sexual violence inflicts severe physical and psychological harm with the broader aim of destroying the individual as part and weakening the collective integrity of the targeted group.

Israel's ongoing mass arrest campaigns of Palestinian men and women, including children, illustrate this intent. Those detained are often subjected to starvation, beatings, forced nudity, rape, and other forms of violence. Many are forcibly disappeared, and if returned, dead or injured or minus a limb. Moreover, the UN Commission of Inquiry has documented cases where the Israeli military has forced "Palestinians of all ages and genders at gunpoint to strip during evacuation processes and walk for prolonged periods without clothes";²⁵ acts that amount to humiliation and sexualised abuse. These systematic practices reveal the extent of dehumanisation within Israel's detention and torture facilities.

4- Inflicting conditions calculated to destroy life

Israel's prolonged siege of Gaza, compounded by repeated mass forced expulsions, displacement, and the intentional denial of access to food, water, healthcare, and sanitation, has knowingly pushed the population therein into starvation, famine, and widespread disease. The systematic destruction of health infrastructure and food systems, alongside the total blockade, has persisted for over 20 months, methodically engineering conditions incompatible with human life and survival.

Such actions fall squarely within the scope of genocide as defined in Article II (c) of the Genocide Convention, which prohibits "deliberately inflicting on the group conditions of life

²² Liberated Texts, 'More Painful Than Death: Viewing the Palestinian Genocide Through Jasbir Puar's The Right to Maim' <https://liberatedtexts.com/reviews/more-painful-than-death-viewing-the-palestinian-genocide-through-jasbir-puars-the-right-to-maim/> accessed 20 January 2025.

²³ ICTY, *Karadžić Trial Judgment* (2016) para 5664.

²⁴ ICTR, *Prosecutor v Jean-Paul Akayesu* (Trial Judgment) ICTR-96-4-T (2 September 1998) para 732.

²⁵ UN Commission of Inquiry, 'Findings on Human Rights Violations in Gaza' (2024) para 150.

calculated to bring about its physical destruction in whole or in part”. This is affirmed in the *Akayesu* case, where the ICTR found that subjecting the group “to a subsistence diet, systematic expulsion from homes and the reduction of essential medical services below minimum requirement” could meet the threshold for this genocidal act.²⁶

5- Preventing births within the group

Israel has deliberately targeted the reproductive capacity of the Palestinian population in Gaza, instrumentalising the denial of reproductive rights, particularly women, as part of its broader strategy of demographic engineering, control, and destruction. In December 2023, Israel bombed Gaza’s largest fertility clinic, destroying 3,000-4,000 embryos, and obliterating critical fertility infrastructure.²⁷

Amid the siege and collapse of the health system, many women have lost access to fertility treatments, with ‘miracle’ children born through years of IVF, killed in Israeli strikes, by starvation or disease.²⁸ Simultaneously, Israeli forces have inflicted targeted violence against the external genitalia of Palestinian men, including penile and testicular trauma, threatening male fertility.²⁹

The assault on Palestinian women’s sexual and reproductive health has escalated, with nearly one million women in Gaza denied access to basic services and rights. Israel’s siege has caused severe shortages of menstrual products, forcing women to resort to cloth scraps and other unsanitary materials, putting them at serious risk of infections.

Trauma, stress, and lack of medical care, have contributed to a 300 percent increase in miscarriage rates,³⁰ along with a rise in premature births and life-threatening pregnancy complications. According to UN OCHA, urinary tract infections are widespread among pregnant women due to the lack of clean water and diagnostics, leading to delayed diagnosis of conditions like cancer and unnecessary hysterectomies.³¹ Infant mortality is rising due to starvation, dehydration, and lack of medical supplies. Even women who manage to give birth are unable to breastfeed due to severe malnutrition, while formula milk remains largely inaccessible.

²⁶ *Akayesu* (n 26) para 506.

²⁷ UN OHCHR, ‘Onslaught of Violence Against Women and Children in Gaza Unacceptable – UN Experts’ (May 2024) <https://www.ohchr.org/en/press-releases/2024/05/onslaught-violence-against-women-and-children-gaza-unacceptable-un-experts>; ABC News, ‘IVF Embryos Destroyed in Gaza Hospital Strike’ <https://abcnews.go.com/International/4000-ivf-embryos-destroyed-1-shelling-gazas-largest/story?id=109350404> accessed 23 January 2025.

²⁸ The Guardian, ‘War Halts IVF in Gaza as Parents Mourn Miracle Children’ (13 August 2024) <https://www.theguardian.com/world/article/2024/aug/13/war-halts-ivf-treatment-in-gaza-as-parents-mourn-miracle-children> accessed 21 January 2025.

²⁹ Healthcare Workers Watch, *The Killing, Detention and Torture of Healthcare Workers in Gaza* (October 2024) 31–32 https://healthcareworkerswatch.org/wp-content/uploads/2024/10/HWW-report_The-killing-detention-and-torture-of-HCWs-in-Gaza_October-72024_Final.pdf accessed 21 January 2025.

³⁰ UN OHCHR (n 30).

³¹ OCHA, ‘Humanitarian Situation Update 247: Gaza Strip’ (2024) <https://www.ochaopt.org/content/humanitarian-situation-update-247-gaza-strip> accessed 24 January 2025.

Conclusion

A gendered understanding of genocide reveals how violence against the social and reproductive functions of a group can be used to systematically destroy it. As briefly highlighted above, Israel's actions in Gaza target not only the physical existence of Palestinians but their ability to reproduce, raise families, and maintain a cohesive society.

A gendered analysis must be central to any legal or policy evaluation of Israel's genocidal conduct, as it reveals the underlying rationale behind the perpetrator's choice of targets and methods. Understanding the gendered dimensions of genocide is essential not only for identifying acts of violence that pose genocidal risks—acts which themselves often constitute lethal, destructive harm—but also for reinforcing the *erga omnes* obligation to prevent genocide.

Moreover, applying a gender-sensitive lens enables a more effective response to both the immediate and long-term needs of the targeted population. It helps to counteract the intended harm and the ultimate aim of such violence: the systematic destruction and elimination of the native group by the perpetrator and its accomplices.

Recommendations

- Recognize and address gendered strategies of destruction that extend beyond sexual violence to include broader gender-specific harms—such as killing, forced displacement and expulsion, starvation and famine, torture, ill-treatment, and the denial of access to medical care and essential health services. These acts must be understood as tools of biological and physical destruction within the broader framework of genocidal violence.
- Adopt an intersectional, inclusive, comprehensive approach incorporating gender, sex, race, and settler-colonial dynamics into genocide analysis.
- Seek accurate data on the killing, injury, detention, and debilitation of Palestinian males and females during Israel's latest episode of settler-colonial, genocidal violence. Particular attention must be given to male-targeted harms to prevent the normalisation of their systematic dehumanisation.³²
- Support documentation and fund holistic gender sensitive forensic investigations, survivor-led reporting, and evidence collection mechanisms.
- Protect Palestinian human rights groups and defenders documenting gendered and sexual violence, and shield them from repression.
- Ensure that all humanitarian responses incorporate gender-sensitive mental health and psychosocial support, and prioritize the immediate restoration of essential health and basic infrastructure through a gender-conscious lens that guarantees equitable access for all. Actively engage local civil society actors—including women's rights organizations,

³² Adam Jones, *Gendercide and Genocide* (2004) 192.

human rights defenders, and gender experts—in the design, implementation, and monitoring of such interventions.

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