

The New Crime of Kinocide

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Editors' note: This post is based on the work of The Civil Commission on October 7th Crimes Against Women and Children and its report "[Kinocide: Uncovering the Weaponization of Families on October 7, 2023](#)."

On October 7, 2023, Hamas launched a concerted and widespread violent attack on the civilian population of Israel, violently invading hundreds of family homes, killing more than 1,200 people and abducting 250 as hostages. One critical element of the atrocities that has been largely overlooked is the systematic abuse and weaponization of families, which we have coined "kinocide," urging its recognition as a distinct international crime.

This post discusses this new concept, the urgent need to recognize it under international criminal law (ICL), and the legal pathways to pursue integration. It will focus on the recognition of kinocide through interpretation of *existing* international legal instruments. The post is based on and highlights the findings of our recent report "[Kinocide: Uncovering the Weaponization of Families on October 7, 2023](#)."

The term kinocide represents the systemic and targeted attack against families, characterized by the exploitation of the fundamental bonds between family members to inflict and exacerbate harm and suffering. It recognizes that an attack on families is qualitatively different from other forms of violence. This stems from the role of the family as the most fundamental unit of human society. Familial relationships are among the most potent protective factors that help people overcome adversity and trauma. Conversely, when the family unit is compromised and violently impacted, the individual is stripped of this vital protective shield. The outcomes are singularly destructive, expansive, and protracted, rippling through all life facets of individuals, families, communities, and society as a whole. These factors require a heightened protection for families.

Analyzing the October 7 attack and its aftermath through this family lens, we identified six consistent and repetitive patterns of violence used by Hamas and its collaborators, which suggest the attack on families was intentional and systematic. These include: 1) committing acts of violence, including killing and severe injury, in the presence of other family members; 2) eliminating entire family units; 3) abduction and hostage-taking of families, including children; 4) using digital media to broadcast abuses directly to the victims' families and to the general public, including by commandeering victims' own social media accounts; 5) intentionally separating families; 6) and burning and vandalizing family homes. Our report presents the stories of families who have fallen victim to these atrocities, illustrating these patterns with concrete examples.

We further discovered that such targeted attacks against families are not unique to October 7 but emerge in numerous past and present violent global conflicts, from the Armenian Genocide to Rwanda, Syria, present-day Ukraine and many others. Yet, despite their prevalence and injurious impact, such attacks are often overlooked, and until recently remained nameless. Identifying and naming kinocide is key to protecting families. It serves as a powerful tool to ensure justice and accountability, and also to empower victims by providing the language to express the harm and suffering they endured. In addition, it offers them validation and a path to healing.

While existing ICL lacks explicit recognition of kinocide and does not fully capture the unique evil that the targeted weaponization of families and the exploitation of familial bonds entails, its existing prohibitions, including those on killing civilians, hostage-taking, and torture, can be applicable to address acts of kinocide. This post urges urgent action by the international community to confront this pervasive ongoing phenomenon and proposes practical pathways for the recognition and implementation of kinocide through the use and interpretation of existing ICL frameworks.

Considering its urgency as an ongoing and highly injurious phenomenon, recognition of kinocide through the interpretation of existing ICL prohibitions has a significant advantage. It is a strategy that can be promptly advanced by various international stakeholders, including

States, international tribunals, and scholars and provide timely recourse and protection to existing and potential victims.

Our report presents four potential pathways for the recognition and implementation of kinocide as: (1) a crime against humanity, (2) a war crime, (3) a form of genocide, and (4) a form of torture. Each of these crimes can be interpreted to encompass the abuse of families and exploitation of familial bonds that constitute kinocide. As highlighted below (and elaborated in the report), such interpretation can be supported by the language of well-established ICL provisions and pertinent caselaw.

Crimes Against Humanity and War Crimes as Kinocide

Consider first the framework of crimes against humanity. These crimes, according to the International Criminal Court's (ICC) Rome Statute (art. 7), consist of committing specifically listed criminal conduct "as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack." In the context of kinocide, several of the enumerated acts are pertinent and applicable. However, specifically relevant is the statute's prohibition of "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health," which have come to encompass a broader array of acts. This residual category appears to be an appropriate site for a *general* recognition of the systematic, widespread and targeted abuse of families and exploitation of familial bonds as a crime against humanity.

From a straightforward textual interpretation standpoint, each of the aforementioned six identified patterns of kinocide arguably consists of inhumane acts of a similar character (or identical) to criminal conduct such as murder of family members in each other's presence, forced separation of families, and torture of families. These inhumane acts also, at the very least, cause great suffering. Furthermore, as demonstrated below, there is a longstanding precedent for applying this provision to acts that we now recognize as kinocidal in nature (i.e. aimed at abusing and targeting the strong bonds among family members to intensify victims' suffering).

Similarly, kinocide can be recognized by existing ICL through the framework of war crimes. These crimes, according to the Rome Statute (art. 8), are acts against persons or property protected under the Geneva Conventions that constitute grave breaches of these conventions or other serious violations of international humanitarian law (IHL). Among the most pertinent to kinocide are, for example, "wilful killing," hostage taking, "intentionally directing attacks against the civilian population as such." More importantly for present purposes, this framework also prohibits torture, inhuman or cruel treatment and "outrages upon personal dignity, in particular humiliating and degrading treatment."

These latter provisions are particularly suitable vehicles for a general recognition through interpretation of kinocide as a war crime. (Note, such an interpretation can be applied not only to the Rome Statute provisions, but also to the prohibitions in the Geneva Conventions from which they stem). The interpretational potential is, again, quite straightforward from a textual standpoint. Consider again the six aforementioned kinocidal patterns. It is clear that acts such as intentionally separating family members or burning family homes while families are still hiding inside, capture a unique evil that could be recognized distinctly in ways that give language to the victims and to their suffering and surely amounts to inhuman treatment, cruel treatment, and outrages upon personal dignity (which include humiliating and degrading treatment).

Notably, identical or similar provisions were previously interpreted to address acts we can now recognize as kinocidal in nature. A good illustration is the *Kupreškić* case of the International Criminal Tribunal for the former Yugoslavia (ICTY). In that case, allegedly, two of the accused entered the house of a Bosnian family, shot several family members—adults and children alike—and set the house on fire. Only one family member managed to flee the flaming house, suffering burns, while the others died. The accused were charged under the ICTY statute with murder as a crime against humanity and a violation of IHL. More importantly for present purposes, the prosecution charged them separately for “killing [the surviving family member’s] *family before his eyes* and causing him severe burns by burning down his home while he was still in it,” with committing “other inhumane acts,” as well as with violating the IHL prohibition on “cruel treatment.” While the accused were ultimately acquitted of these charges on evidentiary grounds, and while the facts concern a single family rather than a widespread attack against families, the case demonstrates that the *prosecution* recognized the unique nature of the suffering inflicted on the victim by witnessing his family killed and the gravity of the familial circumstances but lacked the conceptual framework to fully articulate it. It also highlights how existing ICL provisions have been interpreted to address similar acts in the past and illustrates how this recognition-through-interpretation path can be further developed in the future.

Genocide as Kinocide

Aspects of kinocide—or the targeted and systematic attack against families—can also be considered through the genocide framework. Genocide, according to the Genocide Convention (art. II) and the Rome Statute (art. 6), is caused by certain enumerated acts “committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such.” These acts include for example killing or causing serious bodily or mental harm to the group’s members, intentionally preventing births within it, and “forcibly transferring” its children to another group.

Kinocide and genocide are closely connected as the focus for both is not the individual but rather the overarching aim to destroy a group, with the family unit being the focal group of kinocide. Moreover, certain enumerated prohibitions of genocide, such as the prevention of

births and forcible transfer of children, directly affect families. More broadly, the family unit is a fundamental building block of human societies, and carries a critical role in procreation, and the cross-generational transference of core values, cultural traditions, and religious beliefs. As such, the targeting and abuse of families, which constitutes kinocide, can be a particularly effective means to pursue the genocidal objectives of the total or partial destruction of a broader protected group: breaking down social cohesion, limiting procreation, and curtailing the continuation of unique group values, norms, traditions and beliefs. Thus, widespread manifestations of kinocide may constitute a substantial step towards genocide, and in certain cases, can also serve as an indicator of genocidal intent.

Torture as Kinocide

As a final example, kinocide can be recognized as a form of torture. Kinocidal acts inherently cause profound suffering to the surviving family members, which is one of the elements of torture.

Torture, and cruel, inhuman, or degrading treatment or punishment (CID), are prohibited under multiple international frameworks. One is the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The CAT defines torture as the intentional infliction of “severe pain or suffering,” which can be either physical or mental and has to be inflicted at the direction of a public official for specific purposes. These purposes include “intimidating or coercing [a person],” or notably for kinocide, “a third person.” The CAT also requires States to prevent “other acts [directed by a public official] of cruel, inhuman or degrading treatment or punishment which do not amount to torture” as defined above.

The embodiment of such profound physical and mental pain and suffering is captured in the experiences of countless families who experienced kinocide at the hands of Hamas and its collaborators on October 7, 2023. One such example is the Bibas family. Yarden, Shiri and their young children (one nine months old and the other four years old) were all were abducted into Gaza as hostages and held apart. The perpetrators broadcast the footage of their violent abductions, which is how their family found out about their fate. During captivity, the perpetrators informed Yarden that his wife and young sons were allegedly killed (a fact not yet confirmed), and filmed his anguished and distraught reaction, begging to be released so he can have the opportunity to bury them at home in Israel, which was then widely shared on social media. Returning hostages have testified that Yarden’s mental and emotional state as a result of the separation from his family was deteriorating and extremely concerning.

Such agonizing experiences are intrinsic to acts of kinocide and the unique harm and suffering of kinocide victims can be captured by the concept of torture. Thus, even according to the CAT’s relatively demanding definition of torture, kinocidal acts conducted as a strategy to abuse familial relations to cause severe physical and mental pain or suffering—such as forced family separation, kidnapping of children, using social media to inflict and amplify pain

and suffering, and killing family members in front of one another, which are done for the purpose of intimidating or coercing the remaining family members—can amount to torture or alternatively CID, if other elements of the prohibitions are met.

Moreover, as mentioned above, the Rome Statute lists torture among the kinds of criminal conduct constituting crimes against humanity. Torture is defined (with some exceptions), as the “intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused.” In contrast to the CAT, which focuses on State responsibility and involvement in torture and accordingly requires it to be directed by a public official, the Rome Statute’s definition is less demanding. From the interpretational standpoint, it seems clear that kinocide as a distinct crime and kinocidal acts can fall under this definition. Similarly, torture and CID also constitute war crimes. They are explicitly proscribed by the Rome Statute and the Geneva Conventions, and can apply here. For example, in the Ongwen case, the ICC recognized that separating children from their mothers—acts we can now recognize as kinocidal in nature—constitute torture. (For parallel arguments that hostage-taking on October 7 constitutes torture as crimes against humanity and war crimes see here).

The Way Forward

This post surveyed several ways for recognizing kinocide and kinocidal acts through the interpretation of existing legal tools. Our report also discusses another path for incorporating kinocide into ICL; creating new dedicated legal instruments. To this end, the report recommends establishing a panel of international experts to develop a comprehensive definition of kinocide, informed by the report’s findings, and we are working to bring this initiative to fruition. Such a definition could serve as a foundation for a future, authoritative formulation of a new distinct and separate international crime of kinocide and could promote clarity and consistency in its application. Of course, the process of creating new legal instruments can be slow and requires sustained, coordinated efforts and international coalition building. Nevertheless, it is a worthwhile endeavor demonstrated by the well-known successes of the International Campaign to Ban Landmines to create the Mine Ban Treaty, or the more recent addition of the crime of aggression to the Rome Statute.

Whether through the interpretation of existing legal provisions or the creation of new ones, recognizing kinocide and its distinct harm and suffering is vital and urgent. The unique evil of kinocide, inherent to the abuse of families and exploitation of familial bonds, is antithetical and repugnant to civilized norms, laws of humanity and public conscience, and its victims deserve ICL’s protection. Our report provides both the conceptual framework and concrete recommendations for the international community, national governments and non-governmental organizations to promote such urgently needed protection, prevention, accountability and reparation.

The Civil Commission on October 7th Crimes Against Women and Children was founded to document, research and raise international awareness of the war crimes and gender-based violence committed by Hamas and their collaborators against women, children and families during their attack on Israel on October 7. To learn more, visit: www.dvora-institute.org. The Raoul Wallenberg Centre for Human Rights (RWCHR) contributed to this report by providing insights that link the discussed events to the broader global context.

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