



Statement on the Biden Administration's Complicity in Genocide in Gaza

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The Lemkin Institute for Genocide Prevention is deeply distressed by the continued complicity of the United States in the ongoing genocide in Gaza being committed by US ally Israel. The administration of President Joe Biden shares responsibility for the nightmarish loss of Palestinian life and property in Gaza due to the indiscriminate nature of Israel's air and ground operations. While members of the Biden administration and the President himself have made public comments that distance the United States from Israel's ongoing extremist response to Hamas's October 7 attack, the United States continues to facilitate Israel's destruction of the Palestinian people in Gaza and the West Bank with its unwavering diplomatic, financial, and military support.

In particular, we are sickened by the US veto of a ceasefire resolution at the most recent meeting of the UN Security Council. On December 8, 2023, the United States was the only Security Council member to veto the resolution. The United Kingdom abstained. All other thirteen members voted in favor of the resolution. Such a resolution would have put desperately needed pressure on Israel to end its genocidal war against the Palestinians in Gaza. Such a resolution is entirely appropriate, given that Israel is currently openly flouting international criminal and humanitarian law.

The United States justified its veto by claiming that the resolution was "imbalanced" in that it failed to condemn Hamas' October 7 attack and failed to recognize Israel's right to self defense, two issues that have been addressed by UN Secretary General Antonio Guterres. These two talking points – demands for performative condemnations of Hamas and recognition of Israel's self-defense rights – are being used to stall or completely obstruct constructive engagement with Israel. Neither is of immediate relevance to a ceasefire resolution, since there can be no justification for international crimes, including international crimes committed by Israel. A ceasefire would bring the worst of these crimes to an end, creating room for more constructive approaches to Israeli and Palestinian security. Nevertheless, US deputy ambassador Robert Wood maintained that a ceasefire now would "only plant the seeds for the next war" by allowing

Hamas to regroup, thereby endorsing Israel's claim that it can somehow completely destroy Hamas through the disproportional and indiscriminate use of force.

At the Lemkin Institute, we do not believe that Israel's long-term security is being served by its choice to pursue genocide in Gaza and the West Bank. This war is galvanizing opposition to the State of Israel worldwide and risks creating the conditions for Israel's self-destruction, as has been the case with genocidal states at other times and in other places. We believe it is in Israel's best interest to pursue a durable peace that addresses the longstanding grievances of Palestinians and launches a truth and reconciliation effort that includes strong accountability mechanisms. Given Israel's extreme right-wing government and the widespread support for this genocide among Israeli citizens, a durable peace that secures the lives of Israeli Jews as well as Palestinians and Israeli Arabs will require strong and concerted pressure from Israel's allies.

At the time of writing, US and European support for Israel's attack on Gaza and the West Bank has resulted in nearly 20,000 deaths, according to the Gaza Health Ministry, which is run by Hamas. Over half of these deaths are estimated to be children under 18. Over 52,000 people have been wounded, many very seriously. There is little to no health care capacity in Gaza any longer. Thousands of people are buried under the rubble, some still alive, with no way of excavating them. Ninety percent of Gazans are currently internally displaced and forced into overcrowded parts of southern Gaza, where they also face bombing raids. People lack access to food, shelter, water (especially potable water), and warm clothing. Palestinians are facing starvation and death from exposure and disease, with no end to their suffering in sight.

Even more alarming, from the point of view of genocide prevention, is the conduct of the Israeli army inside of Gaza and in the West Bank. The behavior of Israeli troops during the ground offensive offers strong evidence of genocidal intent. Israel is wantonly killing Palestinian civilians, including children, at close range. On December 16, doctors and other witnesses in Gaza reported watching in horror as the Israeli military bulldozed tents outside the Kamal Adwan Hospital, crushing the injured people inside the tents and burying them alive. The Israeli army is also accused of causing the death of five babies in the intensive care unit at Al Nasr Hospital after forcing the parents and hospital staff to leave. Witnesses have also reported that Israeli soldiers shot displaced people at point-blank range at the Shadia Abu Ghazala School in the northern al-Faluja area. The Latin Patriarchate of Jerusalem reported that two women, a mother and her daughter, were shot by Israeli snipers over the December 16 weekend as they walked in the grounds of Gaza's Holy Family Church. Just this week the United Nations received disturbing reports that Israeli soldiers separated men from women during a raid on a building in Gaza City, killed at least eleven of the men in front of their family members, and herded the women and children into a room where they were fired upon and targeted with a grenade.

Israeli soldiers have also used humiliation as a weapon, filming and sharing images of Palestinian men stripped down to their underpants being paraded around Gaza. These images have led to genocidal mockery of Palestinian men by supporters of Israel on social media. Israel has further targeted Palestinian religious and cultural heritage as well sources of food and

water. The Israel Defense Forces (IDF) have destroyed Palestinian cemeteries in Gaza and have completely razed an estimated 22 percent of Palestinian farms, greenhouses, and olive groves.

The Lemkin Institute reminds readers that targeted killings of civilians because of their identity is evidence of genocide, as is the separation of men and women, killing family members in front of one another, targeting vulnerable and deeply symbolic members of the group (such as children), destroying cultural heritage, and destroying resources that sustain life, such as farms. Humiliation rituals, such as the ones we saw in IDF videos and images of naked Palestinian men, are also red flags of genocidal intent. The widespread celebration of this humiliation and the public support for the mockery of Palestinian life are indicators of a society that is deeply imbued with genocidal ideology.

In the West Bank, Israel has been ramping up its persecution of Palestinians since October 7. On November 29, during a raid on the Jenin refugee camp, two Palestinian boys were shot and killed by Israeli forces, according to the Palestinian Ministry of Health. One of them, who was only eight years old, was shot in the head by sniper fire. On December 18, Israeli snipers killed two Palestinian boys at the Al-Far'a refugee camp in the West Bank. Over a dozen Palestinian villages in the West Bank have been completely emptied of their inhabitants, who were forced to flee due to threats and attacks from Israeli settlers, supported by the IDF. 4,655 Palestinians have been arrested in the West Bank since October 7.

Given that this violence has been funded and supported by the Biden Administration, the Lemkin Institute for Genocide Prevention calls on the ICC to include investigations into US complicity in the genocide in Gaza as part of its ongoing investigation of atrocity crimes committed in Palestinian territories since 2015. While the United States is not a state party to the Rome Statute, this does not necessarily make it immune from investigation and prosecution for serious international crimes committed in states that have accepted ICC jurisdiction. Furthermore, the international legal reach of the 2002 American Service-Members' Protection Act, which aims to protect some US nationals from criminal prosecution by an international court, is unclear. According to the Coalition for the International Criminal Court, US nationals can be prosecuted "when [they] commit war crimes, crimes against humanity, and genocide on the territory of an ICC member country." Palestine acceded to the Rome Statute in January 2015.

Particularly given the ICC's investigation of Russian Federation Vladimir Putin's crimes in Ukraine, the Lemkin Institute believes that there is a strong precedent for investigating and possibly indicating and prosecuting the responsible parties in the United States. The world must show an evenhanded commitment to preventing and punishing the crime of genocide, especially now, when trust in our global institutions is so compromised across the world.

In the meantime, it is imperative that the United States recognize the will of its own people and call for a permanent ceasefire in Gaza. According to a Reuters poll, a majority of Americans supported a ceasefire already in November 2023. Large demonstrations for a ceasefire have

been ongoing in all major US cities since October. Bringing an immediate end to the suffering of the Palestinian people must be a priority for the Biden administration—for the sake of Palestinians, but also for the sake of Israelis and Americans. Support for genocide, no matter how vociferously the perpetrator seeks to justify the crime, does not eradicate threats to perpetrating groups. Instead, it leads directly to those threats. Because of this, Israelis are less secure now than they were before Israel began its genocidal response to Hamas's October 7 attack. Furthermore, because of widespread and growing global antisemitism, Israel's current crimes put Jews at greater risk all around the world. Blind US support for Israel not only endangers US nationals of Jewish faith, but also all Americans at home and abroad, and it sets the stage domestically for the normalization of genocide as foreign and domestic policy. All efforts at normalization must be strenuously fought by the American people, especially in an election year when former President Donald Trump, who embraced genocidal language and policies in his administration, has a very strong chance of winning the presidency.

Already the Gaza genocide has set the stage for transgenerational trauma, future violence, and ongoing insecurity for Palestinians and Israelis. Given this reality, the United States must reconsider its blanket support for Israel. The US government must reject further military funding for Israel until Israel embraces a real peace process that addresses Palestinians's legitimate historical grievances. Genocidal states must not be given diplomatic cover by Western nations who regard themselves as defenders of human rights. It must be made clear to Israel and its supporters that the US, and its allies in Europe, draw the line at genocide, no matter what the identity of the perpetrators and the victims. Genocide is always illegal and immoral, everywhere in the world, at all times.