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# Genocide: the hype



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# 1. SUMMARY

This introduction aims to set the analytical framework for an impartial comparison between Israel's actions in Gaza and Russia's actions in Ukraine, focusing on how each situation has been assessed with regard to allegations of genocide.

The purpose is to provide the reader with the facts and legal findings from relevant international bodies, maintaining strict neutrality so that the reader can form their own conclusions.

The cornerstone of this comparison is the legal definition of genocide, as set out in Article 6 of the Rome Statute of the International Criminal Court (ICC). **Genocide is defined as any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group:**

- **Killing members of the group.**
- **Causing serious bodily or mental harm.**
- **Deliberately inflicting living conditions calculated to bring about its physical destruction, in whole or in part.**
- **Imposing measures intended to prevent births within the group.**
- **Forcibly transferring children of the group to another group.**

It is essential to emphasize that the key element is the **specific intent to destroy the protected group (dolus specialis)**, which is a very high standard of proof in international law.

# 2. BODIES INVOLVED

A comparative table is presented detailing the key differences between the International Criminal Court (ICC), the International Court of Justice (ICJ), and United Nations Commissions of Inquiry (COI):

Acronym	Full Name	Purpose, Objectives, and Scope	Dependencies or Legal Basis	Year of Creation / Entry into Force
ICC	International Criminal Court	A permanent criminal court that <b>prosecutes individuals</b> for crimes of genocide, crimes against humanity, war crimes, and the crime of aggression. Its focus is on <b>criminal trials</b> .	An <b>independent court from the UN</b> . Its legal basis is the Rome Statute.	The Rome Statute was created in 1998 and entered into force on July 1, <b>2002</b> .
ICJ	International Court of Justice	The principal judicial organ of the UN that settles <b>disputes between States</b> and issues advisory opinions. It decides on State responsibility under <b>international law</b> (for example, the Genocide Convention).	It is the main judicial body of the UN. It was created by the UN Charter. <b>All UN members are automatically parties to its Statute</b> .	<b>1945</b> (Founded by the UN Charter).
COI	(UN) Commission of Inquiry	An ad hoc UN <b>fact-finding body</b> . It investigates alleged violations, collects evidence, documents patterns, and issues reports and	An ad hoc (non-permanent) body generally established by the UN Human Rights	The creation of a COI is ad hoc. For example, the COI on the Occupied Palestinian Territory/Israel was

		recommendations. Its findings may serve as a basis for the ICC, ICJ, or States.	Council (HRC) or the General Assembly.	established on May 27, 2021 by the HRC
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Key differences:

- **Parties:** The ICC prosecutes individuals. The ICJ settles disputes between States. The COI does not have parties (it is an investigative body).
- **Powers:** The ICC issues arrest warrants and criminal verdicts. The ICJ issues binding judgments and orders for States (such as provisional measures). The COI issues non-binding reports.
- **Standards of Proof:** The ICC uses the criminal standard (beyond a reasonable doubt). The ICJ applies international law standards for state responsibility (often requiring "fully conclusive" evidence for final judgments on genocide, but only "plausibility" for provisional measures). The COI uses an investigative standard ("reasonable grounds to believe").

### 3. THE CASES OF RUSSIA AND UKRAINE

To assess the actions in Gaza and Ukraine, it is important to distinguish between the main UN bodies and international courts involved: the International Criminal Court (ICC), the International Court of Justice (ICJ), and the UN Commissions of Inquiry (COI), as depicted above.

Key Element	Ukraine – Russia's Actions	Gaza – Israel's Actions
<b>Finding of Genocide (COI)</b>	The UN COI on Ukraine has reported war crimes and crimes against humanity (CAH), such as torture and enforced disappearances. It has not concluded the existence of genocidal intent.	The UN COI on the Occupied Palestinian Territory/Gaza (September 2025) concluded that Israel is committing genocide, based on four of the five prohibited acts and alleging direct evidence of genocidal intent.
<b>Current ICC Stance</b>	Arrest warrants have been issued against senior Russian officials (including Putin) for war crimes/CAH, such as the unlawful transfer of	Arrest warrants were issued (November 2024) against Israeli leaders (Netanyahu and Gallant) for war crimes and CAH (e.g., starvation, attacks on

	Ukrainian children and attacks on civilian infrastructure. <b>No charges of genocide have been filed.</b>	civilians). <b>No charges of genocide have been filed.</b>
<b>ICJ Stance</b>	The ICJ ordered provisional measures against Russia (March 2022) related to the Genocide Convention (no substantive ruling on genocide). <b>No court has found genocidal intent.</b>	The ICJ has issued multiple provisional measures orders (January, March, and May 2024), citing a <b>plausible risk of genocide</b> and ordering Israel to prevent genocidal acts and facilitate aid. <b>There is no final ruling on the merits yet.</b>

The key distinction in the assessments made by UN bodies is **the element of intent**. While widespread killings of civilians have been documented in Ukraine and crimes such as the illegal deportation of children have been classified as war crimes or crimes against humanity, **international courts have not yet found the intent to destroy the group** as such.

In contrast, the **Gaza COI claims to have found both direct and circumstantial evidence of intent to destroy the Palestinian group in Gaza**. The COI points to actions such as the systematic destruction of essential services (starvation, blocking of aid), causing severe harm, and the destruction of fertility services (measures to prevent births).

In summary, the available data reveal a complex landscape in which **judicial and investigative bodies have reached different legal characterizations** for each conflict. By presenting data and citing the positions of the ICC, the ICJ, and the COIs, this document aims to provide the necessary evidence for the reader to weigh the serious allegations of genocide in the case of Gaza, and compare them with the accusations of war crimes and crimes against humanity in Ukraine.

## 4. CONCLUSION

It seems that it all relies on the special intent to destroy the group (target). It is also true, some might allege, that it is not the same trying to destroy Gaza population than eliminating 35 million of Ukrainians.

It should not be forgotten that in Israel 1.8 million Arabs live and are citizens of the country. There are over 300 thousand Arab permanent residents in Israel. Arabs represent 21% of the population in Israel.

As stated above, this paper just wanted to provide the reader with the data so that **you can elaborate your own educated guess on the topic.**

It is also very important to denote the difference among reports made by an investigative body and courts, and to differentiate between the targets of the ICC (individuals) and the ICJ (states).

The ICC has issued arrest warrants for both Putin and Netanyahu (among others), which seems to be a coherent way of conduct. **States are trickier to deal with...**