

Opinion

# If It Isn't a Genocide in Gaza, Then What Is It?

Sunday 14 January 2024, by [LEVY Gideon](#) (Date first published: 14 January 2024).

**Let us assume that Israel's position at The Hague is right and just and Israel committed no genocide or anything close to it. So what is this? What do you call the mass killing, which continues even as these lines are being written, without discrimination, without restraint, on a scale that is difficult to imagine?**

*A Palestinian woman walks near the rubble of a house destroyed in an Israeli strike, earlier this week. Credit: Reuters/Mohammed Salem*

What to call dying children on hospital floors, some of whom have no one left in the world, and [hungry elderly civilians](#) fleeing for their lives from the unceasing threat of bombs everywhere? Will the legal definition change their fate? Israel will breathe a sigh of relief if the court dismisses the charge. As far as it is concerned, if this is not genocide our conscience will be clean again. If The Hague says "not genocide," we will once again be the most moral ones in the world.

This weekend, the Israeli media and social media erupted with admiration and praise for the legal team that represented us at The Hague. What elegant English and persuasive arguments. On the previous day, the media hardly reported [South Africa's position](#), which was presented in even better English than the English of the Israelis and was far more anchored in facts and less on propaganda, once again proving that in this war, Israel's media has reached an all-time nadir. It sees its duty as enhancing the Israeli position and nullifying the position of "the legal arm of Hamas." Look at how much legal honor those experts have brought us.

Let's assume we're talking about a country that is on trial for the most severe violations that exist in international law. Those with the black robes and white wigs and those without them presented Israel's usual talking points, some of which are just, such as the descriptions of the October 7 atrocity.

At other parts, it was hard to know whether to laugh or cry. Like at the argument that Hamas alone is to blame for [the conditions in Gaza](#). Israel has no hand or part in it. Saying that to a prestigious international institution is to cast doubt on and insult the intelligence of its judges.

And what to make of the remarks of the head of the Israeli defense team, Prof. Malcolm Shaw: "The actions of Israel are proportionate and only target armed forces"? But what about the truth? Proportionate with such destruction? If that is what proportionate looks like, what does disproportionate look like? Hiroshima?

"Only against armed forces," with near multitudes of dead children? What is he talking about? "Making phone calls to evacuate the uninvolved"; who still has an operating telephone in Gaza and exactly where are they supposed to evacuate in this hell where not a single piece of safe ground

remains? And the ultimate: "Even if soldiers violated the laws governing war, that will be heard by the Israeli legal system."

Shaw apparently has not heard about the Israeli legal system and even less about what is called the military legal system. He has not heard that after Operation Cast Lead, the 2008-2009 conflict with Gaza, only four soldiers were indicted for criminal offenses and only one of them was sent to prison for the misdemeanor theft of a credit card (!). All the others hurling shells and bombs at the innocent will never be indicted.

And what about the remarks of Dr. Galit Rejwan, the weekend discovery who will undoubtedly be chosen to light this year's torch at the Independence Day ceremony on Mount Herzl: "The IDF is moving hospitals to a safer place." Will Shifa be moved to Sheba? Rantisi to Soroka? What safe places in Gaza is she talking about and which hospitals will the IDF move?

None of this of course proves that Israel has committed genocide. The court will decide that. But to feel good about such arguments for the defense? To feel good after The Hague? To feel good after Gaza?

**Gideon Levy**

---

---

**P.S.**

• Haaretz. Jan 14, 2024 1:33 am IST:  
<https://www.haaretz.com/opinion/2024-01-14/ty-article-opinion/.premium/if-it-isnt-a-genocide-in-gaza-then-what-is-it/0000018d-040c-dd07-a7df-cf7e8b980000>