

INTERNATIONAL EXPERT STATEMENT ON ISRAELI STATE CRIME



Image 1 – Damaged buildings following Israel’s airstrike on the El-Remal area in Gaza City in October 2023 (Picture: Wikicommons/ Naaman Omar).

This statement is written and signed by members of an international community of scholars with globally recognized criminological expertise in the area of state crime. What distinguishes our work is an understanding of state crime that moves beyond the narrow framing of international law, to one that focuses on organizational deviance and harm perpetrated in pursuit of state goals.

Forty years of dedicated, peer-reviewed research has established that the coercive opportunity structures available to states, when combined with weak control mechanisms that might restrict their application, create the conditions for the illicit use of violence by states seeking to coercively achieve contested political goals. It has also been established that states have a disproportionate ability to conceal, distort and deny their criminal applications of violence, and to frustrate subsequent forms of accountability.

It is the consensus of our scientific community that we are currently witnessing these risks and tendencies taking place in a particularly intensive form in Gaza, Jerusalem and the occupied West Bank. Palestinians within the 1948 boundaries (now Israel) are also experiencing high levels of threat.

Cumulatively the evidence firmly indicates that in a disproportionate response to the Hamas killings of October 7 the Israeli state is employing its extensive and advanced military capacity to inflict violence on Palestinian peoples on such a scale that it is accurate to frame it as the annihilation phase of genocide.

Israel's actions in Gaza and historic actions against the Palestinian people fit both legal and criminological definitions of the crime. As Raphael Lemkin, the author of the term genocide wrote, genocide is not limited to spectacularized acts of mass killings but includes "a coordinated plan aimed at the destruction of the essential foundations of the life of national groups."

Genocide is a process designed to erase a people "in whole or part" based on their racial, ethnic or religious identity. Israel's announcement of a state of "total siege" of Gaza, cutting off water, food, electricity and medical supplies, amounted to a clear statement of intent to commit genocide against the Palestinian people by "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part." (Genocide Convention 1948, Article 2)¹ The genocidal intention of the Israeli state is also embodied in statements by its leaders: IDF spokesperson Daniel Hagari declared that "the emphasis is on damage and not on accuracy"² when referring to Israeli aerial bombardments, while Netanyahu threatened to "flatten" Gaza reducing it "to an island of ruins."³ Knesset member, Ariel Kallner, revealed "there is only one goal: Nakba [catastrophe]! A Nakba that would dwarf the Nakba of 1948."⁴ When Defence Minister Yoav Gallant ordered a complete siege on Gaza he described Palestinians as "human animals,"⁵ and Israel's President Isaac Herzog stated that there are no innocent civilians in Gaza, Israel's declared intentions were again clear and explicitly genocidal.⁶ In Nazi Germany, Rwanda, Cambodia and Burma/Myanmar the "non-human" epithet underpinned and made easier the mass extermination of the "other." At present our concern is not so much with whether these statements amount to legally conclusive evidence of specific criminal intent, as with the way the use of such overtly dehumanising language contributes to a genocidal process which is currently passing into a particularly intense and dangerous phase.

Empirically we know that genocide unfolds over years and frequently decades. Israel's genocide of the Palestinians did not begin on 7 October 2023. For Palestinians the genocide process began in 1917 with the Balfour Declaration, when Britain "gifted" their country to European Zionists looking for a Jewish homeland. It materially took form in the 1948 war, which led to the creation of the State of Israel. During this catastrophe (the Nakba) thousands of Palestinians were killed and 750,000 were driven from their homeland, forever denied a right of return by the Israeli state. Decades of dispossession, occupation, structural violence, forced eviction and apartheid discrimination have followed. What we are

witnessing now is the dénouement of the Israeli state's genocide of the indigenous Palestinians. What we are seeing is a second Nakba.

When organizational actors such as states commit crimes they rely on the complicity of powerful enablers in order to both execute the illicit activity and to evade justice. At present the Israeli state is materially enabled through the provision of military support both by foreign states (particularly the United States) and by international armament suppliers, whose exports states licence. The Israeli state is also enabled by the reputation-laundering services provided to it by state actors, mainstream media commentators, PR corporations and Zionist public intellectuals.

In the latter respect state crime experts are acutely aware, based on a wealth of findings, that when the criminal abuse of state power takes place, even in genocidal situations, state institutions have a significant capacity to publicly distort their criminal actions and evade justice, especially when supported by well-resourced enablers. They also have the ability to remain silent.

One of the most significant scholars of state crime, Stanley Cohen, informed by his experience in South Africa and Israel, documented the mechanisms which criminal states employ to distort and deny their illicit conduct and silence those condemning their deviant behaviour. Drawing on Sykes and Matza's classic study on "techniques of neutralization," Cohen argued that these techniques included the denial of responsibility, denial of injury, denial of the victim, condemnation of the condemners, and appeal to higher loyalties.

We have seen these techniques of denial used with a particular level of intensity over the past month by the Israeli state, allied governments, mainstream media actors and public intellectuals promoting the ideology of Zionism, in an attempt to socially neutralize stigmatising definitions of Israeli state violence as criminal. In the current situation, the false charge of anti-semitism—which conflates legitimate criticism of the genocidal actions of the state of Israel with historical persecutions of the Jewish people—is one such example, which serves to condemn the condemner. The Israeli state and its supporters also work to deny the victims of the siege, bombings and other atrocities—who are mostly women and children—as victims. The research on state crime victimization indicates that the impacts of this violence will be extensive, transnational and intergenerational in scope.

The research on state crime also demonstrates that international law and the courts which serve it are currently incapable of adequately responding to state crimes both during and after their commission. However, it is important to note that state signatories to the Genocide Convention have an obligation to intervene to prevent and to punish genocide.

Based on a growing number of empirical studies, state crime research indicates that the most important mechanism for holding states to account during the commission of

state crimes, such as genocide, is an organized civil society that creatively uses a range of methods that facilitate mass participation in socially rigorous forms of exposure, condemnation and disruption. This mass form of condemnation must be organized, repetitious, large-scale and resilient, if it is to successfully define state violence as criminal and if it is to meaningfully disrupt the illicit actions of criminal actors.

This suggests every citizen can play a critical role today in condemning and disrupting Israeli state crime. By participating in locally organized forms of protest, nonviolent solidarity movements like Boycott, Divestment, Sanctions (BDS) and in mass demonstrations, civil society has the power to dismantle the Israeli state's genocidal apartheid structures. A heavy responsibility falls on civil societies whose own states are directly involved in enabling the Israeli state's crime of genocide or whose industries are supplying materials used by the IDF to execute illicit violence.

Stanley Cohen writes in this regard: "The test of acknowledgement is not our reflex reaction to a TV news item, a beggar on the street, or an Amnesty advertisement, but how we live in between such moments. How do we carry on with normal life, knowing what we know?"

State crime research suggests that the answer to this question will have a determinate impact on the intensity and duration of the current sequence of Israeli state crime, the scale of the genocide and the scale of human suffering it induces. The amplification of demands for an immediate ceasefire, an end to Israel's occupation of Gaza and the West Bank, an end to international complicity, and support for the Palestinian BDS movement, are critical measures through which civil society can enforce fundamental human rights in the face of systematic violations by the Israeli state.

Signed,

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Notes

1. Available online at: https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf (accessed 28 October 2023).

2. Available online at: <https://www.theguardian.com/world/2023/oct/10/right-now-it-is-one-day-at-a-time-life-on-israels-frontline-with-gaza> (accessed 28 October 2023).
3. Available online at: <https://transcripts.cnn.com/show/se/date/2023-10-07/segment/10> (accessed 28 October 2023).
4. Available online at: <https://www.middleeastmonitor.com/20231009-israel-mk-calls-for-a-second-nakba-in-gaza/> (accessed 28 October 2023).
5. Available online at: https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/ (accessed 28 October 2023).
6. Available online at: <https://news.yahoo.com/israeli-president-says-no-innocent-154330724.html> (accessed 28 October 2023).