THE SLOW-MOTION GENOCIDE- DECODING ISRAEL’S OPPRESSION ON PALESTINE THROUGH INTERNATIONAL HUMAN RIGHTS PERSPECTIVE

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ABSTRACT

Attempts to achieve the current world order's collective purpose of maintaining international peace and security. Genocide is a catastrophic violation of human rights that the international community has denounced as a crime against humanity. The absence of identifying the liability and immunity of criminals and restorative justice for victims are still hazy problems in genocidal law, notwithstanding the establishment of the Genocide Convention in 1948. The brutality perpetrated by genocidaires defines Genocide. The current Palestine dilemma results from conspiracy Zionism, which is the driving force behind mass Jewish immigration to the Middle East. The British support for massive Jewish expansion led to creating the new State of Israel, which discriminates against Palestinians in their homeland. In and around the Occupied Palestinian Territory, Israel continues to impose refugee status on Palestinians by its belligerent military occupation. The violations committed by the Israeli Occupational Force and other entities are in breach of international human rights law (jus ad Bellum) and international humanitarian Law (Jus in Bello). As a result, the question is whether Palestinian Muslims exist on the planet. Even though there is a plethora of international literature on the subject, the socio-legal aspect of 'Palestinian Genocide' is strikingly absent. The author's main point is that Israel's long-running human rights breaches are nothing more than acts of Genocide against Palestinians. Three main elements run through the research paper: To summarize, basic jurisprudence on the crime of Genocide; Israeli human rights crimes that have the legal and other features of Genocide; and self-defence as a strategy for destroying the targeted people.

Keywords: Genocide, Zionism, dolusspecialis, Palestinians, Israeli Settlements, Occupied Palestinian Territory, Self-defence and Apartheid.

In the history of human life, the gravest form of crime ever witnessed is Genocide. Combating Genocide is the responsibility of humanity as a whole, especially international legal stakeholders. Among the crimes against the law of nations, Genocide is a denial of the right to existence of the entire human race. The concept of human existence is also recognized by theological science. The crime of Genocide shocks the conscience of humanity. It was exhibited by the criminal behavior of the Nazi leader Adolf Hitler. In this regard, the United Nations (UN), as a representative institution of the global community, performs a pivotal role in evolving the international Law on Genocide through drafting the International Convention on the Prevention and Punishment of Crime of Genocide (Genocide Convention) and also establishing the two Ad-hoc Tribunals respectively the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). Understandably, acquiring the legal vision on the prohibited acts of Genocide and introducing the scholarship of varied fields of knowledge is indispensable. They includethe juristic works of Professor Raphael Lemkin, Applicable Law, Contributions of the International Ad hoc Tribunals, and the corpus juris of the International Legal Scholarship (ILS). Above all, it is based on the impact of the behavioral pattern of the genocidaires: Test of Subjectivity.

I. INTRODUCTION
The Palestinian conflict is identified with the hegemonic scheme of Zionist ideology. Zionism as a form of racism and racial discrimination is established in international law. The Palestinians rightful holders of the land are subjected to perennial human rights violations by the Zionist Israelis. Ironically it is only through distorted historical cum legal claims, Israel has acclaimed its international sovereign authority. The Law on Genocide and its application should be revisited in the backdrop of geopolitical (more than six decades) harmful conditions imposed by Israelis upon the Palestinians lives. As usual, the international criminal behavior differs from one to another, so is the practice of Israelis. In the vicious design of entitlement of land rights, settlement, truce accords, self-defence, counter-terrorism, and crimes such as aggression, illegal occupation, apartheid, and crimes against humanity and Genocide are committed. In the human rights sense, the basic standard of living of Palestinians is affected. To state their freedoms of life, liberty, dignity, health, housing, religions, peace, security, education, food, water, enjoyment of natural resources, to live in the natural environment, so on and so forth. Undoubtedly, the broader contour of Palestinian's fundamental right to existence and freedom to self-determination are violated.

Factoring the above, the paper focalizes on three parts. First elementary jurisprudence on the crime of Genocide will be traced, and the identity of the protected group and its direct implication upon the Palestinians is to be proved. Second, the fact sheet analysis of the Israeli-led massive human rights violations vis-à-vis substituted the intention to destroy the Palestinians is examined. The scrutiny is based on the Principles of Neutrality, Opportunity, Accommodation, and Victim-based Perspectives. Also, the prolonged Israeli occupation towards the annexation of Palestine is addressed. Quite understandably, the effect of the Wall Opinion jurisprudence on the legality of belligerent occupation has to be analyzed. Finally, the distinctive form of Israeli technique of self-defense as a form of Genocide will be established. Alongside that, the interpretative application of the international law on State responsibility is presented.

As per the modern trends in international law, the legal stands taken are pinned on the legal rights and obligations of the State parties involved herein. Israel is a party to UN Charter and the Genocide Convention. It made signature to Convention on August 17, 1949, and also ratified the same on March 9, 1950. Therefore, the international legal obligations arising out of the Charter and that of the Convention should comply. The International Law Commission's (ILC) Draft on the Way and Means for Making the Evidence of Customary International Law is relied on to reflect the notion of accountability of Israel. With relevance to Principles of Neutrality and Opportunity, the opinion of the Israeli diplomats and legal consultants on this subject matter reflectively attributes the State practice. Evidence of such an Israeli course will rely on an assessment of human rights violations and the application of international crimes. The legal academic literature of the Israeli legal counsels constitutes substantive corroborative proof. Mainly, this choice of method has to be taken to overcome the constraints imposed by the Statist perception and ill effects of aggressive warfare.

**Elementary Jurisprudence on The Crime of Genocide**

Presently, the international criminal justice system is more oriented towards the definition, prosecution, and punishment of transnational crime. So is the case of Genocide. Beginning from the work of Raphael Lemkin, it is the contribution of the UN-established tribunals that has seen the dawn of the law on the subject. For the first time in the Akayesu Decision, the Rwanda Tribunal dealt with the interpretation of Article II of the Genocide Convention and Article 3 of its Statute. Resultantly, the Tribunal propounded the elementary aspects of the crime. In genocidal jurisprudence, the mental element and that of the material aspects are inseparable. Genocide is a composite crime. The required proof the specific intent or dolus specialis has the high test rather than a crime. The crime of Genocide must be committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group, as such.

Generally, accepted and shared knowledge is the assumption that perpetrators may not confess. Moreover, the context of international crime, as in more instances, is State-sponsored and committed in the veil of war. The availability of direct or ocular evidence is almost impossible. Therefore, circumstantial evidence plays a vital part in determining genocidal intention. The notion of intent to destroy was ascertained in the Kayishema and Ruzindana Case. The factors determining the genocidal intent are death toll or the number of victims, mental trauma of survives of victims, incendiary phrases, targeting the particular group and their properties, deployment of deadly weapons, organized way of planning, and systematic pattern of killing. Also, killing a single individual based on group identity satisfied the genocidal intent.
Alongside the above, certain practicable cum conceivable factors of genocidal intent were identified by the Tribunals, which include: First the false tools of governance and welfare measures are issuing identity cards to a specific group, the issuance at the initial stage, the verification at checkpoints and recovery at the time of exhuming in the recovery of dead bodies. Second is the identification of characteristics of human anatomy, which also considers the physical appearance of that group. Third, hate propaganda is held through publishing the caricatures fostering genocidal hatred. Fourth the genocidal violence and human sufferings include the death parade of victims along with close family members; the mental trauma caused to the survivors of victims in terms of final moments of life; victims are offering bribes for painless death; offenders accept the fix still inflict painful and gruesome killing; forced impregnation; unlawful detention and enforced disappearance; victims are used as human shield; suffered by physical and gynecological injuries; Ghetto modeled program; killing of babies with butts of rifles. Fifth abusive languages denote the sexual abuse targeting the women of the specific group and abuse through national radio and mass media institutions reinstating past internal conflicts among the diversified groups on malafide intention. Sixth genocidal weaponry includes agricultural tools, sharp branches of trees, and other unconventional deadly weapons. The seventh collaborative alliance was made with other genocidal perpetrators. That is, armed forces like the military were grouped with paramilitary forces and militias. The eighth cultural Genocide includes the destruction of religious places, historical archives, and heritage sites; insulting or defiling the sacred objects or signs or books or related items of the targeted group at the home of genocidal violence; defaming the Victim's national symbols. Ninth, the conspiratorial projects represent the secret talk and entering the military or administrative or civilian pact or agreement towards annihilation of a protected group. To add, lynching also is widely seen in the infliction of genocidal harm.

In the history of human life, society is built by various institutions. The group is an essential component in the laws of nature. It is comprised of collective human elements. It is simply expressing the social behavior of that human. As per the online free dictionary, meaning for the group, several individuals or things considered or classed together because of similarities. The term 'group' is widely used within sociology and social sciences. From the sociology department, the group and social group collect individuals who interact and form social relationships. The explanation for the social group which defined by formal or informal criteria of membership, who share a feeling of unity and interaction. Used narrowly, the term 'group' denotes that the individuals who have some shared sense of identity or are bound by a relatively stable pattern of social interaction. More commonly, the term 'group' is used as an all-purpose term for any collection of people which helps to acquaint actual or abstract identity of each other. According to the humanist approach, if all the group members are human beings, groups are addressed as human groups rather than any other name.

In genocidal history, the ICL scholars have identified seven stages. They are

(i) definition of the target group based on some criteria; (ii) registration of the victims; (iii) designation or outward identification of the victims; (iv) restriction and confiscation of goods; (v) exclusion from professions, working activities, and means of transportation, among other things; (vi) systematic isolation; (vii) mass extermination.

Creating a separate identity for group status ends with the isolation of that particular group from the mainstream life of other communities who become silent spectators while commissioning Genocide. The departmental understanding in sociology regarding groups is typically based on the social behavior of humans. As per the ICL jurisprudence, the perpetrator identifies the victims with deep concern of criminal context, not that of social context. A targeted group is a critical factor for fixing the criminal behavior of the perpetrator. Draft Convention for Genocide prepared by the Secretariat of the UN had the definition regarding 'protected group.' It includes the racial, national, linguistic, religious, or political groups of human beings. Not all groups mentioned under the first draft convention come under the category of a protected group. Excluded are specifically political groups, as well as economic and similar groups. In Genocide, it refers to any criminal enterprise seeking to destroy, in whole or in part, a particular kind of human group, as such, by specific means. Two elements of the intent to destroy are: the act or acts must target a national, ethnic, racial, or religious group, and the act or acts must seek to destroy all or part of that group.

In a subjective approach, the group status may be identified through the social fact of the victims because of their shared identity and prior coordination and cooperation for lead a life as a community. The origin of the crime is begun from the propagation and dissemination of hatred against the collection of people. As per the international institutional arrangements, the following components were also extracted from the facts for identifying the genocidal intent: the general context of the perpetration of other culpable acts systematically directed against that same group; whether these acts were committed by the same offender or by others; the scale of atrocities.
The Genocide Opinion affirms the elementary understanding of international crime. The global ad hoc tribunals interpret the definitional aspects of mental and material elements in the light of the Vienna Convention on the Law of Treaties (VCLT). The interpretative jurisprudence under Article 31 is a general rule of interpretation that explained varied interpretation techniques like good faith, context, object and purpose, preamble, subsequent agreement, and subsequent practice. Fixing or identifying the genocidal intent requires a high test. It means to deduce specific meaning from the act, which is similar in the perpetration of other culpable acts against the same group. The prosecution, beyond a reasonable doubt, should prove —the Commission of the crime. As per the prosecution version, the victims were chosen by the perpetrators themselves based on the intent to destroy in whole or in part a national, ethnic, racial, or religious group. The boundary of victims is done by issuing identity cards based on their ethnic or religious, or group status. The identification of the explicit manifestation of the genocidaires is always tricky. The criminal behavior of the accused is only expressed through the genocidal context of violence as intent can be inferred from words and deeds which demonstrated the pattern of intentional conduct, which includes Commission or omission.

In the operative sense, the material elements of the Genocide are categorized: physical, biological, and cultural. Intentional killing of the selected group is attained annihilation. But there is no premeditation for that crime. On the basis of the Akayesu Decision, the harm is permanent and irreparable; fixing that 'rape' or 'sexual violence' indeed inflicts severe bodily and mental damage. Hence this category involves two concepts: severe physical harm and severe mental harm.

Especially the pertinent act is that an act of deliberately inflicting on the group conditions of life calculated to bring about physical destruction in whole or in part. According to this protracted type of physical Genocide, an individual is suffered from a prolonged absence of essential food and sanitation. In group conditions, it goes severe inhuman treatments and will destroy the whole group or part of the group. It results in 'slow death' It includes systematic rape, starving the group of people (lack of food and water), excessive work, physical exertion, and withholding sufficient living accommodations for a reasonable period (lack of proper housing, clothing, hygiene, and medical care). One of the main techniques is to assemble the victims in concentration camps. This category has two key components: duration and calculation. Hence, it is questioned the existence and living conditions of the survival of the group.

The notable features of the biological Genocide are the imposing measures intended to prevent births within the group. The modes of restricting birth control are forced sterilization, compulsory abortion, segregating the sexes, and prohibiting marriage. Detaining the male folk in prison or executing them or sexual violence, including rape, is a measuring aspect of this category. When the person is raped, she refuses subsequently to procreate. If so, it is deliberately impregnated by a man of another group, with the intent to have her give birth to a child who will not be from the mother's group. Forcibly transferring children of the group to another group is identified as cultural Genocide. The children who moved from their parents have a chance of losing their cultural identities. When they have grown, their language, traditions, and culture have become alien to them. Here the object is not only transferred to the children. The concept 'forcibly' involves the sanction elements of threats or trauma which would cause other prohibited acts of Genocide. Cultural Genocide also includes the destruction of fetuses, cultural leadership, and cultural symbols (books, art, cites, libraries, religious places, and cities).

Israeli Human Rights Violations - A Case of Genocidal Proof

Traditionally war reflects the virtue of the right of States. It protects the pivotal interest of States. Once, it was the last resort to settle international disputes. Controversially, modern international law prescribes to the equation that war is permissible, so is occupation. Occupation has the legitimate scope for intervention in the territorial sovereignty of another State under the International Humanitarian Law (IHL). As per Hague Regulations of 1907, the primary source of occupation is exercising authority over the territory of a hostile State. The authority
The fundamental element of law for protecting the civilian population in a time of war was titled the Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949 (Fourth Geneva Convention). It has exclusive provisions for handling the dynamic environment. According to standard Article 2 of the Geneva Law, it applies to all cases of war, armed conflict, and partial or total occupation, even if it meets with no armed resistance. It is again validated the work, but in a regulated manner, because of the past experiences of war. It has an exclusive focus on the Occupying Power's treatment of the inhabitants or people of occupied territory. The characteristic features of the occupation have limited and temporary aspects. Thus, the occupying power controls and administers part according to the IHL, including Hague and Geneva Laws.

The priority ought to be attached that innocent civilians shall not be killed or injured. The inhabitants of the territory also come under this purview with the name of protected persons. They have the number of rights under the Fourth Geneva Convention: right against annexation; right to leave the territory subject to the provisions of the Article 35; right against the individual or mass forcible transfers from occupied territory; right against the settlement of civilian population of the occupying power; exactly to have the proper working; right of the children to have education and to register parentage; right against forced labour in the armed forces of the occupying power; right to employment; right against destruction of property; right against coercion; right against discrimination; right to access justice; right to retain as public officials and judges; right to food; right to access medical supplies; right to requisition of hospitals; right to get hospitals, medical services, hygiene and public health; right to get spiritual assistance; right to free passage; right to get collective relief schemes including food, cloth and shelter; right to get relief consignments; right to receive the relief from individual, Red Cross and other relief societies; right to publish their knowledge; right to appear before competent courts; right to appeal; right to administer by their own law; right to get deduction from sentence of period spent under arrest; right to defend the case before the Court of Law and also right of appeal against detention. Hence, the occupying power has the legal obligation to exercise these rights in favor of the inhabitants.

Generally, after the war, the occupying power is either reverted or made a peace treaty to terminate its authority. Existing sources clearly state that It can administer the territory for a temporary period or short term. Israel's predominant technique against Palestinian is a settlement by way of belligerent military occupation. It is continued even after five decades. Its justifications are security and the army necessities. In the name of preserving public order and safety, it deployed its armed forces. The Security Council condemned it. Decisively, it is a root cause for the unresolved refugee problem. Settling Jews mass immigrations and establishing new State created millions of refugees. The purposeful occupation of the Six-Day War further helps to expand its territory and to increase the number of Palestinian refugees. Israel violates customary rules of international law regularly.

Strange in history, Israel treats the occupied territory as its own, but it shows the second-hand treatment against the territory's inhabitants. It is gradually annexing the remaining territory by forcibly expelling the Palestinians and establishing Israeli settlements. Constructing a wall for protecting its settlers is also a clear case of discrimination against the Palestinians. It was questioned before the ICJ by the UN General Assembly in deciding the status quo of Palestine. Rendering justice by way of advisory jurisdiction is an exclusive pattern of modern international law. It is ensured through the advisory proceedings. The ICJ acknowledges the Palestinian people's rights in its Wall Opinion

Subsequently, the Court has confirmed that the Palestinian territories under the category of occupied territory and sovereign functions are not entitled. It has included the suggestions for implementing the UNSC Resolutions 242 (1967), 338 (1973), 15/15 (2003), and for initiating the negotiation between the two sovereigns Israel and Palestinian Authorities (PA) It has been decided that the Palestinian people have the right to self-determination. Israel is bound to comply for respecting this right to self-determination, but it breaches its obligation by constructing the wall against the Palestinian people. Israel violates the obligation ergaomnes. Hence, the Court declared that the wall's construction is stopped and reversed because of its illegality. Also, it pointed out the unlawful transfer of the Palestinians. Finally, it condemned the Israeli settlement practices in the occupied territory, which continued since 1967.
As it is evident that the Israeli Defence Forces (IDF) used its force over the Palestinians to flee from their homes. In further, it is occupied. It helps to settle the Israeli settlements. In contrast, it argues that settlements are established involuntary manner without their contribution. It offers many incentives: free and subsidized land; financial benefits; quality road infrastructure; easy access to Israel metropolitan; military protection from Palestinian access; assimilation of law for refusal of legal sanction against individual inside the settlement. A startling aspect of this violence is human rights violations and population transfer.

In 1993, the Commission on Human Rights adopted a resolution for handling human rights violations in the OPT. It had the legal mandate to investigate Israel's violations of the principles and bases of international law, the IHL, and the Fourth Geneva Law. It has resulted in the report based on the various documents and reports prepared by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. Mr. Rene Felber was assigned the Commission's official Mandate to visit the occupied territories. The plight of the victims was recorded. Political interviews were undertaken. The rapporteur raised the questions against the following violations committed by Israel against Palestinians: Unjustified and Targeted Killings; Political detainees; Military decrees; Imposition of Penalties; Confiscation of the land for expansion of the Israeli settlements; Sealing and Demolition of houses. Further, the rights of the 11,700 Palestinian prisoners languishing in Israeli prisons were highlighted.

Even after the Wall Opinion of the ICJ, the situation has only worsened in the occupied territory. Israel remains the occupying Power in Gaza and West Bank. This means that Israel's actions must be measured against the standards of the IHL and the IHRL. It helps to fix that Israel is in serious violation of its legal obligations of protecting the civilians of occupied territory. Israeli settlements expand, the continuation of the demolition of Palestinian houses, the wall's construction continues, the checkpoints increase, the closure of crossings, and Military incursions are the clear indicators of Israeli violations. In this scenario, John Dugard answered the criticism made by the Israeli side. The report's official mandate was only to inquire about the human rights violations of the occupying power and not by those occupied. Due to the IDF incursion into Gaza, 290 Palestinians were killed in Gaza in 2007.

Factoring the above, Israeli law tried to legalize these settlements. Approximately 4,50,000 Israeli settlers lived in at least 3,500 units of settlements under the expanding project held to be legal under Israeli law. These unlawful settlements became severe secondary harm to Palestinians living and livelihoods in their territory. Demolition of Palestinian's homes made them displaced persons. Most of the time, Israeli authorities claim that the building was constructed without a building permit, which was refused earlier. The object of these demolitions and establishment of settlements was ended with forceful population transfer.

The legitimacy of the population transfer must be analyzed under the light of economic, social, and cultural rights. Therefore, the Economic and Social Council had the mandate to prepare a report to analyze the population transfer on the human rights dimension. The study on the human rights dimensions of population transfer includes implementing the schemes for settlers and their settlements. It was based on the methodology field survey through a country visit in the multidisciplinary sense. Continuing efforts of the above said progress report, the special rapporteur, Mr. Al- Khasawneh had submitted the final report and also observed that population transfer violates several rights affirmed in the IHL and that of the IHRL. According to this report, in the context of Genocide, it would be unlawful to displace or transfer an ethnic group deliberately to inflict upon it conditions of life calculated to bring about its physical destruction, in whole, or part, within the meaning of Article II(c) of the Genocide Convention. Thus, the critical scrutiny of the reports indicates that unlawful population transfer legally indeed amounts to acts of Genocide.

Self-Defence – A Tool for Destructing the Targeted Group

Traditionally, the law permits its subject to take arms against the armed. The right to self-defence is traced from the laws of nature. Every human invokes self-defence in times of physical attacks. The concept of self-defence is related to war. Before the UN, the League had played a vital role in protecting international peace and security. It permitted its members to preserve against the external aggression and war or threat of war the territorial integrity and political independence. Still, these terms (aggression and war) have been replaced with the term 'use of force' in the UN Charter. One of the League's most significant efforts was creating and adopting the International Treaty for the Renunciation of War as an Instrument of National Policy (Kellogg-Briand Pact) in 1928. This Pact prohibited war as an instrument of national policy and recognized the right of self-defence as a legal right.
The UN Charter mainly focuses on governing the issues and conflicts between States. For maintaining international peace and security, the Charter permits the use of armed force in the context of common interest through collective measures. It also envisages the use of energy in a manner inconsistent with the purpose of the UN. The term 'use of force' has a broader meaning than the terms aggression and War. Article 2 paragraph 4 of the Charter does not apply to the UN members only. It allows the notion of the use of force by the member States against any State. Even the non-signatories to the UN Charter also come under the jurisdiction of this provision following UN principles. However, the notion may be against the basic rule of privity of contracts, stated under Article 35 of the VCLT. It is covered under the well-settled exception that is the principle of applying customary rules and the same is enjoyed by the Purposes and Principles of the UN. Hence, the right to self-defence is a positive concept within the premises of the UN Law.

On the other side, every State has the right to self-defence from nature itself, not from the mercy of the UN, because it is not a legal authority for this concept. The same is attested by the Charter through affirming the prior existence of the right to self-defence which justifies the use of force. But it prohibits the act of aggression. According to the UN, the right to self-defence is executed between the States. In Nicaragua Case, the United States of America (USA) was tried to justify its violations concerning the military or paramilitary activities in or against Nicaragua in the name of self-defence before the ICJ. One of the main arguments of the Oppressor State was that it was the inherent right of the State. In both the provisional measure and the merits, the Court rejected that argument because of principles of non-intervention, sovereignty, and political independence in favor of the Republic of Nicaragua. It was also stated that it was a clear violation of international legal obligations and also made responsible for that. The same judicial organ further reaffirmed the mandate of Nicaragua Case in occupation issue of the Cameroonian territory. Again, the Oil Platform Case provides attestation to the systematic violation of norms by the US.

Israel is a member of the UN, and thus as a matter of legality, the UN Charter automatically commands Israel's role in international law. Here, the main issue is using force against Palestinians by occupying the power of Israel in the name of the right to self-defence or of security purposes. Israel's arguments majorly fall under Article 2(4) read with Article 51, which deals with the excitation of the inherent power or right of self-defence with the permission of the UNSC. Israel has built a wall in the Occupied Palestinian Territory in the name of the self-defence for the security of Israel. It is condemned by the international community and also the International Court of Justice. Hence, the measurements or parameters for the self-defence must be scrutinized based on the international legal order.

Until 2001, the concept of self-defence was mainly exercised against the State actors. After the September 11 Attacks on the USA, the Security Council adopted two essential resolutions, which gave the powers to exercising self-defense against the non-State actors. This new era for self-defence has changed the color of its own. The ILC, in the furtherance of this mission, has brought out two documents: The Draft Articles on State Responsibility, 2001, and the Draft Articles on the effects of treaties. Articles 21 and 25 of the State responsibilities documents have discussed self-defence and necessity. Article 14 of the 2011 Document on the impact of treaties is dealt with the exercise of the right to self-defence on a treaty. As per the arguments of Israeli legal scholarship, military occupation, armed activities, and construction of wall are the acts of self defence which are exemptions to the concept of prohibition of the use of force, and also it must be treated as mere fact and not a legal situation. Israel tries to make a veil against its legal obligations towards the inhabitants of the OPT in the name of self-defence. But, the international adjudicatory mechanism opined that the activity of Israel, particularly constructing a wall in the self-defence, is illegitimate. The ICJ considers that Israel cannot rely on a right of self-defence in a state of necessity to preclude the wrongfulness of constructing the wall. It also found that the construction of the wall and its associated armed activities are contrary to international law.

Since its establishment of settlements, Israel's view was that the use of force was done only for self-defence and necessity. According to the Article 25(2)

(ii) of the ILC's State responsibility instrument, Israel is the primary fueling agent for its self-defence because it is still now in the capacity of occupying power. Initially, armed attacks were started in self-defence of the Jewish population at the British Mandate of Palestine. Before the end of the mandate, a full-scale civil war began between the Jews and Palestinians. Haganah launched Operation Dalet for capturing the villages from Jaffa to Jerusalem. With the result of the barbarian attacks of the Haganah, millions of the Palestinians fled from their home. During these attacks, eighty soldiers of the Irgun killed the entire population, including 250 men,
women, and children of the village of Deir Yassin. After the military occupation, the armed attacks were continued under the leadership of the IDF.

In 1982, claiming that law and order had collapsed in West Beirut, Israel occupied the area. It surrounded the Sabra-Chatila refugee camps where they claimed Palestine Liberation Organization guerillas were hiding. The result was a massacre in which they killed some 2000 people, often after torturing and mutilating them. The Defence Minister of State of Israel, Ariel Sharon, resigned. Public opinion all over the world condemned Israel. Israel began to withdraw its forces in 1983. In 2000, the IDF actively pursued a policy of deliberately targeting those alleged to have carried out the intifada (uprising) beginning in Israel and the Occupied Territories. On September 29, more than 350 Palestinians, including nearly 100 children, have been killed by Israeli security forces. The Israeli attacks in the Gaza strip in 2008-2009 are clear testimonies of armed conflict. They are also disproportionate ones.

According to Articles 43 and 53 of the VCLT, principle _jus-cogens_ revealed the importance of independent international obligations. It has more significance in international law, even though there is no conventional obligation. Verily, it includes the prohibition of the crime of Genocide.

Israel got so much supports, including arms and amenities, from western countries, particularly from the USA. The Palestinian soil is a test place for using all kinds of inhuman or lethal weapons. This is part and partial of their arms trade. Israel also used destructive or deadly weapons, which are prohibited from operating in warfare, notably biochemical weapons like white phosphorous. The huge Palestinian population lost their properties due to the atrocities of the IDF. It is also the main reason for originating refugees within and beyond Palestine soil. These are the proven credential evidence that constitutes severe violations of the Fourth Geneva Convention. Hence, Israel's use of armed forces against the Palestinians is illegal.

Before studying the concept of State responsibility in international criminal law, the ordinary sense of workability of this concept gets the central focus. Crimes against international law are committed mainly by men, not an abstract entity like State. The Genocide Law is specifically focused on the criminal prosecution and punishment of the individuals rather than the State entity. Articles III, IV, V, VI, and VII of the Genocide Convention are evident for the above-said notion. Article IX of the same instrument has only dealt with the concept of State responsibility. If any dispute, which including the State responsibility, it should be submitted to the ICJ. There is confusion about the responsibility or liability of the State that whether it is criminal or civil liability. But, actually, how could civil liability be until established criminal liability. According to genocidal jurisprudence, Genocide is committed with various stages and different techniques by the wide range of perpetrators themselves with the support of the State. Hence, it is imposed that extended even to acts committed outside of the borders by entities over which their influence may extend. The responsibility to prevent the Genocide is focused by the UN.

Jurisprudentially, the test on the State's responsibility is attributed into two: Effective control and Overall control test. The first one is more relevant to the second test. _Nicaragua Case_ was revealed the idea of the effective control test. The ICJ invoked the practical control test to determine the quantity of direction and powers required by the State to fix the responsibility for the wrongful act. But, in _Tadic Case_, the overall control test was considered whether the Former Yugoslavia had the overall control over the actions of Serbs and its forces in Bosnia. This control was about the power apart from financial support, supply of armory and other military equipment, but includes planning and supervision of the military operations in Bosnia. The ICTY in _Tadic Case_ has restricted this concept to individual criminal responsibility. Hence, the outcome of the International Crime Tribunal practices that State will not be held liable for the acts committed by the private persons.

In _Bosnia Case_, charges were made against the former Yugoslavia for breaching the legal obligations towards the people and State of Bosnia and Herzegovina. The ICJ in determining the responsibility of the respondent for the massacres committed in the Srebrenica area: Whether the acts of Genocide could be attributed to the respondent under the rules of customary international law of state responsibility; Whether the punishable acts referred under Article III of the Convention other than the act of Genocide itself, were committed by persons or organs whose conduct is attributable to the respondent under the rules of customary international law of state responsibility; Whether the respondent complied with its two-fold obligation to prevent and punish Genocide imposed under the Article I of the Convention. Hence, _Bosnia Case_ established jurisdiction regarding the State's responsibility in terms of Genocide. Israel is a party to the Genocide Convention. As per Article I, the contracting party as Israel has the responsibility in its possessed territories, including occupied territories, to prevent and punish the acts of Genocide in both peace and war times. Article VIII discusses the concept of the competent judicial organ. For
interpretation, application, and fulfillment of the Convention, Article IX can refer to the dispute settlement clause conferring jurisdiction to the ICJ. In Reservation Opinion, the Court clearly states that none of the contracting parties has the right to make a reservation against the object and purpose of the Convention. Hence, Israel is responsible for its acts which indeed reflect the likelihood of Genocide.

II. CONCLUSION

In understanding the history of the holocaust in international law, it has to be noted that the Genocide committed by the Israeli government and its agencies like IDF on the Palestinian people constitutes an infamous impeccable mark. As per the available data on the Palestinian conflict, it has to be admitted that it has failed the 'never again clause' of the Charter. The international community is yet to learn lessons post-Rwandan and Bosnian Muslim genocides. It continues in the middle-east regions.

The middle-east area constitutes a holy place. The land of the forefathers of the three great monotheistic religions is situated therein. It will always be just as precious to Arab Muslims and Christians as it is to the Jews. Muslim world has tended to regard it as another instance of modern colonialism or settler colonialism as a repetition of the crusades. Israel's policy as to occupation is still controversial. Israel tries to annex the occupied territory wholly through covet and illegitimate violent strategies. Israeli settlements are illustrative examples of the genocidal pattern of deliberately inflicting on the group conditions of life calculated to bring about its physical destruction.

Israel made widespread or systematic attacks directed against Palestinians, including civilians in the OPT. The particular group of people (Jews) systematically target and eliminate another group of people (Palestinians) through persistent patterns of conduct involving genocidal violence. Genocidal plans like settlements made restrictions on food, water, medicines, and other livelihoods. However, it violates the fundamental values of international law and further leads to the likelihood of Genocide. The bombard against Gaza is also transparent evidence for Israel's genocide activity as physical destruction. This serial of genocidal actions of the Israeli government causes the likelihood of Palestinian Genocide under the category of deliberately inflicting upon its conditions of life calculated to bring about its physical destruction.

Finally, it has to be concluded that the Palestinians are none other than 'victims' who require assistance, help, support, a lightand in this regard, let us hope, every human in his or her capacity turn towards them for their better future, to embrace them and to also put an end to the likelihood of “Palestinian Genocide,” in all its forms and manifestations. The Palestinians are also part of the human family created by the Almighty of the earth and universe.

REFERENCES

1. Advocate at Delhi High Court.
2. Refer Princeton Principles on Universal Jurisdiction (2001), in particular Principle 2 paragraph 1 mentioned that “the serious crimes under international law include: (1) Piracy; (2) Slavery; (3) War Crimes; (4) Crimes against Peace; (5) Crimes against Humanity; (6) genocide and (7) torture.”, University of Minnesota Human Rights Library, available at: file:///E:/01%20PhD%20Typing/01%20Genocide%20Article/Footnotes/2%20The%20Princeton%20Principles%20on%20Universal%20Jurisdiction.html
4. Refer Princeton Principles on Universal Jurisdiction (2001), in particular Principle 2 paragraph 1 mentioned that “the serious crimes under international law include: (1) Piracy; (2) Slavery; (3) War Crimes; (4) Crimes against Peace; (5) Crimes against Humanity; (6) genocide and (7) torture.”, University of Minnesota Human Rights Library, available at: file:///E:/01%20PhD%20Typing/01%20Genocide%20Article/Footnotes/2%20The%20Princeton%20Principles%20on%20Universal%20Jurisdiction.html
6. The concept of human existence is not merely right. It also comes under the perspectives of the laws of nature and the theological science. Almost all the religions reflect the same. Scripture reference from the Holy Quran enlighten the same. According to verse 32 of 5th Chapter Al-Ma’ida (The Table), “whoever killed a human being shall be regarded as having killed all mankind, and that whoever saved a human life shall be regarded as having saved all mankind”. Refer online version for detailed understanding: Maulana Wahiduddin Khan, The Quran, Goodword Books (Farida Khanam ed., 2016), available at http://www.goodwordbooks.com/sites/default/files/Quran%20-%20Gift%20Edition.pdf
9. According to Article 39 of Chapter VII of the Charter of the UN (Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression), the Security Council in an unprecedented manner established the ICTY and that of the ICTR through its resolutions 808, 827 (former) and 955(latter). All the UN documents are available at: http://www.un.org/en/index.html.
10. Select Works of Prof. Raphael Lemkin include: (i) Acts Constituting a General (Transnational) Danger Considered as Offences Against the Law of Nations (1933); (ii) Genocide - A Modern Crime (1945); (iii) Genocide (1946); (iv) Genocide as a Crime under International Law (1947). These


12. According to the work of Morris Jastrow, The Zionism ideology has three main aspects: Religious; Political and Economic Zionism. The founder of the Political Zionism was Theodor Herzl. He launched a movement by publishing his monograph on the “Jewish State”. The Political Zionism is known as Zionism which distinguished the religious and the secular phases and its ultimate aim is the conservation of full Palestine into a Jewish State. Further refer, Morris Jastrow, *Zionism and the Future of Palestine*, Hyperion Press (1919).


14. Zionist Israelis’ historical claim to Palestine was termed as ‘Holy Land’. This was cry of Zionist Theodor Herzl. Israelis were not successful in their claim of an historic title, because the earliest known inhabitant of Palestine was the Canaanites. The aim of Zionism is to create for the Jewish people a home in Palestine secured by Public Law. In fact, at the beginning of the nineteenth century or starting of British military occupation, then the Jewish population was numbered as 58,728. Due to the Balfour Declaration (1917) and other arrangements, Zionism under British mandate was able to organize the massive Jewish immigration and to colonize the Palestine. Later it became legal claim over Palestine. According to Victor Kattan, the legal analysis of the declaration had made the position unavailable from a judicial standpoint. Hence the Zionism conclusion was invalid in international law. For a detailed understanding refer, Victor Kattan, *From Coexistence to Conquest: International Law and the Origins of the Arab-Israeli Conflict*, 1891-1949, Pluto Press (2009).

15. Initially, Israel claimed the sovereignty through the UN plan over the Palestinian territory. The UNGA mandate started with the significant resolution titled as ‘Future Government of Palestine’, G.A. Res. 181, U.N. Doc. A/516 (November 29, 1947). It terminated the British Mandate and also suggested the plan of partition for resolution of the problem of Palestine. This was the main source for establishment of State of Israel. In further, Israel got the admission to membership in the UN by G.A. Res. 273, U.N. Doc. A/585 (May 11, 1949). Further, it tried to establish its sovereignty for the entire land of Palestinians. The West Bank, Gaza Strip and East Jerusalem were occupied by the Israeli armed forces in Six Day War of 1967. Israel is continuing as an occupying power still now.


17. Neutrality in this sense is placing reliance upon the international legal standard established by international community of actors. Opportunity here is nothing but using the official statements made by Israeli legal representatives. Accommodation reflects the value-based approach is taken into consideration the views of the powerful. Victim based approaches represent the rights of the oppressed in terms of chronological, biological and psychological impact. These principles help to understand the grave nature of victims of international crime.


19. Israeli diplomat and legal consultants are Alan Baker, the Ambassador curn Legal Adviser (constructing discriminatory wall is form of self-defence); Danny Danon, the Permanent Representative of Israel to the United Nations (Israel annex major parts of West Bank); Ruth Lapidoth, the Academician and Diplomat (encouraging Israeli settlements in Occupied Territories); Yael Ronen, the Academician, political and legal officer in the Israeli Foreign Service (illegal occupation of Israel has positive aspects); Tomer Broude, the Academician.


22. Article II of the Genocide Convention of 1948 states that “Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group”. For bare reading of the text, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group”. The concept of Genocide is continuing as an occupying power still now.


24. The ICTR held that the killing of a single person does not negate the intent of the perpetrators to destroy the Tutsi population in whole or in part of Rwandan context, because that killing is committed in the genocidal environment. Further reference: Trial Chamber Judgement, *The Prosecutor v. Emmanuel Ndindabahizi*, ICTR-2001-71-T (July 15, 2004).

25. Due to the imposing of Belgian colonial authorities in the early 1930s for welfare measures, Identity card with ethnic identity (Hutu, Tutsi or Twa) was started. In the absence of an identity card, criminals of the ICTR, all the Rwandan witnesses were answered without hesitation to questions of Prosecutor regarding their identity. These identity cards were root cause for identifying the distinct, separate, stable and permanent group. Finally Tutsis were targeted for mass killing on that basis. Refer, Sherrlee L. Russell-Brown, Rape as an Act of Genocide, 21 Berkeley J. Int’l Law. 350 (2003), in particular Page no. 369.

26. In the *Media Trial Case*, the Trial Chamber analysed the spreading of messages of hatred. It also observed that political forces have greatly contributed to the transformation of ethnic consciousness into ethnic hatred. It further led to genocide. Refer, Trial Chamber Judgement, *The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, and Hassan Ngeze*, ICTR-99-52-T (December 3, 2003), [hereinafter *Media Trial Case*] in particular para. 108.

27. The counts for human sufferings were prosecuted by the both Tribunals. For understanding refer the Trial Chamber Judgements: *The Prosecutor v. Jean Paul Kayesu*, ICTR-96-4-T (September 2, 1998); *The Prosecutor v. Radislav Krstic*, IT-98-33-T (August 2, 2001); *The Prosecutor v. Zejin Delali, Zdravko Muci, Hazim Deli and Esad Land*, IT-99-50-T (November 16, 1998) [In ICTY judgement list, it is known as Celebic Camp Case]; *The Prosecutor v. Vidoje Blagojevic and Dragun Jokie*, IT-02-60-T (January 17, 2005).

28. In Rwandan genocide, Perpetrator had the collaborative alliance with Army, Interahamwe (non-official paramilitary group created by the MRND and composed with extremist Hutus), Impunzi mugambi (paramilitary force), Militias and Civil Defence Forces. In 1994, Rwandan officials controlled the militias and forces for executing the genocidal plan. For further details, refer, *Kayishema and Buzindana Case, supra* note 21, para. 283.

29. The Trial Chamber of the ICTY discussed the details of the evidence relating to the damage of the civilian, religious and cultural property in which the alleged unlawful attack on the Old Town of Dubrovnik took place. Lancing was also in it. Refer, Trial Chamber Judgement, *The Prosecutor v. Pavle Strugar*, IT-01-42-T (January 31, 2005), in particular para. 292.
The laws of nature and society are intertwined in term ‘group’. It is derived from French term groupement which means a number of things or persons being some relation to one another. Refer to: https://www.etymonline.com/word/group
32. Refer, online free dictionary, available at: https://www.thefreedictionary.com/group
36. Drawing upon a book by J.M. Lecomte on the genocide of the Jews by the Nazi Germans, the author examines the seven stages in the genocide of the Tutsi in Rwanda. The above said seven stages do not necessarily follow one another in time but may overlap. For detailed reading refer the article which was published in Journal of International Criminal Justice, Jean Mukhitshani, The Seven Stages of the Rwandan Genocide, January 29, 2011, available at: https://friendsofevil.wordpress.com/2011/01/29/the-seven-stages-of-the-rwandan-genocide/.
37. As per the Article I paragraph I of the Draft Convention prepared by the Secretariat reads as “The purpose of this Convention is to prevent the destruction of racial, national, linguistic, religious or political groups of human beings”, for exclusive study refer, the UN digital library, Draft Convention on the Crime of Genocide, available at: https://digitallibrary.un.org/record/611058/files/E-447-EN.pdf
38. Refer, Kai Ambos, What does ‘intent to destroy’ in genocide mean? International Review of the Red Cross, Volume 91, Number 876 (December 2009), pp. 833-858.
40. For detailed understanding of genocidal intent, refer, Trial Chamber Judgement, The Prosecutor v. Callixte Kalimanzira, ICTR-05-88-T (June 22, 2009).
41. The laws of nature and society are intertwined in term ‘group’. It is derived from French term groupement which means a number of things or persons being some relation to one another. Refer to: https://www.etymonline.com/word/group
42. Article 42 of the Hague Regulation of 1907 reads “Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised”. For accessing the most of the IHL materials in official website of International Committee of the Red Cross, available at: https://ihl-databases.icrc.org/ihl/INTRO/195
43. Article 43 of Hague Regulation of 1907, the nature of the occupation and its authority are explained. “The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented’ clearly indicates that the occupation is always temporary one. Hence occupying power is not an occupant de jure.
44. Hague Regulations of 1907 is only revealed about the concept of transfer of prisoners and not of civilians under Article 14. It is also discussed about the transport of persons under Article 53. Articles 42 to 56 of Regulations confined that the occupying power must maintain law and order, but not bother about the welfare of the civilians.
45. Four Geneva Conventions were adopted through the diplomatic conferences which held at Geneva from April 21 to August 12, 1949 for the purpose of establishing the fundamental perspectives of International Humanitarian Law. The Article 2 paragraph 2 of the Fourth Geneva Convention reads as “The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance”. For reference purpose of bare reading of provisions of Geneva Conventions and Additional Protocols, refer, The Geneva Conventions of 12 August 1949 and Protocols Additional to the Geneva Conventions of 12 August 1949, International Committee of the Red Cross Publications (November 2012).
46. The interests of inhabitants of occupied territories are strengthened, because of bitter experiences of previous years of Second World War. During that time, most of rights and safeguarding mechanisms against the Occupying Power were left to the mercy of the same power. If it is denied by Occupying Power, no one can retrieve against it.
47. Section III of the Fourth Geneva Convention is titled as ‘Occupied Territories’. It comprises from Articles 47 to 78. Its rules reflect as supplement of the Section III of the Hague Regulations of 1907. But it makes numerous points clear. Its ultimate goal is to protect civilians in occupied territory from any kind of deprived or whatsoever.
48. Article 4 of the Fourth Geneva Convention defined the protected person.
49. Article 47 of the IV Geneva Convention strictly and complete prohibits the annexation.
50. Article 49, it is defined a right against the individual or mass forcible transfers as well as deportation from occupied territory to the territory of the occupying power for forced labor or any other means. The partial or total evacuation by occupying power for displacement of inhabitants also prohibited. But it allows voluntary transfer of inhabitants of occupied territory. It is otherwise called right to leave of population of occupied territory.
51. Article 149 paragraph 6 states as “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupations”, because, it deprives the rights of the inhabitants of the occupied territory.
52. Article 58 reads as “The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities”. It helps to conducting the religious sermons which gives proper guidance.
64. Articles 47 to 57 of IV Geneva Convention is enumerated these rights in respective manner.
69. For obtaining the Advisory Opinion against the illegal action of constructing wall in occupied territory, Assembly passed the resolution through the emergency special session, refer, G.A. Res. ES-10/14, U.N. Doc. A/RES/ES-10/14/L.16 (September 9, 2003).
71. UNSC resolutions are formal expressions of the opinion or will of the UN. The operative part of these resolutions states the action to be taken. Refer the website of UNSC, available at: https://www.un.org/securitycouncil/content/resolutions
72. Wall Opinion is the clear evidence for the Palestinian people’s right to self-determination. The UNGA also adopted the resolution for the permanent sovereignty of the Palestinian people in the occupied territory. The construction of wall impedes the exercise of right to self-determination of Palestinian people. Therefore, Israel breached its obligation to respect that right. Refer, Wall Opinion, supra note 67, Page no. 183, para. 122.
73. The ICI declared that any kind of measures including settlements taken by the occupying power like Israel in order to organize or encourage the transfers of its own population into the occupied territory is a violation of the Article 49 of the Fourth Geneva Convention. Refer, Wall Opinion, supra note 67, Page no. 183, para. 120.
75. United Nations General Assembly, Human Rights Council on Promotion and Protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, Mission to Israel and the Occupied Palestinian Territory, Report of the Special Rapporteur on Adequate Housing as a Competent of the Right to an Adequate Standard of Living, and on the Right to non-discrimination in This Context, Raquel Rolnik.
82. This report covers the humanitarian crisis in Gaza and West Bank: restriction on import and export through closing the commercial crossings; reduction of fuel, water and electricity; curtailment of food supplies; prevention of live saving medicines and good health care facilities were cause the slow death to Palestinians. Refer, United Nations General Assembly, Human Rights Council, Human Rights Situation in Palestine and Other Occupied Arab Territories, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, John Dugard, U.N. Doc. A/HRC/7/17 (January 21, 2008).
83. In this report, Mr. Richard Falk also noted that the continuation of non-cooperation of Israel. He addressed the administrative or arbitrary detention against Palestinian civilians who are ordinary and innocent, opponents to Israeli policies and organisers of non-violent protests. The ICD was systematically engaged in the targeted killing. In 2002 and 2008, there were targeted 287 and 234 Palestinians among the various incidents. Refer, United Nations General Assembly, Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, U.N. Doc. A/HRC/20/32 (May 25, 2012).
89. Article 35 of the VCLT has dealt with matter of providing the obligations for third States. That reads as: “An obligation arises for a third State from a provision of a treaty if the parties to the treaty intend the provision to be the means of establishing the obligation and the third State expressly accepts that obligation in writing”.
The Palestinian people are forcibly evicted by the Israeli authorities and armed forces in occupied territory. Israeli authorities enforce their malafide intent to destroy a group was binding, even there is no conventional obligation. It states that: “a crime under international law involving a denial of the right of existence of entire human groups, a denial which shocks the conscience of mankind and results in great losses to humanity, and which is contrary to moral law and to the spirit and aims of the GA resolution 96 (1). The conception is that the principles underlying the Convention are principles which are recognized by civilized nations as binding on States, even without any conventional obligation”. Further details refer: Reservation Opinion, supra note 38, Page no. 23.

The UNGA has adopted a resolution on the prohibition of action to influence the environment and climate for military and other purposes incompatible with the maintenance of the international security well-being and health, refer: G.A. Res. 3264, U.N. Doc. A/9910 (December 9, 1974). In this regard, the international NGOs, Human Rights Watch and Amnesty International work in the area of human rights, but they must create awareness among the international community for preventing and combating these inhuman activities. The bio-chemical weapons are prohibited in warfare. Use of white Phosphorus against civilian is a war crime. It is a huge violation of human rights. For explanation, Amnesty International awareness among the international community for preventing and combating these inhuman activities. The bio-chemical weapons are prohibited in warfare. Use of white Phosphorus against civilian is a war crime. It is a huge violation of human rights. For explanation, Amnesty International, As Safe as Houses? Israel's Demolition of Palestinian Houses, April 27, 2016, available at: https://www.amnesty.ie/1702/as-safe-as-houses-israels-demolition-of-palestinian-houses-2/. The Palestinian people are forcibly evicted by the Israeli authorities and armed forces in occupied territory. Israeli authorities enforce their malafide building permit policy against Palestinians, demolish Palestinian homes and illegally build Israeli settlements. For keen observation, Amnesty International, As Safe as Houses? Israel’s Demolition of Palestinian Houses, April 27, 2016, available at: https://www.amnesty.ie/1702/as-safe-as-houses-israels-demolition-of-palestinian-homes-2/.


Article 92 of the Charter denotes, the ICJ shall be the principal judicial organ of the UN.

In general for a concise view on the risk indicating factors on the possibility of acts of genocide, it clearly states that intent to destroy a group was formulated at a latter stage of violence. It is also considered as atrocity crime, because it is based on the belief that the acts associated with affect the core dignity and very existence of human being. Triggering factors have risk that likelihood of genocide will be committed, for understanding consult, Framework of Analysis for Atrocity Crimes: A Tool for Prevention, United Nations, July 2014, available at: https://www.un.org/en/genocideprevention/documents/publications-and-resources/Genocide_Framework%20of%20Analysis-English.pdf.