



POLICY BRIEF INITIATIVE

HAMAS' GENOCIDAL VIOLENCE

Sara E. Brown

On Saturday morning, October 7, 2023, Israeli citizens living in the Sha'ar HaNegev region of Israel situated along the border of Gaza awoke to the sound of sirens warning of incoming rocket fire from Gaza. While rocket fire from a variety of internationally recognized terrorist groups operating from Gaza is unfortunately common, the sustained nature of the barrage and volume were unusual. Soon after, there were sporadic reports of Hamas terrorists entering the border communities (including nearly a dozen small communal villages and the town of Sderot) in the early morning hours, invading homes, and massacring civilians. Due to the myriad digital platforms accessible today, this terror attack was covered in real time, with graphic images and video showing calm, collected, and focused Hamas terrorists patiently waiting to enter gated communities, executing security forces, and going house to house in an organized search for Israeli citizen victims. Entire families were executed, including parents shielding children, infants, and the elderly. Hundreds were taken as hostages back into Gaza. The terrorist attacks perpetrated by Hamas against Israeli civilians are acts of genocidal violence, and Hamas' ongoing threats of further violence constitute a grave risk of genocide. Since the genocidal terror attacks on October 7, 2023, Israel has declared war against Hamas and a larger conflict is unfolding. This brief deals solely with Hamas' genocidal terror attack and not the war between Israel and Hamas. This brief will address the crimes perpetrated (as up to date as possible given the full scope of the horrors perpetrated is still under investigation), the question of Hamas' intent, and the risk of further acts of genocidal violence or genocide perpetrated by Hamas.

Crimes Perpetrated

Utilizing the framework of the 1948 UN Convention on the Prevention and Punishment of Genocide, we see evidence of all five acts of genocidal violence in the terrorist attack perpetrated by Hamas.¹

The CCTV footage of Hamas terrorists arriving at Kibbutz Be'eri on Saturday morning offers detailed footage of the organized tactics of the terrorists. The terrorists are dressed in combat fatigues, well-armed, and waiting in the bushes. When a vehicle drives up and the gate mechanism starts, they emerge and kill the driver. Each plays a role that is coordinated and indicates a high level of organization. They then enter the kibbutz and begin a search of the community, going door to door, slaughtering civilians in their homes and on the streets. In Kfar Aza, a nearby kibbutz, confirmed reports of gruesome murder include more than 40 babies, some found still in their cribs. The footage tells a horrific story: elderly massacred next to a bus stop, beheaded infants, and women with bloodied undergarments and bottoms, the aftermath of rape. At an outdoor music festival, terrorists using paragliders and machine guns filmed themselves as they approached from the air, shooting at the festival goers, many of them teens and young adults, and murdering indiscriminately. More than 364 people were massacred in that incident alone.

Much of the footage depicting these horrors was filmed by the Hamas terrorists, who appear gleeful, dancing, singing, and celebrating as they film themselves perpetrating deliberate, organized slaughter, rape, and kidnapping. These horrific images are a form of psychological terror designed to foment fear, pain, and harm among the Jewish community at large.

When examining the question of intent, the most important primary source available is the Hamas charter, drafted in 1988 by its founding members. A revised version of the charter was published in 2017 in an attempt to rebrand Hamas as slightly less antisemitic and genocidal, but the scope and intent of its October 7 attack, along with statements made from its leadership, indicate an ideology still in adherence with the original charter. Hamas, or Harakat al Muqawama al Islamiyah, is a Sunni Islamist terrorist organization that, since its violent overthrow of the Palestinian Authority in 2007, operates as the de facto governing body of the Gaza Strip, a 141 square mile strip of land along the Mediterranean Sea that borders Egypt and Israel. Hamas was founded in 1988 and while its origins lay with the Muslim Brotherhood, it is funded, armed, and trained by the Iranian Revolutionary Guard Corps (IRGC).² While the relationship was strained during the Syrian Civil war, “Relations with Iran are excellent, and Iran is the largest supporter of the Izz ad-Din al Qassam Brigades [Hamas’ military wing] with money and arms,” Yahya Sinwar, a senior Hamas military leader, affirmed in 2017.³ In 2020, the U.S. State Department reported that Iran had provided more than \$100 million annually to Hamas and Palestinian Islamic Jihad.⁴ The original Hamas Charter articulates two primary aims for the terrorist organization: the end of the Jewish state and the creation of an Islamic state from the Jordan River to the Mediterranean Sea.

In its introduction, the Charter clearly states:

This Covenant of the Islamic Resistance Movement (HAMAS), clarifies its picture, reveals its identity, outlines its stand, explains its aims, speaks about its hopes, and calls for its support, adoption and joining its ranks. Our struggle against the Jews is very great and very serious. It needs all sincere efforts. It is a step that inevitably should be followed by other steps. [5]

Here, the stated people targeted by Hamas are Jews. Not Israelis, not Jewish Israelis, but Jews.

In Article 7, the Charter continues:

...the Islamic Resistance Movement aspires to the realisation of Allah's promise, no matter how long that should take. The Prophet, Allah bless him and grant him salvation, has said: “The Day of Judgement will not come about until Moslems fight the Jews (killing the Jews), when the Jew will hide behind stones and trees. The stones and trees will say O Moslems, O Abdulla, there is a Jew behind me, come and kill him. Only the Gharkad tree would not do that because it is one of the trees of the Jews.” (related by al-Bukhari and Moslem). [6]

Here, citing the prophet Muhammed, Hamas clearly states its aspiration to realize the promise of seeking out and killing Jews. In Article 13, “There is no solution for the Palestinian question except through Jihad. Initiatives, proposals and international conferences are all a waste of time and vain endeavors.”⁷ Here Hamas explicitly rejects of all forms of negotiations, dialogue, and compromise and embraces violent struggle.

In Article 15: “The day that enemies usurp part of Moslem land, Jihad becomes the individual duty of every Moslem. In face of the Jews' usurpation of Palestine, it is compulsory that the banner of Jihad be raised.”⁸ Again, there is again explicit reference to Jews, not Israelis, and a declaration that violence is compulsory.

In Article 20, we see Hamas employ Holocaust denial tropes, blaming the Holocaust on the Jewish people and asserting:

In their Nazi treatment, the Jews made no exception for women or children. Their policy of striking fear in the heart is meant for all. They attack people where their breadwinning is concerned, extorting their money and threatening their honour. They deal with people as if they were the worst war criminals. Deportation from the homeland is a kind of murder. [9]

The charter is rife with antisemitic myths, conspiracy theories, hatred, calls for mass murder, and incitement to genocide. As its founding charter, it lays out the core beliefs and intentions of Hamas: to perpetrate a genocide against the Jews.

More recent statements from Hamas' leadership are in direct alignment with the 1988 Charter and show a modern-day commitment to the decades-old manifesto. Ghazi Hamad, a senior leader of Hamas and speaking on behalf of the Hamas Political Bureau, gave an interview to LBC TV in Lebanon on October 24, 2023. During the interview, he stated:

Israel is a country that has no place on our land. We must remove that country because it constitutes a security, military, and political catastrophe to the Arab and Islamic nation, and must be finished. We are not ashamed to say this, with full force... We must teach Israel a lesson, and we will do this again and again. The Al-Aqsa Flood [referring to the massacre of October 7] is just the first time, and there will be a second, a third, a fourth, because we have the determination, the resolve, and the capabilities to fight... We are called a nation of martyrs, and we are proud to sacrifice martyrs. [10]

He then doubled down, calling for the elimination of the State of Israel.

Hamad: The occupation must come to an end. Anchor: Occupation where? In the Gaza Strip? Hamad: No, I am talking about all the Palestinian lands. Anchor: Does that mean the annihilation of Israel? Hamad: Yes, of course. [11]

The terror attacks on October 7, 2023, will continue to reverberate across the Jewish community and broader society for years to come. This is the largest antisemitic massacre of Jews since the Holocaust. But as one scholar of genocide aptly pointed out to me, if the terrorists who crossed the fence between Gaza and Israel and perpetrated this slaughter could have killed more, they would have. Their intent was destruction, and their murderous aims were constrained only due to the limitations of their firepower and planning. They would not have paused in the midst of slaughtering, raping, and maiming to say, "we have done enough, let's go back." Rather, as their leadership asserts, they are committed to perpetrate the same crimes again and again. As a result, the threat of further Hamas perpetrated violence, terror, and genocide persists.

Recommendations

- The International Association of Genocide Scholars must denounce Hamas' genocidal violence, including the terror attack perpetrated against Israel on October 7, 2023, and Hamas' threats of further genocidal violence.
- The international community (especially scholars of genocide) must contextualize the recent terror attack perpetrated by Hamas against Israel as violence perpetrated with genocidal intent, limited in scope only due to the terror organization's capacity.
- The international community must demand and work to ensure the safe and immediate return of all hostages held in captivity in Gaza.
- The international community must document all human rights violations and atrocities for violations of international law, including genocide crimes and crimes against humanity.
- The international community must understand Hamas's threats of violence as constituting a grave risk of genocide and take measures to prevent further perpetration of atrocities.
- The international community (especially academics) must combat Hamas's attempts at atrocity denial and any and all efforts to diminish, deny, or blame the victims for Hamas' genocidal attack.
- Social media companies must combat the denial of Hamas' attack and curb rampant misinformation and disinformation campaigns.

References

1. See definition in the UN Convention on the Prevention and Punishment of Genocide (1948)
2. American Jewish Committee, "What You Need to Know About the Iran-backed Terror Group Hamas and its Attack on Israel," *AJC Global Voice*, October 15, 2023, <https://www.ajc.org/news/what-you-need-to-know-about-the-iran-backed-terror-group-hamas-and-its-attack-on-israel>
3. Levin, Daniel, "Iran, Hamas & Palestinian Islamic Jihad," *Wilson Center*, October 11, 2023, <https://www.wilsoncenter.org/article/iran-hamas-and-palestinian-islamic-jihad>
4. U.S. Department of State, Bureau of Counterterrorism, "Country Reports on Terrorism 2020," <https://www.state.gov/reports/country-reports-on-terrorism-2020/>
- 5, 6, 7, 8, 9. "The Covenant of the Islamic Resistance Movement," August 18, 1988, accessed from *The Avalon Project Yale Law School*, https://avalon.law.yale.edu/20th_century/hamas.asp
- 10, 11. "Hamas Official Ghazi Hamad: We Will Repeat The October 7 Attack, Time And Again, Until Israel Is Annihilated; We Are Victims – Everything We Do Is Justified," Interview on LBC TV (Lebanon), October 24, 2023, accessed from *Middle East Media Research Institute*, <https://www.memri.org/tv/hamas-official-ghazi-hamad-we-will-repeat-october-seven-until-israel-annihilated-victims-everything-we-do-justified>