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# A REVIEW ON CRIME OF GENOCIDE IN HOLOCAUST: A BRIEF COMPARISON WITH HUMAN RIGHTS VIOLATIONS IN PALESTINE

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## Abstract

This paper takes an analytical approach to look at a crime of genocide, the holocaust. The word genocide itself was coined after the Holocaust. The Holocaust was a systematic persecution and death of six million Jews, which commenced in 1933 and ended in May 1945, when the Allies occupied Nazi Germany in World War II. It is one of the most offensive violations of human rights in the history of the modern world. This paper focused on three objectives: understanding the legal context of the Holocaust, evaluating legal responses, and studying reparations efforts. Historical evidence will be examined to understand the legal framework during the Holocaust, the effectiveness of legal mechanisms in achieving justice afterwards assessed, and ethical considerations for reparations explored. A brief comparison as to whether the historical Holocaust has similarity with violations of human rights occurring in Palestine will be discussed. Some research stated that what is happening in Palestine is genocide, while others concluded that it is an act of war. The methodology used in this paper is purely doctrinal. This study is significant because in both occurrences, gross violations of human rights have been committed unto defenseless humans.

**Keywords:** Historical approach; Human Rights Violations; Nazi Germany; World War II

## 1. INTRODUCTION

The Holocaust, one of the darkest chapters in human history, was a genocidal event that unfolded during World War II. Initiated and executed by Adolf Hitler's Nazi regime, it aimed to systematically exterminate over six million Jews, along with millions of other targeted groups, including Romani people, disabled individuals, Poles, Soviet's prisoner of wars, and others. The Holocaust epitomized the horrifying consequences of anti-Semitism, prejudice, and racial theories that propagated differences between various groups.

The Holocaust's historical significance is profound and far-reaching, representing the depths of human cruelty and the consequences of unchecked hatred and prejudice. It sparked a shift in international legal norms, leading to the development of the concept of crimes against humanity and the establishment of the International Criminal Court. Additionally, the Holocaust served as a catalyst for the formation of the State of Israel, providing a homeland for the Jewish people.

The establishment of the State of Israel on Palestinian land led to significant tensions and conflicts between Israelis and Palestinians in May 14, 1948. The displacement of Palestinians and the arrival of Jewish settlers resulted in a complex and deeply rooted issue, known as the Israeli-Palestinian conflict. This historical event sparked ongoing struggles for both communities, challenging the prospects of peace and harmony in the region akin to the Holocaust (Mikel Arieli, 2020).

The statement of the problem is that there seems to be a tendency to equate whatever that is happening in Palestine with Holocaust. The gross and prevailing violation of human rights by Israel government unto the people of Palestine and their sympathisers seems to echo the history specifically Holocaust.

Objectives of this paper are first, to look at the difference between the human rights violations in Palestine and the Holocaust and second, to analyse whether what is happening in Palestine tantamount to genocide. This study delves into comparing between the Holocaust and human rights violations in Palestine. While some researchers contend that the events in Palestine constitute genocide, others argue for the label of war or occupation.

The importance of this study transcends historical exploration. By critically analyzing the Holocaust's legal context and subsequent responses, as well as the ongoing human rights violations in Palestine, this paper endeavors to shed light on the pressing need for justice and accountability. Through an understanding of past failures and successes in confronting genocide and human rights violations, we can glean valuable insights for shaping a more just and compassionate future.

## **2. LITERATURE REVIEW**

### **2.1 HISTORICAL OVERVIEW OF THE HOLOCAUST**

The Holocaust stands as a chilling reminder of the horrors of unchecked hatred and prejudice. This genocidal campaign, orchestrated by Nazi Germany during World War II under the leadership of Adolf Hitler, targeted not only Jews but also other minority groups, including Romani people, disabled individuals, homosexuals, political dissidents, and Jehovah's Witnesses (Johns et al, 2022).

The Nazis' ultranationalistic beliefs and pursuit of establishing a master race were key elements of Nazi ideology, leading to the persecution and mass murder of innocent people. Hitler's infamous book "Mein Kampf," published in 1925, emphasized his fundamental ideologies, including anti-Semitism, fanatical German nationalism, and the concept of lebensraum, or "living space" for the German community. This concept served as the basis for the Nazis' policy of territorial expansion, fueling the Holocaust's scope and devastation.

The rise of Nazi Germany began in the early 1930s, culminating in Hitler's appointment as Chancellor in 1933. The regime quickly propagated a radical ideology, blaming Jews for the country's woes and promoting virulent anti-Semitism. Anti-Jewish policies and propaganda were rapidly implemented, leading to the Nuremberg Laws of 1935, which institutionalized discrimination against Jews, stripping them of their citizenship and rights.

As the 1930s progressed, the persecution of Jews intensified, culminating in the violent pogrom known as Kristallnacht in 1938. This brutal event marked a clear escalation of anti-Semitic policies and foreshadowed the horrifying atrocities that would follow.

During the war, the Holocaust escalated dramatically with the implementation of the "Final Solution" in 1941. This monstrous plan aimed to exterminate European Jews en masse, leading to the establishment of extermination camps such as Auschwitz, Sobibor, and Treblinka. These camps became the sites of unspeakable suffering and death, where millions of innocent lives were brutally extinguished through gas chambers, forced labor, and starvation.

The Holocaust came to an end as the Allied forces, including Britain, the United States, and the Soviet Union, advanced through Nazi-controlled territories in Europe and discovered the concentration camps. Despite the Nazis' attempts to hide evidence of their crimes, the enormity of the Holocaust could not be concealed, and the world learned of its horrors.

The Wannsee Conference in 1942 marked a turning point in the Holocaust's scope and brutality. It brought Nazi officials together to coordinate the systematic extermination of European Jews, leading to the implementation of death camps and further amplifying the tragedy (Gerlach, 2002).

Throughout this dark period, there were courageous acts of resistance and compassion. Jewish fighters valiantly resisted the Nazis in various ghettos and camps, displaying the indomitable human spirit in the face of unimaginable suffering. Moreover, many non-Jewish individuals risked their lives to hide and

protect Jews, earning the title "Righteous Among the Nations" and showcasing the power of empathy and goodness during the darkest times (Bejski, 1989).

The Holocaust's demographic impact was devastating, wiping out entire communities and leaving an enduring scar on the fabric of European society. However, this tragedy also prompted international efforts to establish institutions like the United Nations and develop international laws to prevent such atrocities from ever happening again which is UN's Genocide Convention (Bassiouni, 1979).

The crime of genocide, coined by Holocaust is defined in Article II of the United Nations' Genocide Convention or Convention on the Prevention and Punishment of the Crime of Genocide 1948, refers to acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group. Analyzing the legal and ethical dimensions of genocide in the Holocaust reveals a disturbing failure of international law and ethics during that time. The Holocaust demonstrated the inadequacy of existing legal frameworks to prevent such atrocities, leading to the establishment of international courts and tribunals to prosecute war crimes and crimes against humanity. The perpetration of genocide in the Holocaust can be attributed to a confluence of factors. Key drivers include the rise of anti-Semitism, fueled by deep-rooted prejudice and scapegoating of Jews as a societal problem. The Nazi regime's totalitarian control over Germany and occupied territories allowed for the implementation of state-sanctioned discrimination and violence against targeted groups. Additionally, the systematic dehumanization and propaganda campaigns against these groups laid the groundwork for widespread public acceptance of their persecution (Finkelstein, 2000).

Moreover, the complicity and indifference of some bystanders and other nations allowed the Holocaust to continue unchecked for an extended period. The absence of timely and decisive intervention from the international community exemplified the consequences of indifference in the face of genocide (Mehta, 2023).

## **2.2 HISTORICAL OVERVIEW OF THE ISRAELI-PALESTINIAN CONFLICT**

The Israeli-Palestinian conflict is a deeply rooted and complex dispute over land, identity, and sovereignty in the Middle East. Its origins can be traced back to the late 19th and early 20th centuries when waves of Jewish immigration to Palestine, then under Ottoman rule, intensified amid growing nationalist movements. After World War I, the British Mandate period began, and promises of a "national home for the Jewish people" in Palestine further fueled tensions between the Jewish and Arab communities (Dowty, 2022).

The conflict intensified with the establishment of the State of Israel in 1948, following the United Nations' partition plan that allocated land to both Jewish and Arab states. This led to a war between the newly formed Israel and neighboring Arab countries, resulting in a significant number of Palestinian refugees and the displacement of many Arab communities. Subsequent wars and territorial disputes, notably the Six-Day War in 1967, further complicated the situation and resulted in Israel's occupation of the West Bank, Gaza Strip, and East Jerusalem (Salaam Abdel-Malek, 2023).

Key events and milestones, such as the Oslo Accords in the 1990s, aimed to bring about a peace process and establish a framework for Palestinian self-governance. However, the failure to reach a final resolution, issues of settlements, security, and the status of Jerusalem have kept the conflict alive, leading to sporadic outbreaks of violence and frequent diplomatic impasses (Rudnitzky, 2023).

The human rights implications of the Israeli-Palestinian conflict have been severe and far-reaching. Both Israelis and Palestinians have endured violence, loss of life, and trauma. Palestinian communities living in the occupied territories have faced restrictions on movement, home demolitions, and collective punishment. Additionally, the Israeli security measures and settlement policies in the occupied territories have drawn international criticism for their impact on Palestinian human rights. Likewise, Israeli civilians

have been subjected to attacks and fear for their safety, resulting in psychological distress and fear (David, & Shalhoub-Kevorkian, 2023).

The Israeli-Palestinian conflict has had a profound and lasting impact on human rights in the region, with countless lives affected, and a resolution remains a challenging yet essential goal for lasting peace and stability. Among the types of human rights abuses prevalent in Palestine, are violations related to civil and political rights. These include arbitrary arrests, detention without trial, and the excessive use of force by Israeli security forces against Palestinian protesters and civilians. Furthermore, restrictions on freedom of movement, particularly through the Israeli-imposed barrier and checkpoints in the West Bank, have severely limited Palestinians' ability to access basic services and livelihood opportunities, exacerbating their vulnerability to further rights abuses (Kuper, 2023).

The discussion of violations related to civil and political rights would be incomplete without addressing the issue of settlement expansion. Israeli settlements in the occupied Palestinian territories have been a major point of contention, as they are considered illegal under international law and have led to widespread dispossession and forced evictions of Palestinians from their homes and lands. These actions infringe upon Palestinians' right to self-determination and their right to a viable, contiguous state. Additionally, economic, social, and cultural rights have also been significantly affected in Palestine. The ongoing blockade on the Gaza Strip, which has been in place since 2007, has severely restricted the movement of goods and people, resulting in dire humanitarian conditions, limited access to essential services, and high unemployment rates. The blockade has hindered economic development and obstructed Palestinians from fully enjoying their right to work, health, education, and a decent standard of living (Kuper, 2023).

Furthermore, the Israeli settlements and separation barrier in the West Bank have led to the fragmentation of Palestinian communities, disrupting access to essential resources and cultural sites. This has undermined Palestinians' cultural rights, including their right to preserve their heritage, language, and traditions. One such case is the 2014 Israeli military offensive in Gaza, known as Operation Protective Edge. During this 50-day campaign, numerous violations of human rights were reported, including indiscriminate airstrikes, attacks on civilian infrastructure, and alleged war crimes. According to the United Nations, over 2,200 Palestinians were killed, of whom a significant portion were civilians, including hundreds of children. The operation also resulted in extensive damage to homes, schools, hospitals, and other civilian properties, leading to a grave humanitarian crisis.

Furthermore, there have been reports of excessive use of force by Israeli security forces during protests in the West Bank. Palestinian demonstrators, including children, have been subjected to live ammunition, rubber bullets, and tear gas, resulting in fatalities, injuries, and long-lasting trauma.

Palestinian communities in the occupied territories also face the daily struggle of living under military occupation, enduring restrictions on movement, land confiscation, and home demolitions. These practices have severe consequences for their livelihoods, access to resources, and overall well-being.

The human rights abuses in Palestine have drawn widespread condemnation from various international actors and human rights organizations. Calls for accountability and justice for the victims have been made, demanding thorough investigations into alleged war crimes and violations of international law.

The United Nations and the International Criminal Court (ICC) have expressed concerns about the situation in Palestine and have initiated investigations into potential war crimes committed by all sides. Additionally, some countries and international organizations have taken measures to impose economic and diplomatic pressure on Israel to halt settlement expansion and respect human rights (Selamat et al, 2023).

However, the issue remains deeply contentious, with contrasting views on the appropriate responses and solutions. Diplomatic efforts to bring about a peaceful resolution to the Israeli-Palestinian conflict and ensure the protection of human rights continue to face significant challenges.

### **3. METHODOLOGY**

Drawing from a purely doctrinal methodology, this paper uses in historical and analytical approach to examine events, legal frameworks, and ethical considerations to discern parallels and distinctions between these two complex and tragic contexts.

### **4. RESULTS AND DISCUSSIONS**

The Holocaust and the Israeli-Palestinian conflict are two historical tragedies that involve egregious human rights violations, but they differ in their historical context, root causes, intent, methods, affected populations, scale of atrocities, and lasting impact on affected communities.

The Holocaust, which occurred during World War II, was a state-sponsored genocide carried out by Nazi Germany and its collaborators. The root causes can be traced back to deep-seated anti-Semitic sentiments, economic hardships, and the rise of Adolf Hitler's fascist regime. The intent behind the Holocaust was the systematic extermination of European Jews, along with other marginalized groups such as Romani people, disabled individuals, and LGBTQ+ individuals. The methods employed included mass shootings, forced labor, concentration camps, and gas chambers. The Holocaust resulted in the genocide of approximately six million Jews and millions of others, leaving a profound scar on humanity's history.

On the other hand, the Israeli-Palestinian conflict is a long-standing territorial dispute rooted in the aftermath of World War II and the establishment of the state of Israel in 1948. The conflict revolves around competing claims to land and self-determination, with both Israelis and Palestinians asserting historical connections to the same territory. While the conflict involves violent incidents and human rights abuses from both sides, it is crucial to differentiate it from the Holocaust, as it is not a genocide, but rather an ongoing political and territorial struggle. Some term it as war.

Regarding affected populations and scale of atrocities, the Holocaust had a much larger scope in terms of the number of victims and the brutality of the crimes committed. Millions of people were systematically exterminated solely based on their ethnicity or perceived differences. In the Israeli-Palestinian conflict, both Israelis and Palestinians have suffered losses and endured human rights violations, but the numbers, though significant, do not compare to the Holocaust's horrific scale as of yet.

Finally, the lasting impact on affected communities is profound in both cases. The Holocaust left a lasting trauma on Jewish communities worldwide, with its memory serving as a reminder of the horrors of unchecked prejudice and hatred. The Israeli-Palestinian conflict continues to result in human suffering and displacement, fostering animosity and deep-rooted grievances among the populations involved.

While both the Holocaust and the Israeli-Palestinian conflict involve human rights violations, they differ significantly in their historical context, root causes, intent, methods, affected populations, scale of atrocities, and lasting impact on affected communities. Recognizing these distinctions is crucial to understanding and addressing the complexities and nuances of each historical tragedy (Afana, 2023).

Regarding relevant international legal instruments, the Holocaust is well-documented as a genocide under international law, and its condemnation led to the establishment of the Genocide Convention in 1948. The Genocide Convention defines genocide and obligates states to prevent and punish this heinous crime. On the other hand, the human rights violations in Palestine have been scrutinized under various international legal instruments, including the Fourth Geneva Convention, which prohibits the displacement, transfer, and colonization of occupied territories. However, the applicability of these instruments to the situation in Palestine remains a contentious issue due to different interpretations by involved parties and international actors.

Assessing the adequacy and limitations of legal frameworks in addressing genocide and human rights violations reveals significant challenges. While international law explicitly condemns genocide, its effectiveness in preventing and prosecuting perpetrators remains debatable. The establishment of international tribunals, such as the International Criminal Court (ICC), aims to address these crimes, yet political and jurisdictional obstacles often impede their efficacy. In the case of Palestine, the lack of a comprehensive and universally accepted legal framework exacerbates the difficulties in seeking accountability for human rights violations, leaving victims with limited recourse (Browne, 2023).

Ethical dilemmas arise when confronting and preventing these atrocities. The Holocaust serves as a harrowing reminder of the consequences of inaction and the moral duty to prevent mass atrocities. However, ethical complexities emerge when addressing the Israeli-Palestinian conflict. On one hand, there is a legitimate concern for Israel's security, while, on the other hand, there are pressing ethical questions surrounding the treatment and rights of Palestinians. Striking a balance between these competing concerns presents a profound ethical dilemma for the international community in finding a just and sustainable resolution.

The examination of international responses and accountability between the genocide in the Holocaust and the human rights violations in Palestine reveals stark contrasts and deep complexities. During the Holocaust, the international community's actions were largely characterized by a failure to intervene in a timely and meaningful manner. Many nations were aware of the atrocities perpetrated by the Nazi regime against Jews and other marginalized groups, yet they hesitated to take decisive action to prevent or stop the genocide. This inaction was a result of political, economic, and strategic interests, as well as prevalent anti-Semitic sentiments in some countries.

In the context of Palestine, the international community's response has been marked by heated debates and divided stances. While some nations have shown solidarity with the Palestinian cause, others have sided with Israel, further complicating the situation. Critics argue that measures taken to address human rights violations in Palestine have been insufficient and have failed to bring about meaningful change. The continued expansion of Israeli settlements in the occupied territories and the use of excessive force against Palestinian civilians have raised concerns about the lack of effective international intervention (Browne, 2023).

One key critique revolves around the inconsistency of accountability mechanisms. During the Holocaust, efforts to hold Nazi war criminals accountable were established through the Nuremberg Trials and subsequent international conventions on genocide. However, similar mechanisms have not been consistently applied to address human rights violations in Palestine. The lack of accountability has perpetuated cycles of violence and contributed to a sense of impunity among perpetrators (Barghouti, 2011).

## **5. CONCLUSION**

The examination of international responses and accountability between the Holocaust and the human rights violations in Palestine highlights the need for more robust and consistent measures to prevent and address genocide and human rights abuses. The international community must learn from past failures and prioritize the protection of vulnerable populations, ensuring that accountability mechanisms are effectively employed to uphold justice and deter future atrocities. Only through genuine cooperation and commitment to human rights principles can we hope to break the cycle of violence and promote lasting peace in the region.

Comparing the genocide in the Holocaust and the human rights violations in Palestine highlights the importance of international legal instruments, their limitations, and the ethical dilemmas faced by the global community in confronting and preventing such atrocities. Addressing these challenges requires a comprehensive and nuanced approach that upholds human rights, justice, and accountability on a global scale. Perhaps, concerted international political will and intervention may solve this issue?

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