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Danmark har pligt til at forhindre folkedrab

Førende FN- og folkeretseksperter er enige om, at Israel er i færd med at forberede og gennemføre et folkedrab i Gaza. Ledende israelske magthavere og højtstående militærfolk har gentagne gange offentligt udtrykt hensigter, som efter Folkekrigskonventionens definition kan beskrives som tilskyndelse til folkedrab.

I 2005 tiltrådte Danmark Folkekrigskonventionen(1), hvori punkt 139 pålægger Danmark forpligtigelsen at beskytte alle befolkninger mod folkedrab, krigsforbrydelser, etnisk udrensning og forbrydelser mod menneskeheden. Konceptet kendes også som Responsibility To Protect (R2P) og er en del af folkeretten(2).

Denne pligt anerkendte udenrigsminister Lars Løkke Rasmussen i en pressemeddelelse 17. november 2023(3), hvori han udtalte at "alle stater i verden har en forpligtelse til at forebygge og bekæmpe folkedrab".

Den danske regering bør anerkende risikoen for folkedrab i Gaza og arbejde aktivt for at forebygge og standse det i overensstemmelse med Danmarks internationale forpligtelse til

at forhindre folkedrab under Folkekræftskonventionen og folkeretten.

Definitionen på folkekræft(4) er handlinger, der begås med den hensigt helt eller delvis at tilintetgøre en national, etnisk, racemæssig eller religiøs gruppe ved enhver af nedennævnte handlinger:

- A. at dræbe medlemmer af gruppen,
- B. at forårsage betydelig legemlig eller åndelig skade,
- C. at påføre gruppen levevilkår, som bevirker gruppens fuldstændige eller delvise fysiske ødelæggelse.
- D. at massefordrive en befolkningsgruppe under så svære livsbetingelser, at det umuliggør overlevelse

Udover udførelsen af folkekræft er det strafbart at sammensvære om at begå folkekræft, offentligt tilskynde til folkekræft, at forsøge at begå folkekræft samt at være meddelagtig i folkekræft.

Konventionen inkluderer tilskyndelse til folkekræft netop for at understrege forpligtelsen til at forhindre folkekræft – i modsætning til først at handle, når folkekræftet er sket.

Følgende ekspertvurderinger advarer om Israels intention om folkekræft i Gaza:

1. "Kontoret for FN's højkommissær for menneskerettigheder" advarer 16. november 2023(5) om, at de alvorlige krænkelse begået i Gaza, herunder brug af bomber og en stigende brug af dehumaniserende retorik, udgør et folkekræft under udvikling.

2. 800 jurister og akademikere i international lov underskriver den 18. oktober et brev(6), som advarer om risikoen for folkekræft i Gaza.

3. Det jødiske tidsskrift "Jewish Currents" dokumenterer den 13. oktober(7), at Israels handlinger betragtes som folkekræft, da de opfylder 3 af de 5 kriterier, som er defineret i FN's folkekræftskonvention.

4. International Federation for Human Rights, som er en sammenslutning af 188 organisationer fra 116 lande, erklærer i

november(8), at Israels handlinger mod det palæstinensiske folk udgør et folkedrab, og at stater som yder bistand til Israel er medskyldige.

5. Craig Mokhiber skriver i sin opsigelse 31. oktober fra jobbet som direktør for FN's kontor for menneskerettigheder i New York, at Israel udfører et "lærebogseksempel på folkedrab"(9)

6. Euro-Med Monitor med Richard Falk, tidligere FN-rapportør, som bestyrelsesformand erklærer 3. november(10), at Israels handlinger strider mod den internationale konvention om forebyggelse af folkedrab, samt at sult bruges som våben.

7. FN's Menneskerettighedsråd udsendte den 17. november(11) en pressemeddelelse, hvori de gør opmærksom på mangel på drikkevand.

8. Mark Zeitoun, hydrolog, udtaler til The Guardian(12), at manglen på drikkevand ødelægger livsbetingelserne for befolkningen i Gaza, hvilket bidrager til folkedrab.

9. FN's Regionale Informationskontor udgiver den 21. november(13) en analyse, som fremhæver Israels opfordring til folkedrab som en åbenlys hensigt om at "ødelægge det palæstinensiske folk under besættelse" og krav om "en anden Nakba".

10. 55 forskere i holocaust og folkedrab erklærer den 9. december(14), at præsident Herzog og premierminister Netanyahu's udtalelser påviser hensigten om at ødelægge det palæstinensiske folk.

11. Den Internationale Kommission af Jurister (ICJ), bestående af 60 fremtrædende jurister herunder højtstående dommere, advokater og akademikere, konkluderer den 17. november(15) at:

- Israel er i færd med at udføre et folkedrab på palæstinenserne
- FN's medlemsstater har pligt til at gribe ind overfor det igangværende folkedrab i Palæstina.

Det afgørende i denne sammenhæng er, at forpligtelsen til at beskytte mod folkedrab ikke kræver, at medlemsstaterne afventer efterforskning. Der har været utallige udtalelser direkte fra ledende skikkelser i den israelske regering samt kommandører i IDF, som tydeligt fastslår Israels intention om folkedrab bl.a. ved brug af dehumaniserende sprog, hvilket er en velkendt komponent ved folkedrab.

Herunder følger et uddrag af disse udtalelser:

– Benjamin Netanyahu, den israelske premierminister, udtalte 8. oktober, at "vi vil forvandle Gaza til en ø af ruiner".

– Isaac Herzog, den israelske præsident, udtalte den 13. oktober, at "det er en hel nation derude, der er ansvarlig. Retorikken, om at de civile [i Gaza] ikke er bevidste eller ikke er involverede, er ikke sand. Det er absolut ikke sandt."

– Premierminister Benjamin Netanyahu udtalte 28. oktober: "I skal huske, hvad Amalek har gjort mod jer, siger vores hellige bibel. Og vi husker det, og vi kæmper" med henvisning til en bibelsk fortælling, hvor Israelitterne beordres til at dræbe "mand og kvinde, spædbarn og diende barn, okse og får, kamel og æsel" (1. Samuelsbog 15,3) blandt Amalekitterne.

– Yoav Gallant, forsvarsminister, udtalte 9. oktober, at han betragter sine fjender som menneskedyr og erklærede, at der ville blive lukket for elektricitet, mad og brændstof til Gaza.

– Yair Ben David, kommandør i IDF, udtalte 8. december, at hele Gaza ville blive jævnet med jorden.

– Ghassan Alian, israelsk majorgeneral, udtalte 10. oktober, at "menneskelige udyr bliver behandlet som netop det. Der vil ikke være elektricitet eller vand i Gaza, kun ødelæggelse".

– Israel Katz, den israelske energiminister, skrev 7. oktober: "der bliver ikke tændt for strømmen eller vandet, og intet brændstof får lov at komme ind".

– Flere israelske ministre har opfordret til at flytte palæstinensere ud af Gaza bl.a. premierminister Benjamin Netanyahu, finansminister Bezalel Smotrich, udenrigsminister Eli Cohen, minister for efterretninger Gila Gamliel, minister for fremme af kvinders status May Golan, næstformand for Knesset Nissim Vaturi, og minister for kulturarv Amichai Eliyahu.

– Minister for national sikkerhed, Itamar Ben-Gvir, skrev i et tweet d. 17. oktober: "Så længe Hamas ikke frigiver gidslerne, er det eneste, der bør komme ind i Gaza hundredvis af tons sprængstof fra luftvåbnet – ikke et eneste gram humanitær hjælp."

Udtalelserne indikerer tydeligt de israelske magthaveres og højtstående militærfolks intention om at udføre et folkedrab, og staten Israel besidder de nødvendige midler til at realisere en sådan hensigt. Intentionen er ledsaget af konkrete handlinger, idet Israel har bombarderet civilbefolkningen og civile strukturer, afbrudt forsyningen af vand og elektricitet og har tilbageholdt nødhjælp, således at kun en begrænset procentdel, dvs. 10%, af den påkrævede humanitære bistand tillades adgang.

Det er FN-medlemsstaternes pligt at gribe ind.

Vi kræver, at regeringen handler på Danmarks forpligtelse jævnfør Folkekrigskonventionen.

Danmark har forpligtet sig til ikke kun at stoppe folkekrig men også at forhindre folkekrig. Det vil sige at:

1. Regeringen skal anerkende, at der er risiko for folkekrig i Gaza baseret på eksisterende ekspertvurderinger og udtalelser fra den israelske regering.
2. Regeringen skal fordømme Israels handlinger.
3. Regeringen skal stoppe våbenhandel med Israel.
4. Regeringen skal bruge alle diplomatiske, juridiske og

økonomiske midler for at standse folkedrabet i Gaza.

5. Regeringen skal kræve uhindret humanitær adgang.

6. Regeringen skal støtte op om Sydafrikas anmodning ved Den Internationale Domstol fra 28. december 2023 og følge enhver foranstaltning fremlagt af domstolen for at "beskytte mod yderligere, alvorlig og uoprettelig skade på det palæstinensiske folks rettigheder" i henhold til Folkekræftskonventionen.

Vi henviser i øvrigt til FN's vejledning(16) om forebyggelse af folkekræft.

Inden folkekræftet i Rwanda og folkekræftet i Bosnien(17) var det internationale samfund ikke villige til at lytte til eksperter advarsler. Det kostede hundredtusindvis af menneskeliv.

Vi skal lære af historien og lytte til eksperter.

I Danmark er vi stolte af at gå forrest i kampen for folkeretten og menneskerettigheder. Lad os derfor positionere os som en pionérlation og indtage en ledende rolle i bestræbelserne på at standse og forebygge folkekræft.

Vi skal bruge de rigtige fagtermer, og regeringen skal anerkende det, som eksperterne allerede har konstateret, nemlig at Israel har en klar hensigt om et folkekræft i Gaza.

Danmark skal stå ved sin forpligtelse både med ord og handlinger, arbejde for at standse folkekræftet og sikre at det aldrig gentager sig. Ellers risikerer konventioner at blive udhulet og vores værdier meningsløse.

Kilder:

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(2) Udenrigsministeriet, Responsibility to Protect (R2P)

(3) Udenrigsministeriet, Danmark intervenserer i sag om anklager om folkekræft begået af Myanmar ved Den Internationale

Domstol i Haag (2023-11-17)

(4) Undervisningsministeriet, Aldrigmere.dk, FN's folkedrabskonvention (2021)

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(6) OpinioJuris, Public Statement: Scholars Warn of Potential Genocide in Gaza (2023-10-18)

(7) JewishCurrents, A Textbook Case of Genocide (2023-10-13)

(8) International Federation for Human Rights, Resolution on Israel's unfolding crime of genocide and other crimes in Gaza and against the Palestinian People (November 2023)

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(10) Euro-Med Human Rights Monitor, Scholars' consensus: Genocide in Gaza marks turning point, Israel must be held accountable (2023-11-03)

(11) UN Human Rights Council, Israel must stop using water as a weapon of war: UN expert (2023-11-17)

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(15) International Commission of Jurists, Gaza/Palestine: States have a Duty to Prevent Genocide (2023-11-17)

(16) United Nations Regional Information Centre for Western Europe, Palestine: Preventing a Genocide in Gaza and a New "Nakba" (2023-11-21)

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English version:

Denmark has a duty to prevent genocide

Leading UN and international law experts agree that Israel is preparing and carrying out genocide in Gaza. Senior Israeli officials and high-ranking military officers have repeatedly publicly expressed intentions that, according to the definition of the Genocide Convention, can be described as incitement to genocide.

In 2005, Denmark joined the Genocide Convention(1), in which paragraph 139 imposes the obligation to protect all populations from genocide, war crimes, ethnic cleansing and crimes against humanity. The concept is also known as the Responsibility To Protect (R2P) and is part of international law(2).

Foreign Minister Lars Løkke Rasmussen acknowledged this duty in a press release on November 17, 2023(3), in which he stated that “all countries in the world have an obligation to prevent

and combat genocide”.

The Danish government should acknowledge the risk of genocide in Gaza, and work actively to prevent and stop it in accordance with Denmark’s international obligation to prevent genocide under the Genocide Convention and international law.

The definition of genocide(4) is acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group by any of the following acts

- A. Killing members of the group,
- B. Causing serious bodily or mental harm,
- C. Inflicting on the group conditions of life which brings about its physical destruction in whole or in part
- D. The mass displacement of a population group under conditions of life so severe as to make it impossible to survive.

In addition to the commission of genocide, it is a crime to conspire to commit genocide, to publicly incite genocide, to attempt to commit genocide and to be an accessory to genocide.

The Convention includes incitement to commit genocide, precisely to emphasize the obligation to prevent genocide – as opposed to acting only after genocide has occurred.

The following expert assessments warn of Israel’s intention to commit genocide in Gaza:

1. The “Office of the United Nations High Commissioner for Human Rights” warns on November 16, 2023(5) that the grave violations committed in Gaza, including the use of bombs, and an increasing use of dehumanizing rhetoric, constitute a genocide in the making.

2. 800 jurists and academics in international law sign a letter(6) on October 18 warning of the risk of genocide in Gaza.

3. The Jewish magazine “Jewish Currents” documents on October 13(7) that Israel’s actions are considered genocide as they

meet three of the five criteria defined in the UN Genocide Convention.

(4) The International Federation for Human Rights, a coalition of 188 organizations from 116 countries, declared in November(8) that Israel's actions against the Palestinian people constitute genocide, and that states that provide aid to Israel are complicit.

5. Craig Mokhiber, in his resignation on October 31 from his job as director of the UN Office of Human Rights in New York, writes that Israel is carrying out a "textbook example of genocide"(9)

6. Euro-Med Monitor, chaired by Richard Falk, former UN rapporteur, states on November 3(10) that Israel's actions violate the International Convention on the Prevention of Genocide, and that starvation is being used as a weapon.

7. The UN Human Rights Council issued a press release on November 17(11) drawing attention to the lack of drinking water.

8. Mark Zeitoun, hydrologist, told The Guardian(12) that the lack of drinking water is destroying the living conditions of the people of Gaza, contributing to genocide.

9. The UN Regional Information Office released an analysis on November 21(13) highlighting Israel's call for genocide as a blatant intent to "destroy the Palestinian people under occupation" and call for "a second Nakba."

10. 55 Holocaust and genocide scholars state on December 9(14) that President Herzog and Prime Minister Netanyahu's statements demonstrate the intent to destroy the Palestinian people.

11. The International Commission of Jurists (ICJ), consisting of 60 eminent jurists including senior judges, lawyers and academics, concluded on November 17(15) that:
– Israel is committing genocide against the Palestinians.

– UN member states have a duty to take action against the ongoing genocide in Palestine.

What is crucial in this connection, is that the obligation to protect against genocide does not require member states to await investigation. There have been numerous statements directly from senior figures in the Israeli government and IDF (Israeli Defense Force) commanders that clearly establish Israel's intention to commit genocide, including through the use of dehumanizing language, which is a well-known component of genocide.

Excerpts of these statements are below:

– Benjamin Netanyahu, the Israeli Prime Minister, stated on October 8 that “we will turn Gaza into an island of ruins”.

– Isaac Herzog, the Israeli President, stated on October 13 that “there is a whole nation out there that is responsible. The rhetoric that the civilians [in Gaza] are not aware, or are not involved, is not true. It is absolutely not true.”

– Prime Minister Benjamin Netanyahu stated on October 28: “Remember what Amalek has done to you, says our Holy Bible. And we remember and we fight,” referring to a biblical narrative in which the Israelites are ordered to kill “man and woman, infant and suckling child, ox and sheep, camel and donkey” (1 Samuel 15:3) among the Amalekites.

– Yoav Gallant, Minister of Defense, stated on October 9 that he considers his enemies to be human animals, and declared that electricity, food and fuel would be cut off to Gaza.

– Yair Ben David, Commander of the IDF, stated on December 8 that all of Gaza would be razed to the ground.

– Ghassan Alian, Israeli Major General, stated on October 10 that “human animals will be treated as such. There will be no electricity and no water, There will only be destruction.”

– Israel Katz, the Israeli Energy Minister, wrote on October 7th:

“no electricity or water will be turned on, and no fuel will be allowed to enter.”

– Several Israeli ministers have called for Palestinians to move out of Gaza, including Prime Minister Benjamin Netanyahu, Finance Minister Bezalel Smotrich, Foreign Minister Eli Cohen, Minister of Intelligence Gila Gamliel, Minister for the Advancement of Women May Golan, Deputy Speaker of the Knesset Nissim Vaturi, and Minister of Cultural Heritage Amichai Eliyahu.

– Minister of National Security Itamar Ben-Gvir wrote in a tweet on October 17: “As long as Hamas does not release the hostages, the only thing that should enter Gaza is hundreds of tons of explosives from the air force – not a single gram of humanitarian aid.”

Denmark has a duty to prevent genocide

The statements clearly indicate the intention of the Israeli ruling powers and high-ranking military officials to carry out genocide, and the State of Israel possesses the necessary means to realize such an intention. The intention is accompanied by concrete actions, as Israel has bombarded the civilian population and civilian structures, cut off the supply of water and electricity, and has withheld relief aid, allowing only a limited percentage, i.e. 10%, of the required humanitarian aid to enter.

It is the duty of UN member states to intervene.

We demand that the government acts on the basis of Denmark’s obligation under the Genocide Convention.

Denmark has committed itself not only to stop genocide, but also to prevent genocide. This means that:

1. The government must acknowledge that there is a risk of genocide in Gaza, based on existing expert assessments, and

statements from the Israeli government.

2. The government must condemn Israel's actions.
3. The government must stop the arms trade with Israel.
4. The government must use all diplomatic, legal and economic means to stop the genocide in Gaza
5. The government must demand unhindered humanitarian access.
6. The government must support South Africa's application to the International Court of Justice on December 28, 2023 and follow any measures presented by the court to "protect against further, serious and irreparable harm to the rights of the Palestinian people" under the Genocide Convention.

We also refer to the UN guidelines(16) on the prevention of genocide.

Before the genocide in Rwanda and the genocide in Bosnia(17), the international community was not willing to listen to the warnings of experts. Hundreds of thousands of lives were lost.

We must learn from history and listen to experts.

In Denmark, we are proud to be at the forefront of the fight for international law and human rights. Therefore, let us position ourselves as a pioneer nation, and take a leading role in the efforts to stop and prevent genocide.

We must use the right terminology, and the government must acknowledge what the experts have already established, namely that Israel has a clear intention to commit genocide in Gaza.

Denmark must stand by its commitment both in words and actions, work to stop the genocide, and ensure that it never happens again. Otherwise, conventions risk being undermined, and our values become meaningless.

Footnotes can be read here, with links to the sources:

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