



SOS Alert Gaza - Update #6 - The Genocidal Attack on Rafah

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The Lemkin Institute for Genocide Prevention is issuing an urgent SOS warning for the imminent genocide of Palestinians in Rafah. On Wednesday, 27 March, Israel launched several bombing strikes on the city where nearly 1.4 million people are sheltering. These attacks could be the opening salvo to Israel's promised ground invasion of the town, which is home to the critical crossing to Egypt. This bombing is a genocidal act conducted by Israel against a trapped civilian population.

We welcome the current plan to reschedule a meeting between the US and Israel to discuss Israel's plan for a ground invasion of Rafah, a plan that US President Biden opposes. Everything must be done to secure the safety of Palestinians in Rafah, the last sanctuary for a population facing genocide in the form of attrition and forced displacement.

We at the Lemkin Institute emphatically condemn Israel for its denial of the transport of aid to the north of Gaza, deepening the risk of widespread famine. We call on Israel to immediately halt all offensive measures taken on Rafah, and throughout Gaza, and act in accordance with United Nations Security Council Resolution 2728, which called for an immediate ceasefire.

In addition to the passage of Resolution 2728 by the United Nations Security Council (UNSC) this week, the International Court of Justice has ordered an additional two provisional measures that seek to protect the Palestinian population from irreparable harm. Announced on Thursday afternoon, the ICJ has ordered that Israel:

(1) Take all necessary and effective measures to ensure, without delay, in full cooperation with the United Nations, the unhindered provision at scale by all concerned of urgently needed basic services and humanitarian assistance, including food, water, electricity, fuel, shelter, clothing,

hygiene and sanitation requirements, as well as medical supplies and medical care to Palestinians throughout Gaza, including by increasing the capacity and number of land crossing points and maintaining them open for as long as necessary;

(2) Ensure with immediate effect that its military does not commit acts which constitute a violation of any of the rights of the Palestinians in Gaza as a protected group under the Convention on the Prevention and Punishment of the Crime of Genocide, including by preventing, through any action, the delivery of urgently needed humanitarian assistance.

Seven of the sixteen judges comprising the ICJ said the Court should have called for an immediate ceasefire and cessation of Israeli military operations.

Regarding the recent passage of UNSC 2728, the Lemkin Institute strenuously disagrees with the stance of the United States, which claims that the resolution is “non-binding.” The US abstained from voting to allow the resolution’s passage. The US position is founded neither in international law nor in the United Nations Charter. Claiming UNSC resolutions are non-binding presents an unprecedented threat to the “rules-based international order” of which the United States is a primary architect. The international community must immediately take action in line with Resolution 2728 and coerce Israel into ceasing its genocidal campaign. Israel must further allow the unfettered flow of humanitarian aid into Gaza, Hamas must release Israeli captives being held in Gaza and Israel must release the thousands of arbitrarily detained Palestinians from Gaza and the West Bank.

Appallingly, Palestinians detained by Israel have been subject to torture. The UN reported last month that over 4,000 Palestinians have been arrested without cause by Israeli security forces. They were often subjected to physical and psychological abuse while detained. Detainees attested to appalling conditions and treatment at the hands of the Israel Defense Force (IDF), with some blindfolded for multiple days, denied showers, beaten, and denied medical treatment.

The Lemkin Institute urges the Biden administration to enforce the “Leahy Law,” codified under 620M of the Foreign Assistance Act of 1961, 22 U.S.C. 2378d, as required by law. In addition, we call on the Biden administration to properly follow US law relating to arms exports and humanitarian aid: 22 U.S. Code § 2314, Section 502B(c) of the Foreign Assistance Act, and Section 620I of the Foreign Assistance Act.

Israel’s continued refusal to allow humanitarian aid paid for by the United States into Gaza not only puts the Netanyahu government in violation of the above-mentioned United Nations Security Council Resolution 2728, as well as the International Court of Justice’s provisional orders in South Africa vs. Israel, but also renders them ineligible for further US security assistance under the provisions of the Humanitarian Aid Corridors Act. Building a pier in the

Mediterranean Sea before pressuring Israel to allow in the line of trucks laden with life-saving aid at the Rafah border crossing is an expensive act of political theater that will only ensure the unnecessary and painful deaths of thousands more Palestinians. Simply applying existing laws is enough.

We would also remind President Biden of his stance that a ground invasion of Rafah would violate a “red line” for his administration. In his State of the Union speech, the President acknowledged that “Israel also has a fundamental responsibility, though, to protect innocent civilians in Gaza.” There is no way to ensure that protection in urban combat with an army that has proved to be motivated by genocidal zeal. If the US President fails to act on his own words to prevent the further genocide of the people of Gaza and to behave in accordance with the rules-based international order he purports to prize, his betrayal of humanity will be remembered by the world forever.